

0-101(3)

Policy Type: Required/State Compliance
Policy Title: Searching Students for Controlled Substances and Weapons Policy
Effective: January 12, 2023



Purpose

Lakeview Academy strives to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

This policy has been developed with interested parties' involvement, including, but not limited to, parents, school employees, and community members.

Definitions

"Controlled substance" has the same meaning as provided in Subsection 58-37-2(1)(f).(2)(a)

"Electronic cigarette" means the same as that term is defined in Section 76-10-101

"Electronic cigarette product" means the same as that term is defined in Section 76-10-101.

"Electronic cigarette substance" means the same as that term is defined in Section 76-10-101.

"Law enforcement" means authorities who have received police officer training and are acting in that capacity.

"Prohibited Item" means any item or substance that is not legally allowed or prescribed to the individual in possession of said item, including but not limited to: weapons, controlled substances, illegal drugs, alcohol, electronic cigarettes and related products or substances.

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

"Imminent Danger or Threat" Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

References: [58-37-8](#), [76-10-101](#), [R277-7-615](#), [Lakeview Academy Code of Conduct Discipline](#)

Previous Versions:

Reviewed:

Policy

Assigned student lockers and desks are the property of the school and may be inspected at any time for any reason, without notice or student consent. Searches of personal possessions within a school locker or on person may be done when there is a reasonable suspicion of a violation of law or school rules. Any materials considered to be prohibited items may be seized, and at the discretion of the Director may be returned.

Any student on Lakeview Academy premises may be subject to a search of their person or belongings if:

There is reasonable suspicion to believe that the individual is carrying a weapon.

There is reasonable suspicion to believe that the individual is either,

In possession of a prohibited item,

Factually known to be unlawfully under the influence of a controlled substance or,

Demonstrated to a reasonable observer belief that they are unlawfully under the influence of a controlled substance.

A lawful warrant has been presented by law enforcement for the execution, thereof.

Behaviors that are not relevant to criminal activity will be handled according to the Code of Conduct and Discipline Policy.

Process

Any search for items relevant to criminal activity must be conducted by law enforcement; any search for items relevant to imminent threat shall follow the Code of Conduct and Discipline Policy referencing the Comprehensive Threat Assessment Guidelines (C-STAG) as a de-escalation and decision making resource.

Search of a person and their belongings must be done in strict accordance with state law, or, where there may be uncertainty, under conditions as prescribed herein.

1. When searching the physical person, an authorized Lakeview Academy representative of the same gender (an individual possessing either XX-chromosome pair or XY-chromosome pair) as the individual to be searched.
2. Law enforcement may conduct a lawful search and seizure with a warrant, while performing their jurisdictional law enforcement duties;
3. Law enforcement may conduct a lawful search and seizure if solicited by an authorized Lakeview Academy representative, under the provisions described herein;

Outside the situation of imminent threat; reasonable efforts to ensure that the parent of a student be notified and present for all searches on school property must be made. A parent or legal guardian of a student may authorize or deny the search of a student. Should a parent or legal guardian deny the school such privileges, neither the school nor its agents may retaliate, deny, or discriminate against the child or the family.

References: [58-37-8](#), [76-10-101](#), [R277-7-615](#), [Lakeview Academy Code of Conduct Discipline](#)

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When conducting a search of an individual or their belongings, unless there is reason to believe that in so doing would cause or may cause physical harm, must be done in a private setting. Search, and potentially seizure, of an individual or their belongings shall require a witness. All searches shall be documented with relevant information, such as, but not limited to, reasoning and justification for the search, conditions of all objects observed, and digital file or photographs.

The Director shall not fail to train staff on the appropriate identification and process for student searches.

Limitations

The conditions of this policy do not entitle any agent of Lakeview Academy to perform searches outside of the school's premises, unless while currently and actively on an authorized school off-campus activity. This policy does not permit the school or its agents to gain remote access to any device that is property of the school, but not on school premises, nor functionally in the location of an authorized school off-campus activity unless authorized by administration and guardian

Resources

Without exception, all individuals shall be afforded due process. For accusations of school violations, due process may be sought through Lakeview Academy's grievance policy. For accusations of a criminal nature, due process may be sought through the State's judicial system.

Certification

The undersigned officers and/or directors of Lakeview Academy certify that this Searching Students for Controlled Substances and Weapons Policy was duly adopted as of January 12, 2023 and replaces all previous Searching Students for Controlled Substances and Weapons Policies.

Signature: _____ Signature: _____

References: [58-37-8](#), [76-10-101](#), [R277-7-615](#), [Lakeview Academy Code of Conduct Discipline](#)

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