

Administrative Procedure 356

SEARCHES OF STUDENTS

Background

The District is committed to providing a safe and caring school environment that is conducive to effective learning and to providing for the safety and security of its students while those students are in its care and custody. The District is prepared to authorize searches by school authorities as a means to achieve this objective and eliminate the possession of, and trafficking in, illegal substances or the possession of any stolen property or any object or material that may pose a hazard, within a school or on property owned by the District.

Procedures

1. Searches will be conducted in a manner that ensures that the rights of the student are protected.
2. School lockers and any school furniture or fixtures capable of being used for storage will be available on the condition that the school reserves the right to search at any time without notice.
3. The Principal or designate will communicate that searches may occur without notice under the direction of the Principal.
 - 3.1 If the Principal plans to implement school-wide locker searches, this is to also be clearly stated.
 - 3.2 It must be clarified that all the student acquires is the right to use the locker and the lock, both of which remain the property of the District.
4. Students shall be advised at the time they are assigned a locker of the following rules and conditions of use under which the locker is assigned:
 - 4.1 Students are responsible for the locker which is assigned to them and the locker is not to be used by any other person.
 - 4.2 Only school locks may be used on student lockers and the combination of the lock must be registered at the office.
 - 4.3 No illegal substances, weapons or other prohibited or offensive material are to be placed in school lockers.
 - 4.4 School officials may search student lockers at any time and without prior notice in order to ensure compliance with the conditions of use and other school procedures and rules. It is recommended that an additional staff member be present when a locker is searched, except in an emergency situation.
 - 4.5 Permission to use the locker may be terminated where a student does not comply with the conditions of use or school policies or rules.

5. If any student has reason to believe that any locker contains anything which would threaten the safety of other students, staff or any other person, that student is expected to immediately report the information to a teacher, Vice-Principal or Principal. The name of the student making the report will be kept confidential.
6. The Principal shall assess any information provided and relate it to the situation in his/her school to determine if reasonable grounds are present to justify a search. The following may constitute reasonable grounds in this context:
 - 6.1 Information received from one (1) or more students considered to be credible;
 - 6.2 Information from a teacher or other staff member based on a teacher's or other staff member's observations; or
 - 6.3 Information from the Principal's own observations.
7. When practicable to do so, the Principal shall attempt to have the student present when a locker, desk or other assigned storage facility is searched.
8. During any locker search, at least one (1) administrator or designate, and one (1) other adult shall be present and shall ensure that any potential gender concerns are addressed.
9. When the search reveals evidence of suspected criminal activity, the Principal shall immediately secure the locker or other storage facility by any means considered advisable, including use of a different lock and immediately contact the local police.
10. The Principal shall record, in writing, the reasons for conducting the search, the result of the search and any action taken as a result. The Principal shall keep the record in a secure location and the identity of any informant(s) shall be kept confidential.
11. When there are reasonable grounds to believe that school procedures or rules or District policies or administrative procedures have been violated, the Principal may direct a student to satisfy that they are not carrying or concealing prohibited materials. School personnel may not conduct a physical search of a student.
 - 11.1 When the Principal determines that there are reasonable grounds to believe that a search is necessary, in accordance with this administrative procedure, which involves a physical search of articles carried with, by, or on the student's person, the student and any suspect property are to be taken to a private area where the search can be conducted in private.
 - 11.2 When a search is determined to be necessary, the Principal or designate shall ensure that at least two (2) adults are present during the search and shall ensure that gender concerns are addressed.
 - 11.3 When there are reasonable grounds to believe that a search is advisable, the Principal or designate may direct a student to empty their purse, knapsack or any other carrying device and to empty their pockets or otherwise satisfy that clothing, or such other mentioned items, does not contain or conceal prohibited materials.

- 11.4 In the event that a physical search of the student's person is necessary, the police shall be called in and the parent(s) or guardian(s) shall be notified.
 - 11.5 In the event that the student refuses to cooperate with the search and/or leaves the school, the police shall be called in and the parent(s) or guardian(s) shall be notified.
 - 11.6 The Principal shall interpret this action on the part of the student to be willful disobedience and/or open opposition to authority and may suspend the student.
 - 11.7 When a search conducted reveals evidence of suspected criminal activity, the Principal shall require the student to remain, under supervision, in the private area where the search took place and shall immediately contact the police.
 - 11.8 The Principal shall record, in writing, the reasons for conducting the search, the results of the search and the action taken. The Principal shall keep the record in a secure location and the identity of any informant(s) shall be kept confidential.
12. The Principal or designate will develop procedures that outline the rules for the use of District property.
13. The Principal shall ensure that a school procedure and rules regarding searches by school authorities and the police is in place for his/her school. Such a procedure shall contain at least the following:
- 13.1 Clear statements that lockers, desks and any other school furniture or school fixtures capable of being used for storage are the property of the District.
 - 13.2 A clear statement that District property is subject to inspection or search at any time.
 - 13.3 The location of notices stating the District's and the school's position regarding the use of lockers, desks and other storage facilities.
 - 13.4 A restriction on the use of personal locks.
 - 13.5 A requirement that one (1) administrator, or designate, and at least one (1) other adult are present for any search and shall ensure that gender concerns are addressed.
 - 13.6 The consequences of not cooperating with a search.
 - 13.7 No searches of the student's person are permitted.
 - 13.8 The situations that may require police involvement.
14. Students, parent(s) or guardian(s) and the school community will be informed of the District's position on searches by school authorities and the police.
15. In the event that a search results in the finding of illegal substances, weapons, explosives or stolen property, the Principal is encouraged to suspend the student.

Reference: Sections 6, 8, 20, 22, 65, 85 School Act
Civil Rights Protection Act
Human Rights Code
Youth Justice Act
Youth Criminal Justice Act (Canada)