

SEARCHES OF STUDENTS

Background

The District is committed to providing a safe and caring school environment. A positive and effective learning environment provides for the safety and security of all students. Searches by school authorities as a means to achieve this objective are authorized for the purposes of eliminating the possession of controlled substances, stolen property and any object or material that may pose a risk or hazard to students or staff within a school or on property owned or leased by the District. Searches will be conducted in a manner that ensures the rights of the student are protected.

Procedures

1. School lockers and any school furniture or fixtures capable of being used for storage will be available to students on the condition that the Principal reserves the right to search at any time without notice.
2. The Principal will communicate to students and parents on an annual basis that searches may occur without notice under the direction of the Principal. Principals will clarify with students/parents that students only acquire the right to use a locker and a lock. The locker remains the property of the District. The lock may be removed by the Principal for the purposes of conducting a search. If the lock, following removal, is damaged and no longer functional, a replacement lock will be provided to the student at no cost following the completion of the search.
3. Students shall be advised at the beginning of each school year and/or at the time they are assigned a locker of the following conditions of use:
 - 3.1. Students are responsible for the locker which is assigned to them (Form 353-1), and no other person may use the locker without permission of the Principal.
 - 3.2. Student locks and combinations must be registered at the office.
 - 3.3. No illegal substances, weapons or other prohibited or offensive material are to be placed or displayed in school lockers.
 - 3.4. 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.
 - 3.5. Permission to use a locker may be terminated where a student does not comply with the conditions of use, school procedures or rules.
4. The Principal shall assess any information provided and relate it to the situation in their school to determine if reasonable grounds are present to justify a search. The following may constitute reasonable grounds:
 - 4.1. Information received from a teacher or other staff member

- 4.2. Information received from one (1) or more students considered to be credible
- 4.3. Information received from a member of the public considered to be credible
- 4.4. Information from the Principal's own observations
5. During any locker search, the Principal and at least one (1) other adult shall be present and ensure that any potential gender concerns are addressed. When practicable to do so, the Principal shall have the student present when a locker, desk or other assigned storage facility is searched.
6. When the search reveals evidence of suspected illegal activity, the Principal shall immediately secure the locker or other storage facility by any means considered advisable, including the use of a different lock, and immediately contact the local police. In such instances, the Principal shall also inform either the Superintendent or Safe School Coordinator.
7. 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 identity of any informant(s) shall be kept confidential.
8. When there are reasonable grounds to believe that school procedures or rules, administrative procedures or District policies have been violated, the Principal may direct a student to satisfy that they are not carrying, concealing or in the possession of prohibited materials. School personnel may not conduct a physical search of a student.
 - 8.1. The Principal will take the student to a private area to conduct a search of articles carried with, by, or on the student's person.
 - 8.2. The Principal shall ensure that at least two (2) adults are present during the search and shall ensure that gender concerns are addressed.
 - 8.3. The Principal may direct a student to empty their pockets or otherwise satisfy that clothing or other items in the student's possession does not contain or conceal prohibited materials.
 - 8.4. In the event that a physical search of the student's person is deemed necessary, the police shall be called in and the parents shall be notified.
 - 8.5. In the event that the student refuses to cooperate with the search and/or leaves the designated private area or school without permission to do so, the police shall be called in and the parents shall be notified. The Principal shall interpret this action on the part of the student to be willful disobedience and may suspend the student.
 - 8.6. When the search reveals evidence of suspected illegal activity the Principal shall require the student to remain, under supervision, in a private area and immediately contact the police.
 - 8.7. 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 identity of any informant(s) shall be kept confidential.
 - 8.8. The Principal shall, when practicable to do so, inform and/or consult with the Safe School Coordinator regarding searches conducted under section 8.

9. The Principal shall ensure that students and parents are aware of, at minimum, the following:
 - 9.1. Clear statements that lockers, desks, school furniture or fixtures capable of being used for storage are the property of the District
 - 9.2. A clear statement that District property is subject to inspection or search at any time.
 - 9.3. The requirement that one (1) principal or vice-principal and at least one (1) other adult are present for any search and shall ensure that gender concerns are addressed.
 - 9.4. The consequences of not cooperating with a search
 - 9.5. No searches of the student's person by school personnel are permitted
 - 9.6. The situations that may require police involvement

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

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