



Search of Person or Property Policy

Policy Number: 5202

I. Purpose

Summit Academy has a responsibility to provide a safe environment for all students and staff. Summit Academy school officials have the authority to conduct reasonable searches of students and student property pursuant to **Utah Admin Code R277-615**.

II. Policy

School officials engaging in searches of students and property shall abide by the following guidelines:

- a. *Student Lockers*: Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property. The individual's right, however, is balanced by the schools' responsibility to protect the health, safety and welfare of its pupils and personnel in accordance with **Utah Code Section 53G-8-509**.

Student lockers are solely the property of the school, and as such students have no right or expectation of privacy in school lockers. Lockers may be searched without prior permission and at any time by school officials either with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings of this policy.

It is strongly recommended that the student be present for the search of his/her locker. Except in an emergency, it is recommended that a school official and another school official be present during a locker search.

The school official or designee shall not be obligated, but may request the assistance of a law enforcement officer in the course of conducting a locker search. The school official or designee shall respect the privacy rights of the student regarding any items discovered that are not illegal or against school policy or rules.

- b. *Searches of Students and Student Property*: Searches of a student's person, personal property may be conducted; (a) whenever the student's conduct creates a reasonable suspicion that a particular school rule or law has been violated, and (b) if the search is related to reasonable suspicion, and (c) not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search may include those circumstances in which school officials have suspicion that the student or student property is concealing items considered inappropriate at school. Except in an emergency, it is recommended that a school official and another school official be present during a student and student property search.
- c. *Searches of Personal Belongings*: All contraband discovered in a search by school officials shall be immediately confiscated and may be turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.



- d. *Searches of Person:* School officials shall make sure the search meets the following guidelines:
 - 1. The search shall be conducted in a private area of the school by two school officials
 - 2. School officials may ask the student to remove his/her hat, coat, outerwear, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband
 - 3. Under no circumstances may school officials require students to remove any other items of clothing or touch students in any way during the search.

If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

- e. *Documentation of Searches:* School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:
 - 1. The time, place and date of the search
 - 2. The reasonable suspicion giving rise to the search (what did school officials suspect to find during the search)
 - 3. The name and title of individuals conducting and observing the search
 - 4. A statement about evidence that was found or not found as a result of the search
 - 5. A statement about who took possession of contraband (i.e., police, school, etc.)
 - 6. Information regarding the attempts of school officials to notify parents about the search.

III. References

Utah Admin Code **R277-615**
Utah Code Section **53G-8-509**

IV. Attachments

Documentation of Searches Form

V. Revision History and Approval Date

Version 1: January 16, 2020: Original date of approval
Version 2: January 19, 2023: Reviewed