

Administrative Procedure 356

SEARCH BY SCHOOL AUTHORITIES

Background:

The Division 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 Division 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 or be prohibited by Division policy, within a school or on property owned by the Division.

Procedures:

1. All students will be informed that lockers, desks and any other school furniture or school fixtures capable of being used for storage are the property of the Division and, as such, are subject to inspection or search at any time.
 - 1.1 All students and parent(s) or guardian(s) shall be informed of this administrative procedure and school rules and regulations regarding searches by school authorities. The information may be communicated on a class-by-class basis or at a school assembly. Students who were absent shall be informed on their return to school. Parent(s) or guardian(s) shall receive a summary of the Division's and the school's position by way of a newsletter or other means considered by the school to be effective communication.
 - 1.2 A notice stating the Division's and the school's position regarding the use of lockers, desks and other school furniture or school fixtures capable of being used as storage facilities shall be posted in each classroom and other areas identified by the Principal.
 - 1.3 Students shall be required to sign an agreement before they are assigned or are allowed the use of a school locker or any other school storage facility that may be secured by a lock. Such an agreement shall outline the conditions of the use of the locker or any other school storage facility and the right of the school authorities to search the locker or storage facility at any time.
 - 1.4 Only in exceptional circumstances, and as authorized by the Principal, shall a personal lock be utilized on a locker.

1.5 If the student fails to comply with Procedure 1.4, the Principal or designate shall require the student to remove the lock. If the student does not comply with the request to remove the lock, the Principal shall authorize the removal of the lock and the school will not be responsible for replacing the lock.

2. When there are reasonable grounds to believe that school rules and regulations or Division procedures have been violated, the Principal may conduct a locker search or search desks and any other school furniture or school fixtures capable of being used for storage.

2.1 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:

2.1.1 Information received from one or more students considered to be credible;

2.1.2 Information from a teacher or other staff member based on a teacher's or other staff member's observations; or

2.1.3 Information from the Principal's own observations.

2.2 When practical to do so, the Principal shall attempt to have the student present when a locker, desk or other assigned storage facility is searched.

2.3 During any locker search, at least one administrator, or designate, and one other adult shall be present and shall ensure that any potential gender concerns are addressed.

2.4 When the search reveals evidence of suspected criminal activity of a serious nature, the Principal shall immediately secure the locker or other storage facility by any means considered advisable, including use of a different lock and after consultations determined to be necessary by the principal, when appropriate, contact the RCMP.

2.5 The Principal shall record, in writing, the reasons for conducting the search under Procedure 2.4, 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.

3. When there are reasonable grounds to believe that school rules and regulations or Division 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.

3.1 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.

3.2 When a search contemplated by Procedure 3.1 is determined to be necessary, the Principal or designate shall ensure that at least two adults are present during the search and shall ensure that gender concerns are addressed.

3.3 When there are reasonable grounds to believe that a search in accordance with this administrative procedure 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.

3.4 When a search conducted under Procedure 3.1 reveals evidence of suspected criminal activity of a serious nature, the Principal shall require the student to remain, under supervision, in a private area where the search took place and shall immediately contact the parent/guardian of the student and after any consultations determined to be necessary by the Principal, shall contact the RCMP.

3.5 In the event that the student refuses to cooperate with the search and/or leaves the school, the parent(s) or guardian(s) shall be immediately notified. The Principal shall interpret this action on the part of the student to be willful disobedience and/or open opposition to authority. Pursuant to Administrative Procedure 351 – Student Exclusion, Suspension and Expulsion, the Principal may suspend the student for up to 10 days and recommend longer term suspension or expulsion. If the matter under investigation relates to suspected criminal activity of a serious nature, after any consultations determined to be necessary by the Principal, the Principal shall contact the RCMP.

3.6 In the event that a physical search of the student's person is determined to be necessary, and if the investigation related to suspected criminal activity of a criminal nature, the RCMP shall be contacted and the parent(s) or guardian(s) shall be notified.

3.7 The Principal shall record, in writing, the reasons for conducting the search under Procedure 3.1, 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.

4. Schools will develop procedures that outline the rules for the use of Division property.

4.1 The Principal shall ensure that school rules and regulations regarding searches by school authorities is in place for his/her school. Such a procedure shall contain at least the following:

- 4.1.1 Clear statements that lockers, desks and any other school furniture or school fixtures capable of being used for storage are the property of the Division.
 - 4.1.2 A clear statement that Division property is subject to inspection or search at any time.
 - 4.1.3 The location of notices stating the Division's and the school's position regarding the use of lockers, desks and other storage facilities.
 - 4.1.4 A requirement that students shall be required to sign an agreement to use a locker, desk or other storage facility.
 - 4.1.5 A restriction on the use of personal locks pursuant to procedure 1.4.
 - 4.1.6 The consequences of not complying with procedure 1.4.
 - 4.1.7 A requirement that one administrator, or designate, and at least one other adult are present for any search and shall ensure that gender concerns are addressed.
 - 4.1.8 The consequences of not cooperating with a search.
 - 4.1.9 No searches of the student's person are permitted.
- 5. Students, parent(s) or guardian(s) and the school community will be informed of the Division's position on searches by school authorities.
 - 6. In the event that a search results in the finding of illegal substances, weapons, explosives or stolen property, the Principal is encouraged to use the power granted under The Education Act, 1995 to suspend the student for up to 10 days and then make a recommendation to the Board through the Director for the longer suspension or expulsion of the student, if the Principal considers it appropriate to do so.

Reference:

Section 85, 87, 109, 175 Education Act
Child And Family Services Act
Youth Criminal Justice Act

Revised:

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