Approved: 3/31/2011
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Search and Seizure Policy

Policy No. 2002

Freedom Preparatory Academy Governing Board is committed to maintaining a safe, orderly, and effective learning environment for all students. In carrying out this responsibility, school officials must sometimes take actions that intersect with a student's interest in personal privacy. While students have a right to reasonable privacy, that right must be weighed against the school's obligation to prevent disruption, address unsafe conditions, and respond to unlawful behavior. The Governing Board authorizes the Administration to establish and implement procedures that allow school officials to meet their safety and operational duties while respecting students' reasonable expectations of privacy under the law (R277-615 & Utah Code § 53G-8-509)

I. DEFINITIONS

- **Appropriate School Official:** A school employee authorized by the Governing Board or Administration to conduct a search in accordance with Utah law and applicable administrative rules. This typically includes school administrators, members of the Executive Team, or an Executive Director's designee acting within the scope of their assigned duties.
- **Electronic Cigarette Product:** Any device used to deliver vapor to the respiratory system, including all components, accessories, and substances (liquids/pods).
- **Electronic device:** A privately-owned or school owned device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.
- **Reasonable Suspicion:** A particularized and objective basis, supported by specific facts, for suspecting a person of illegal activity or a violation of school policy.
- **Reasonable Suspicion for a Search:** Facts and circumstances that would lead a reasonable adult, acting in the same position as a school official, to believe that a search of a specific student, location, or item will likely result in the discovery of evidence that the student:
    - has violated or is violating a school rule, policy, or established behavioral expectation;

- has violated or is violating applicable local, state, or federal law; or
- possesses an item or substance that poses a reasonable risk of physical harm, illness, or damage to students, staff, or school property.

II. SEARCHES OF SCHOOL-OWNED PROPERTY

School-owned property, including electronic devices, lockers, desks, and other storage areas provided for student use, remains under the sole authority of the School and may be inspected or searched at any time, regardless of whether reasonable suspicion exists. Students do not have an expectation of privacy in School-owned electronic devices or storage areas. Upon request, students are required to provide access credentials or passwords for any School-owned electronic device. Any lock or device that restricts access to School-owned storage areas may be removed or destroyed in order to conduct a search.

- Lockers, desks, and all other storage spaces assigned for student use are owned by the School and may be entered for inspection, maintenance, or search in accordance with this policy. Students do not possess a reasonable expectation of privacy in these areas or in items stored within them.
- During any search of School-owned storage areas, School officials will respect student privacy to the extent possible with regard to items that do not violate the law or School policy.
- Students may not secure lockers or storage areas with personal locks or devices. Only locks issued or expressly approved by a teacher or School administrator are permitted. Any unauthorized locking device may be removed or destroyed.
- An appropriate School official is authorized to examine student lockers, storage areas, and their contents at any time when a legitimate School-related purpose exists.
- When necessary, an appropriate School official may request assistance from the law enforcement agency with jurisdiction over the School. A law enforcement officer must have probable cause to independently direct or conduct a search of lockers, storage areas, or their contents.

III. CANINE SEARCHES

The School may permit the use of trained detection canines to assist in identifying illegal drugs or other prohibited contraband in school-owned or common areas, including lockers, desks, classrooms, and other non-student personal spaces, when conducted under the supervision and authority of a law enforcement agency.

- Trained canines shall not be used to conduct a personal search of a student, including direct contact with a student's body, unless conducted by law enforcement pursuant to a valid warrant or with documented parental consent.
- Students may be directed to temporarily surrender personal belongings, such as backpacks or gym bags, for the limited purpose of allowing a canine to screen a classroom, locker area, or other common space.

- Any canine search shall be conducted in a manner that minimizes disruption to the educational environment and respects students' reasonable expectations of privacy.

IV. SEARCHES OF STUDENT PERSON AND POSSESSIONS

The School shall conduct searches of students and their possessions in a manner that respects student privacy and complies with applicable law. No search shall be conducted unless it is reasonable in both its initiation and scope.

- **Standard:** Searches of a student's person, clothing, pockets, bags, or personal possessions shall be based on reasonable suspicion as defined in this policy.
- **Protocol:** When practicable, a search shall be conducted by a school official of the same gender as the student and in the presence of a second staff member serving as a witness. Parents or guardians shall be notified of the search as soon as reasonably practicable following its completion or beforehand when appropriate, unless notification is delayed due to an immediate safety concern or law enforcement direction.
- **Scope:** The scope of any search shall be limited to areas and items reasonably related to the objective of the search. This may include pockets, backpacks, purses, outer clothing such as jackets or hats, and personal electronic devices to the extent justified by the suspected violation or safety concern.
- **Detection Devices:** The use of non-intrusive detection devices, including but not limited to metal detectors or similar screening tools, is permitted to assist in identifying prohibited items on a student's person, clothing, bags, or other possessions, provided such use is reasonable in scope, minimally intrusive, and consistent with safety objectives.

V. DOCUMENTATION The Appropriate School Official must record every search in writing, including:

- The specific facts establishing reasonable suspicion.
- The names of all persons present.
- A description of any items seized and their current location/disposition.
- Reports of dangerous weapons must be filed per **Utah Code Ann. § 53G-8-510**.

VI. VEHICLES Student vehicles parked on school property are subject to search by school officials based on reasonable suspicion.

VII. BREATH-TEST INSTRUMENTS If a student is suspected of consuming alcohol or illegal substances, the School may request a breath test.

- The School will attempt to involve law enforcement for testing.
- If a student refuses a school-administered test, the refusal will be documented and may be used as evidence of a policy violation.

VIII. ELECTRONIC CIGARETTE PRODUCTS

Students are prohibited from possessing or using electronic cigarette products while on School property and electronic cigarette products will be confiscated. School officials will properly store and arrange for disposal of any confiscated electronic cigarette product. Because electronic cigarette products are hazardous waste in accordance with Title 19, Chapter 6, Hazardous Substances, school officials must follow the proper disposal as outlined by the Utah Department of Environmental Quality. (Utah Admin Code R315-260 through 262).

If a School official has reason to believe the confiscated electronic cigarette product contains an illegal substance, the school may release the confiscated electronic cigarette product to local law enforcement.

IX. PARENT NOTIFICATION

School officials are not required to notify a parent or guardian prior to detaining or questioning a student regarding potential violations of school policy or law. However, when a student is questioned regarding serious allegations of the student's own misconduct, the School will, when practicable, notify a parent, guardian, or other responsible adult in order to support the student's wellbeing and protect the student's interests.

Parents or guardians shall be notified as soon as reasonably practicable following any search of a student or seizure of student property, unless notification is delayed due to an immediate safety concern or direction from law enforcement.