

AP 356 – SEARCHES 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, 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 regarding Division property and searches by school authorities and the RCMP.
 - 1.1.1 The information may be communicated on a class-by-class basis or at a school assembly.
 - 1.1.2 Students who were absent shall be informed on their return to school.
 - 1.1.3 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 Students shall be required to sign an agreement before they are assigned or are allowed the use of a locked school locker or any other school storage facility that may be secured by a personal or school provided 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.
 - 1.3 If a student is permitted to use a personal lock on his/her locker, or storage facility, he/she must file either the combination or a duplicate key with the school office.
 - 1.4 If the student fails to comply with Section 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 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 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 (1) 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 practicable 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 (1) administrator or designate, and one (1) 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, 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 RCMP.
 - 2.5 The Principal shall record, in writing, the reasons for conducting the search under Section 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 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 Section 3.1 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.
 - 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. The individual conducting the search should be the best person aware of personal safety while searching.
 - 3.4 In the event that a physical search of the student's person is necessary, the RCMP shall be called in and the parent(s) or guardian(s) shall be notified.
 - 3.5 In the event that the student refuses to cooperate with the search and/or leaves the school, the RCMP shall be called in and the parent(s) or guardian(s) shall be 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 352 – Student Discipline, the Principal may suspend the student and recommend expulsion.

- 3.6 When a search conducted under Section 3.1, 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 RCMP.
 - 3.7 The Principal shall record, in writing, the reasons for conducting the search under Section 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 rules for the use of Division property.
 - 4.1 The Principal shall ensure that school rules regarding searches by school authorities and the RCMP is in place for his/her school. Such rules 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 Section 1.4.
 - 4.1.6 The consequences of not complying with Section 1.4.
 - 4.1.7 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.
 - 4.1.8 The consequences of not cooperating with a search.
 - 4.1.9 No searches of the student's person are permitted.
 - 4.1.10 The situations that may require RCMP involvement.
 5. Students, parent(s) or guardian(s) and the school community will be informed of the Division's position on searches by school authorities and the RCMP.
 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 to suspend the student and then make a recommendation to the Board through the Deputy Director of Education for the expulsion of the student, if the Principal considers it appropriate to do so.

Reference: Sections 85, 87, 108, 109, 175 Education Act
Child And Family Services Act
Youth Criminal Justice Act