

POLICY—500.7—SEARCH AND SEIZURE

	<i>DISTRICT CODE:</i> 500.7	<i>ADOPTED:</i> 12.5.2017
	<i>RESCINDS:</i>	<i>ADOPTED:</i>

BOARD POLICY

1. The Board of Education is committed to protecting the health and safety of all students while promoting the effective operation of schools. The Board of Education recognizes fulfillment of this duty must be balanced with a student’s right and need of privacy. The interest of individual students in securing personal privacy must be balanced against the interest of society in protecting students against disruptive or illegal conduct by other students.
2. All students shall be free from unreasonable search and seizure by school officials in accordance with state and federal law. School officials may search a student or a student’s property with reasonable suspicion or with the student’s consent.
3. The Board authorizes the Superintendent and District Administration to develop administrative regulations in order to permit school officials to carry out their duties while preserving a student's reasonable expectations of privacy consistent with this policy, subject to review and approval by the Board.

	<i>ADMIN-REG:</i> 500.7-1	<i>APPROVED:</i> 12.5.2017
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ADMINISTRATIVE REGULATION—500.7-1: (Definitions; Searches and Interrogations; Searches of Persons or Personal Property)

For purposes of this policy the following definitions apply:

1. “Reasonable suspicion”: means is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or policy.

Search and Interrogations:

1. All students shall be free from unreasonable searches of their persons, clothing, and other personal property.
2. School disciplinary procedures may be brought against a student who fails to comply with a reasonable inspection request of a school administrator. However, in order to provide and preserve a safe environment for all students and staff, a school administrator has the authority to conduct reasonable and limited searches of students, lockers, personal property, and vehicles parked on school property under the following conditions:
 - 2.1. The school administrator has reasonable suspicion to believe that the search will produce evidence of a violation of the law or school rules;

- 2.2. The search is conducted in a manner that is rationally related to the reasonable suspicion and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction;
- 2.3. The items found during a search may be confiscated by a school administrator and turned over to the police for inspection or retained by a school administrator for use in a school or district disciplinary proceeding; and
- 2.4. The police may be contacted or called if the school administrator determines there is a serious and immediate threat to the physical safety of students, school personnel, or the public.

Searches of Persons or Personal Property:

1. The search of a student will be conducted in a private area of the school by a school administrator of the same sex as the student being searched.
2. Any search of a student or his or her personal property will be observed by an objective third party, for example, an administrator, teacher or police officer, of the same sex as the student who is being, or whose belongings are being, searched.
3. The nature and scope of a search must be reasonable in light of the suspected infraction and any concern for safety and order in the school.
4. A school administrator may ask the student to remove his or her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband. Under no circumstances may a school administrator require students to remove other items of clothing during the search.
5. A school administrator may perform a “pat down” of the exterior of the student’s clothing, but must refrain from touching students in any other way during the search.
6. If this limited search does not reveal suspected contraband and school administrators still have a reasonable suspicion that the student is concealing contraband in his or her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement shall be summoned.
7. A school administrator shall thoroughly document the details of any search conducted of a student’s person or property.
8. In general, all questioning and searching of students conducted by law enforcement will be in accordance with applicable law.

ADMIN-REG:
500.7-2

APPROVED:
12.5.2017

ADMINISTRATIVE REGULATION—500.7-2: (Search of Lockers, Desks, and Storage Areas; Search of Student Vehicles; Search of Student or Property at School Sponsored Activities)

Searches of Lockers, Desks, or Other Storage Areas:

1. Lockers, desks, and other storage areas are provided to students by the school. However, students have no right or expectation of privacy in any such areas.
 - 1.1. These areas are solely school property, and therefore, the school retains control and access to all lockers, desks, and other storage areas.
 - 1.2. These areas are assigned to students for their use on the condition that they will be used in a manner consistent with the law and school rules.
2. A school administrator may conduct inspections or searches of these areas at any time, with or without the student present, and with or without cause, in order to fulfill their responsibility of maintaining proper control and management of the school. Once a locker, desk or other storage area is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings.

Searches of Student Vehicles Parked on School Property:

1. A school administrator who has reasonable suspicion to believe that the search of a student's vehicle will produce evidence of a violation of policy or law may ask the driver of the vehicle to open the vehicle and may inspect the vehicle in the driver's presence.
 - 1.1. If a driver fails to comply with the requests of the school administrator, or if an inspection reveals any evidence of a violation, the school administrator may take measures reasonably calculated to maintain the safety and control and management of the school, including revoking a student's parking privilege.
 - 1.2. A school administrator may disable the vehicle until police or parents can be summoned.

Searches of Students Involved in School Sponsored Activities:

1. The authorization to search students in school sponsored activities shall apply to all situations in which the student is under the jurisdiction of the district, including all students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses, when applicable.

EXHIBITS

None

REFERENCES

Utah Constitution, Article I, Section 14 [Unreasonable searches forbidden – issuance of warrant].

Utah Admin. Code R277-615, Standards and Procedures for Student Searches



**CANYONS SCHOOL DISTRICT
POLICY MANUAL**

FORMS

None

CANYONS BOARD OF EDUCATION

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.