



Student Search Policy

I. Purpose

This policy follows Utah Code 53G-8-509 which is to include the rules or policies that establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Utah Rule R277-615 sets forth standards and procedures for such student searches as described in this policy.

II. Valley Academy's Responsibilities

- a. Valley Academy Charter School (VAC) shall update the policy for searching students for controlled substances and weapons to include provisions related to searching students for any new products such for example E-cigarettes as they become aware of new issues.
- b. VAC shall include appropriate interested parties in the development of student search policies, including:
 - i. parents;
 - ii. school employees; and
 - iii. all administration personnel including resource officers if applicable
- c. VAC's policy described in Subsection (1) shall ensure protection of individual student rights against excessive and unreasonable intrusion.
- d. VAC shall make policies available electronically and in printed form to parents and students upon enrollment and upon request.
- e. VAC shall provide adequate training to employees for fair and consistent implementation of student search policies and what their duties include.

III. PROCEDURES

- a. Search and Seizure:
 - i. Students shall be free from unreasonable search and seizure by school officials.
 - ii. School officials may search a student or a student's property with reasonable suspicion with or without the student's consent.
 - iii. A search must be reasonable both in the reason for the search and the scope of the search.
 - iv. The authorization to search a student based on reasonable suspicion applies to all situations when the student is under the jurisdiction of Valley Academy— including all students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses, when applicable.

- v. Wherever possible, an adult third party shall be present at any search of a student or student's possessions.
- b. Items Found
 - i. Anything found in the course of a search which is evidence of a student violation of School rules or federal/state laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the School official until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt.
- c. Reasonable Suspicion
 - i. Reasonable suspicion is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or any Valley Academy policy.
- d. Searches of Places
 - i. Students have a limited expectation of privacy of areas such as, but not limited to, lockers, desks, or storage areas (such as backpacks, purses, lunchboxes, ec.t), which are owned and jointly controlled by the school.
 - ii. While students may lock or otherwise secure personal items or storage areas from access by other students, this does not give the student an expectation of privacy with regard to school access, nor may a student lock or secure a locker or similar storage area with means that are not approved by the school.
 - iii. These areas may be searched on a school-wide or individual basis when the school determines there is cause to conduct such a search.
 - iv. In addition, Valley Academy has a reasonable and valid interest in insuring that the lockers and similar storage areas are properly maintained. For this reason, periodic inspection of lockers and similar storage areas is permissible to check for cleanliness and vandalism. Any illegal items or contraband discovered during such searches shall be confiscated by school officials and may be turned over to law enforcement officials. Student privacy regarding contents of the locker and similar storage areas, which are not contraband or in violation of law or policy will be respected.
 - v. The school administration regulates admission to parking lots and the parking of vehicles on Valley Academy's property.
 - 1. School administration has the right to inspect and search any vehicle parked on school property if school personnel have a reasonable suspicion that drugs, weapons, dangerous illegal or prohibited matter, or stolen goods are likely to be present.
 - 2. School administration may ask the driver of the vehicle to open the vehicle and may inspect in the driver's presence. If a driver fails to comply with the requests of the officials, or if an inspection turns up any of the above-mentioned evidence, the official may take reasonable measures to maintain the safety and proper control and management of the school and school property, until police can be summoned.
 - 3. Searches of vehicles of staff members or visitors may be conducted by law enforcement personnel upon a reasonable suspicion that drugs, weapons, dangerous illegal or prohibited matter, or stolen goods are likely to be present in the vehicle.
 - vi. Students have no expectation of privacy as to any electronic devices and/or computers owned by Valley Academy.

1. Additionally, students have no expectation of privacy as to Valley Academy in regards to all content, data, meta data, internet search history, and other information on a VAC electronic device and/or computer that is used by a student.
 2. Also, students have no expectation of privacy as to Valley Academy in regards to their internet or network use if the student is using Valley Academy's network.
 3. Valley Academy may search the above information on any school-owned device and/or computer as it desires and deems appropriate.
- vii. Searches of students' outer clothing and pockets may be conducted if reasonable cause exists. Reference: Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995) and Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)
- viii. Highly intrusive invasions of a student's privacy, such as searches of the student's person shall be conducted only if individualized reasonable cause exists to believe that there is a legitimate safety concern due to a student's possession of weapons or drugs. These searches must be designed to be minimally intrusive, taking into account the item for which the search is conducted. Reference: Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995); Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980); and Konop v. Northwestern School Dist., 26 F. Supp.2d 1189 (D. S.D. 1998).

IV. Law Enforcement Involvement

Where school officials initiate a search and police involvement is minimal, the reasonableness standard is applicable. The ordinary warrant requirement and probable cause standard will apply where "outside" police officers initiate, or are predominantly involved in, a school search of a student or student property for police investigative purposes. Reference: Myers v. State, 839 N.E.2d 1154 (Ind. 2005); F.S.E. v. State, 993 P.2d 771 (Ok. Crim. App. 1999); and In Re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999).

V. Student Consent

If the District does not have reasonable cause to search a student or his property, Valley Academy may search with the student's free and voluntary consent. However, coercion, whether express or implied, invalidates the apparent consent. Reference: Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980).

VI. Parent Notification

School officials have no legal obligation to contact parents before detaining and questioning students. However, it is good practice when a student is questioned about serious allegations of the student's own misbehavior that another responsible adult should be notified to protect the interest and wellbeing of the student. Parents will be advised of all student searches and seizures of property