

Second Reading

Article IX.A.1.m Search and Seizure

A. Statement of Purpose

Granite School District has a responsibility to safeguard students in addition to a responsibility to protect the individual rights of students and guard against excessive intrusion. Therefore, pursuant to Utah Code 53A-11-1301 *et. seq.*, this policy is intended to govern searches and seizures that occur on District property.

B. Definitions

1. “Appropriate Official” means a District administrator or law enforcement officer.
2. “Contraband” is defined broadly for the purpose of this policy to mean property, materials, substances, data, and other items or information obtained, possessed, distributed, used, or intended to be distributed or used in violation of state or federal law and/or school or District policy.
3. “Electronic Device” means any device that is used to electronically communicate, store, send, receive, or reproduce audio, video, text, or other electronic data.
4. “Probable Cause” means sufficient knowledge of articulable facts or circumstances that would lead a reasonable person to conclude that another person has committed, is committing, or is about to commit a crime or violate a legally enforceable rule. Probable Cause is the standard required before law enforcement can legally conduct a search.
5. “Reasonable Suspicion” is a standard lower than Probable Cause and means an individualized, particularized, and objective basis supported by articulable facts for suspecting a person of criminal activity or a policy violation; reasonableness considers the totality of the circumstances and extends to the appropriateness and the scope of the search. Reasonable Suspicion is the standard required before school personnel can legally conduct a search.

C. General Search and Seizure Principles

1. A student’s personal property, effects, or belongings (i.e., coats, hats, backpacks, book bags, purses, notebooks, gym bags, Electronic Devices, etc.) and vehicles located on District property shall be subject to search when school personnel have a Reasonable Suspicion of illegal activity or conduct that would constitute a violation of school or District policy. Appropriate Officials have authority to require students to relinquish personal property, effects, or belongings to be searched or to facilitate searches.

2. All searches shall be related to and limited by the Reasonable Suspicion of illegal activity or violations of school or District policy, and shall not be excessively intrusive in light of the urgency and gravity of the circumstances, the student's age, and the student's discipline history. The scope of a search shall be extended only if additional items or data are found leading to Reasonable Suspicion of further illegal activity or violations of school or District policy. If the initial search produces no evidence of illegal activity or violations of school or District policy, there shall be no extension of the search to satisfy curiosity or for any other reason.
3. All Contraband is subject to seizure. Contraband shall be seized in a reasonable manner according to the urgency and seriousness of the circumstances, the student's age, and the student's discipline history.
4. Students subject to search pursuant to this policy are students under the jurisdiction of the Granite School District Board of Education including all students enrolled in District schools and programs (including dually enrolled students) and students participating in or attending school-sponsored events and extracurricular activities.

D. Search and Seizure Procedures

1. Searches shall be conducted in a private area of the school with a separate staff member present as a witness.
2. Appropriate Officials of the same gender as the student being searched shall conduct searches unless an Appropriate Official of the same gender is unavailable. Under such circumstances, a staff member of the same gender shall be present as a witness.
3. The Appropriate Official conducting the search shall attempt to obtain consent from the student prior to conducting a search. However, provided Reasonable Suspicion of illegal activity or violations of school or District policy exist, consent is not required.
4. Searches of a student or a student's property, effects, or belongings may include, but shall not be limited to the following:
 - a. asking a student to turn out his/her pockets and/or remove contents;
 - b. inspecting backpacks, book bags, gym bags, purses, briefcases, or any other objects in the possession of the student;
 - c. asking a student to remove an article or layer of outer, extraneous clothing such as a coat, hoodie, jacket, hat, or shoes for inspection;

- d. inspecting a student's Electronic Device if warranted; and/or
 - e. asking a student to open his/her vehicle located on District property and inspecting the interior of the vehicle (searches of vehicles owned by District employees or visitors shall be conducted by law enforcement officers only).
5. Invasive searches of a student, including "pat downs," removal of base layers of clothing, or touching intimate areas of the body, shall **not** be conducted by school personnel. Such searches shall be conducted by law enforcement officials only, unless extreme and unusual circumstances exist.
6. All Contraband seized by administrators shall be immediately turned over to law enforcement officers if administrators have reason to believe the Contraband is related to the commission of, or the intent to commit a criminal act. For violations of policy that do not rise to the level of criminal activity, school personnel shall be responsible for the custody of all Contraband and/or evidence of misconduct, or other items that may cause disruption at school. Such property shall be returned to the student or parents of the student as appropriate.
7. The Appropriate Official shall promptly make a written record detailing each search and seizure providing at minimum the following information:
- a. the purpose of the search and the facts supporting a Reasonable Suspicion (or Probable Cause) justifying the search;
 - b. the location of the search and individuals present when the search was conducted;
 - c. whether the student offered consent to the search;
 - d. the names of any informants;
 - e. an inventory and chain of custody of all Contraband seized; and
 - f. a description of any subsequent action taken.
8. A search involving the potential of a health and safety hazard or threat shall be conducted as expeditiously as necessary.
9. Students may be subjected to field sobriety and/or breath tests whenever an Appropriate Official has Reasonable Suspicion to believe the student has consumed or is under the influence of illegal drugs or alcohol. (Drug and alcohol testing for District employees is addressed in Article IX.A.1.b. Drugs, Alcohol, and Tobacco Testing and Prohibitions.) Only law enforcement officers shall conduct or administer field sobriety and/or breath tests.

- a. Field sobriety and/or breath tests shall be administered in private administrative or instructional areas on school property and at least one other member of the administrative staff or teaching staff shall be present as a witness.
- b. If a student refuses to submit to a field sobriety and/or breath test, the student shall be informed that his/her refusal to participate leaves the observed evidence of the alcohol or drug use unrefuted.

E. Searches of District Property

District-owned Electronic Devices and storage areas (including lockers, desks, etc.) remain under the exclusive control of the District and are subject to search at any time— with or without Reasonable Suspicion. Students shall have no expectation of privacy with respect to District-owned Electronic Devices or storage areas. Students shall provide passwords used to protect data on any District-owned Electronic Devices. Locks may be destroyed while searching District-owned storage areas.

F. Canine Searches

Inspections of District property using trained canines for the detection of drugs, explosives, or other dangerous materials is not considered a search. Any search based on a dog's alert must follow the requirements and procedures for searches of a student's person or property as set forth herein. Canine detection must be conducted in collaboration with law enforcement. Where a canine search is otherwise appropriate, it is acceptable to detain students or restrict their movement to facilitate the search.

G. Parent Notification

Parents will be advised of all student searches and seizures of property.

References:

Utah Code, §53A-11-1305
New Jersey v. T.L.O., 469 U.S. 328 (1985)
O'Connor v. Ortega, 480 U.S. 709 (1987)
City of Ontario v. Quon, 130 S.Ct. 2619 (2010)