Student Rights and Responsibilities Interrogations and Searches

Policy note: Utah Admin. Rules R277-615-4(2) requires that schools develop a policy for searching students for controlled substances, weapons, and electronic cigarettes and requires the school to include parents, school employees, and licensed school employees in that process. This policy provides a general framework for that process.

Search and Seizure-

Students shall be free from unreasonable search and seizure by school officials. School officials may search a student or a student's property with reasonable suspicion or with the student's consent. A search must be reasonable both in the reason for the search and the scope of the search.

New Jersey v. T.L.O., 469 U.S. 325 (1985) Jones v. Latexo, 499 F. Supp. 223 (ED. Tex. 1980) Bellnier v. Lund, 438 F. Supp. 47 (N.D.N.Y 1977)

Reasonable Suspicion-

"Reasonable suspicion" is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or policy.

Searches of Places-

Students have a limited expectation of privacy of areas such as lockers, which are owned and jointly controlled by the school. While students may lock or otherwise secure lockers 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 with means that are not approved by the school. These areas may be searched on a school-wide or individual basis when the school determines there is cause to conduct such a search. In addition, the school district has a reasonable and valid interest in insuring that the lockers are properly maintained. For this reason, periodic inspection of lockers is permissible to check for cleanliness and vandalism. Any illegal items or contraband discovered during such searches, including electronic cigarette products, shall be confiscated by school officials and may be turned over to law enforcement officials. Student privacy regarding contents of the locker which are not contraband or in violation of law or policy will be respected.

Zamora v. Pomeroy, 639 F. 662 (10th Cir. 1981) Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Searches of Students-

Searches of students' outer clothing, pockets, and personal property, such as backpacks, purses, or vehicles, may be conducted if there is a reasonable belief that the search will turn up evidence of a violation of school rules or a criminal offense.

Utah Code § 53G-8-511(2) (2026) Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995) Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)

Highly intrusive invasions of a student's privacy, such as searches of the student's person or strip searches, 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. These searches must be designed to be minimally intrusive, taking into account the item for which the search is conducted. Strip searches are seldom warranted and shall not be conducted without prior consultation with District administration and if possible legal counsel.

Utah Code § 53G-8-511(2) (2026) Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980) Konop v. Northwestern School Dist., 26 F. Supp. 2d 1189 (D. S.D. 1998)

Electronic Cigarette Products-

Based on reasonable suspicion, a student may be searched for electronic cigarette products, as those are defined under Policy FHAG. Electronic cigarette products are contraband and shall be confiscated and disposed of as provided for in Policy FHAG.

Utah Code § 53G-8-203(4) (2026)Utah Admin. Rules R277-615-4(1) (August 12, 2020)

Police 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.

Myers v. State, 839 N.E.2d 1154 (Ind. 2005) F.S.E. v. State, 993 P.2d 771 (Ok. Crim. App. 1999) In Re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999)

Student Consent-

If the District does not have reasonable cause to search a student or his property, the District may search with the student's free and voluntary consent. However, coercion, whether express or implied, invalidates the apparent consent.

Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980)

Distribution of Policy-

A copy of this policy in electronic and printed form shall be made available to parents and students upon enrollment.

Utah Admin. Rules R277-615-4(4) (August 12, 2020)

Source Traceability

USBA Model Policy FGD. The model text above is from the 2026 USBA Model Policies and is retained as the controlling format for this draft.

Source: MSD Policy 6430, Persons Authorized to Access Students at School, approved 2024.