



5000 - Students

70 - Search and Seizure Policy

1. Purpose

- 1.1. School Officials are charged by the Utah State Legislature and the Utah Board of Education with the responsibility of safeguarding the safety and well being of students in their care.
- 1.2. Utah law (Section 53A;11;1305) directs local boards of education to have rules in place to protect individual student rights and guards against excessive intrusion.
- 1.3. In order to maintain that responsibility, School Officials of Providence Hall Charter School (PHCS) may search school property, such as lockers used by students, or the person or property, including backpacks, purses, belongings, electronic devices, and vehicles of students, in accordance with this following policy.

2. Definitions

2.1. ***Reasonable Suspicion***

Reasonable suspicion exists when a reasonable person under the circumstances, would, based upon scientific and articulable facts, suspect that a crime/rule violation has been committed.

2.2. ***School Official***

School official means a school principal, or employee of PHCS responsible for maintaining school discipline.

2.3. ***Weapon***

Weapon means any item capable of causing death or serious bodily injury or a facsimile or representation of the item.

3. Guidelines

- 3.1. A search shall be conducted or directed by a School Official who has the responsibility for maintaining school discipline.
- 3.2. A School Official may conduct a search of a student or a student's effects when the School Official has reasonable suspicion that the search will turn up evidence of a violation of the law or of school rules.
- 3.3. The measures taken to conduct the search are reasonably related to the objectives of the search and are not excessively intrusive.
 - 3.3.1. The extent of the search will be governed by the urgency and seriousness of the alleged infraction, the student's age, the student's disciplinary history, and the concern for a student's health and safety.
 - 3.3.2. PHCS recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no students are searched without reasonable suspicion or in an unreasonable manner.
- 3.4. ***Vehicles***
 - 3.4.1. PHCS regulates the use of school property and may also regulate vehicles brought onto school property. PHCS may undertake surveillance of school property and of vehicles located on the property.
 - 3.4.2. A School Official, who has reasonable suspicion to believe that a search of a vehicle will turn up evidence of alcoholic beverages, controlled substances, weapons, stolen property, or other violation of either law or the rules of PHCS,



- may ask the driver of the vehicle to open the vehicle and may inspect the vehicle in the driver's presence.
- 3.4.3. If a driver fails to comply with the requests of the School Official, or if an inspection turns up any of the above mentioned evidence, the School Official may take measures reasonably calculated to maintain the safety and proper control and management of PHCS.
- 3.4.4. If a student becomes violent and tries to leave, the student should be allowed to do so. Refusing to comply with the School Official is a violation of PHCS rules and will allow PHCS to suspend or take action against the student without jeopardizing the safety of the employee or student.
- 3.5. ***School Property***
- 3.5.1. Lockers, desks, and other storage areas provided for student use remain the property of PHCS and such areas are subject to inspection, access for maintenance, and search at any time, with or without the student present, in accordance with this policy to maintain proper control, safety and management of PHCS.
- 3.5.2. These areas are assigned to students for use on the condition that they will be used in a manner consistent with the law and PHCS rules.
- 3.6. ***Conducting the Search***
- 3.6.1. Disciplinary actions may be taken against any student who fails to comply with the reasonable requests of a School Official for a search.
- 3.6.2. The police may be contacted or called in at the discretion of the School Official.
- 3.6.3. The fruits of the search under this policy may be turned over to the police for inspection, used in a judicial proceeding and pictures can be taken of the items and attached to the report as evidence for violation of PHCS rules.
- 3.6.4. If a partial strip search is being conducted for anything other than a dangerous weapon requiring immediate protection of life, law enforcement shall conduct said search.
- 3.6.5. Strip searches shall be conducted only by law enforcement personnel with the appropriate School Official's knowledge.
- 3.6.6. An assigned School Official shall be responsible for keeping a written record of each student search, including the reasons for the search, information received that established reasonable suspicion to perform the search and the name of the informant if any, the persons present when the search was conducted, and any substances or objects found and the action taken.
- 3.6.7. The School Official shall conduct the search with another staff member as a witness.
- 3.6.8. A School Official of the same gender as the subject student shall conduct searches of the student.