

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

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

11 (2) The purpose of this rule is to direct LEAs to adopt policies to protect student  
12 rights with procedures and provisions that balance students' rights and privacy with the  
13 responsibility of school officials for the safety and protection of students and adults while  
14 on school property or at school-sponsored events.

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16 **R277-615-2. Definitions.**

17 (1) "Controlled substance" has the same meaning as provided in Section  
18 58-37-2(1)(f).

19 (2) (a) "Electronic cigarette" means:

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

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

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

25 (b) "Electronic cigarette" includes an e-cigarette as that term is defined in Section  
26 26-38-2.

27 (3) "Electronic cigarette product" means an electronic cigarette, an electronic  
28 cigarette substance, or a prefilled electronic cigarette.

29            (4) "Electronic cigarette substance" means any substance, including liquid containing  
30 nicotine, used or intended for use in an electronic cigarette.

31            [(2)]5(a) "Law enforcement authorities" means officers working under the direct  
32 supervision and in the employment of police or law enforcement, as opposed to under the  
33 supervision of an LEA.

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

36            [(3)]6 "LEA," for purposes of this rule, includes the Utah Schools for the Deaf and  
37 the Blind.

38            [(4)]7 "Weapon" means any item capable of causing death or serious bodily injury  
39 or a facsimile or representation of the item.

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

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

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

46            (3) The Superintendent shall require an assurance from LEAs in the Utah  
47 Consolidated Report regarding the student search policy required under Section  
48 53G-8-509.

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

51            (1) An LEA shall update the LEA's [develop a] policy for searching students for  
52 controlled substances and weapons to include provisions related to searching students for  
53 electronic cigarette products.

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

56            (a) parents;

57 (b) school employees; and  
58 (c) licensed school employees.

59 (3) An LEA policy [~~developed pursuant to~~described in Subsection (1) shall ensure  
60 protection of individual student rights against excessive and unreasonable intrusion.

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

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

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66 **KEY: students, searches**

67 **Date of Enactment or Last Substantive Amendment: May 10, 2017**

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

69 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53G-8-509;**

70 **53E-3-401(4)**