

STUDENT SEARCHES

Background

The Division has a responsibility to ensure that each student and each staff member is provided with a welcoming, caring, respectful and safe learning environment. As such, the Division authorizes principals to conduct student searches where it is necessary and reasonable to do so in order for the principal to fulfill their obligations to maintain order and discipline in the school and on school grounds and during school activities.

The Supreme Court of Canada has confirmed that a school authority may conduct a search of a student, without warrant, where there are reasonable grounds to believe that a school rule has been violated and evidence of the breach will be found on the student.

Procedures

1. Authority to conduct a search
 - 1.1 The school principal has the primary authority to authorize and conduct a student search in accordance with their legislated authority to maintain order and discipline in the school.
 - 1.2 A principal may designate an assistant principal or another teacher to conduct a search.
2. What may be searched
 - 2.1 A student's personal belongings or articles which the student brings to or uses on school grounds, including, but not limited to, clothing, backpacks, purses, or other bags.
 - 2.2 Division property used by the student, including, but not limited to, desks, lockers, other storage spaces, and Division-owned electronic devices, such as computers.
 - 2.3 A student's person. This includes asking a student to do any of the following:
 - 2.3.1 Empty out their pockets and any other article or object belonging to or used by the student;
 - 2.3.2 Shake out their clothing;
 - 2.3.3 Roll up their sleeves, waist bands or pant cuffs; or
 - 2.3.4 Remove belts, head coverings, hats, overcoats, jackets, scarves, mitts, gloves, socks, shoes, or any other accessory.
 - 2.3.5 **Strip searches of students are prohibited.**
 - 2.4 A student's cellphone or personal device.
 - 2.4.1 When the principal has reasonable grounds to believe that a student has used their cellphone to breach school rules, such as engaging in harassment or bullying behaviours towards other students or staff members, a search may occur.
 - 2.4.2 The reasonableness of this kind of search must be clearly established and occur only in instances where circumstances warrant it.

3. When a search will be conducted

3.1 Where the principal/designate have reasonable grounds to believe that Division policy, school rules, or the student code of conduct have been breached and a search of the student, student's belongings, or Division property used by the student may reveal evidence of that breach, a search may be conducted.

3.2 The following may constitute reasonable grounds for a search:

3.2.1 Information received from one student or person that is considered to be credible;

3.2.2 Information from more than one student or person;

3.2.3 A teacher's or principal's own observations; or

3.2.4 Any combination of these pieces of information which the principal/designate considers to be credible.

4. Random searches of students, Division property used by students, and student belongings are prohibited, including the use of "sniffer dogs".

5. How a search will be conducted

5.1 All searches will be conducted in accordance with the following principles:

5.1.1 Searches must be conducted in a reasonable manner;

5.1.2 Searches must respect the privacy of the student to the greatest extent possible;

5.1.3 Searches must be minimally intrusive; and

5.1.4 Searches must be conducted sensitively and take into consideration the age, gender, religious practices, and other related circumstances of the student.

5.2 Wherever possible, searches of a student's locker or personal belongings shall be done in the presence of the student; however, there may be circumstances where that is not possible.

5.3 Personal searches of the student's person shall always be done with one adult witness present.

6. Documentation of a search

6.1 The principal/designate shall maintain a record of the search (*Student Search Report Form 355-1*) and that record shall include the following information:

6.1.1 The circumstances giving rise to the search including the date, time, and place of investigation;

6.1.2 The source of the information that formed the reasonable grounds (while ensuring that personal information is not improperly disclosed);

6.1.3 The name of the student whose property or person was searched;

6.1.4 The name of the principal/designate who completed the search, as well as the names of any adult witnesses to the search;

6.1.5 The results of the search;

6.1.6 The parties and/or witness interviewed;

6.1.7 Details of any police or local law enforcement involvement; and

6.1.8 Details regarding notification of parents/guardians, where appropriate.

7. Use of results of a search

- 7.1 The results of a search conducted in accordance with this AP may form the basis for disciplinary measures to be taken against a student in accordance with AP 350 and AP 356 and sections 36 and 37 of the *Education Act*.
- 7.2 Where a search results in the discovery of evidence of potentially illegal conduct, the principal shall contact, and provide that evidence to, the police or local law enforcement.
- 7.3 Any contraband material shall be turned over to police or local law enforcement.
- 7.4 Any confiscated items (other than those that may be turned over to police or local law enforcement) will be handled and stored securely, and returned to the student's parent/guardian after the school's investigation is completed.

Reference: Section 11, 36, 37, 196, 197 Education Act

Related APs: Student Code of Conduct (350)
Student Suspension/Expulsion (356)

Forms: Student Search Report (355-1)

Amended: February 2020