

R277-615 received final approval by the Utah State Board of Education on June 4, 2020. R277-615 will be published in the July 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 8, 2020.

## **R277. Education, Administration.**

### **R277-615. Standards and Procedures for Student Searches.**

#### **R277-615-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution [Article X, Section 3](#), which vests general control and supervision of public education in the Board;

(b) Section [53G-8-509](#), which directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights; and

(c) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law .

(2) The purpose of this rule is to direct LEAs to adopt policies 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.

#### **R277-615-2. Definitions.**

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

(2) (a) "Electronic cigarette" means the same as that term is defined in Section 76-10-101.[:

~~— (i) an electronic device used to deliver or capable of delivering vapor containing nicotine or another substance to an individual's respiratory system;~~

~~— (ii) a component of the device described in Subsection (2)(a)(i); or~~

~~— (iii) an accessory sold in the same package as the device described in Subsection (2)(a)(i).~~

~~— (b) "Electronic cigarette" includes an e-cigarette as that term is defined in Section [26-38-2](#).~~

(3) "Electronic cigarette product" means ~~[an electronic cigarette, an electronic~~

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~~cigarette substance, or a prefilled electronic cigarette]~~ the same as that term is defined in Section 76-10-101.

(4) "Electronic cigarette substance" means the same as that term is defined in Section 76-10-101. ~~[any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.~~

~~————(5)(a) "Law enforcement authorities" means officers working under the direct supervision and in the employment of police or law enforcement, as opposed to under the supervision of an LEA.]~~

(b) Law enforcement authorities have received police officer training and are acting in that capacity.

(6) "LEA," for purposes of this rule, includes the Utah Schools for the Deaf and the Blind.

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

### **R277-615-3. Superintendent Responsibilities.**

(1) The Superintendent shall provide consistent definitions for LEAs to include in search and seizure policies.

(2) The Superintendent shall develop a model search and seizure policy as guidance for LEAs.

(3) The Superintendent shall require an assurance from LEAs in the Utah Consolidated Report regarding the student search policy required under Section [53G-8-509](#).

### **R277-615-4. LEA Responsibilities.**

(1) An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching students for electronic cigarette products.

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(2) An LEA shall include appropriate interested parties in the development of student search policies, including:

- (a) parents;
- (b) school employees; and
- (c) licensed school employees.

(3) An LEA policy described in Subsection (1) shall ensure protection of individual student rights against excessive and unreasonable intrusion.

(4) An LEA shall make policies available electronically and in printed form to parents and students upon enrollment.

(5) An LEA shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

**KEY: students, searches**

**Date of Enactment or Last Substantive Amendment: January 9, 2020**

**Notice of Continuation: March 14, 2017**

**Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53G-8-509](#); [53E-3-401\(4\)](#)**