



## Administrative Procedures

<b>AP-426</b>  <b>SEARCHES BY SCHOOL AUTHORITIES</b>	<b>Date of implementation:</b> Fall 2018 <b>Date of update:</b>
	<b>Related Administrative Procedures:</b> <a href="#">AP-409 Student Discipline</a>

**Purpose:** 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 will authorize searches by school authorities, as outlined in this Administrative Procedure, as a means to achieve this objective.

### **Procedures:**

#### 1) Fair Warning

Schools are to communicate clear expectations around prohibited items as well as procedures regarding said items when they are suspected and/or found to be on school property.

Schools are to develop procedures with respect to regular inspection by teachers of desks, lockers, and other school property used for storage of student materials. These procedures must be communicated to the students upon registration and made public.

#### 2) Searches of School Property

- a) Principals and teachers are authorized to search school property in order to maintain order, safety, or discipline.
- b) If the principal or teacher reasonably believes that a violation of school rules or policies, administrative procedures, (Board policies), or a criminal offense is being, or has been committed, and that a search of the property will provide evidence in these matters, a search can proceed subject to the following:
  - i) The search should proceed immediately if there is reason to believe that the safety of any student is in question.
  - ii) If the safety of any student is not in question attempts should be made to have the student present.
  - iii) During any school property (locker, desk) search, at least one (1) administrator or designate, and one (1) other adult shall be present.
  - iv) If the search reveals evidence of possible criminal activity, the principal shall immediately secure the locker or other storage facility by any reasonable means and may contact the RCMP.

- v) The principal shall record in writing the reasons for conducting the search, the results of the search and the actions taken. The principal shall keep the record in a secure location and the identity of any informant(s) shall be kept confidential.

### 3) Searches of Personal Effects

- a) If the principal or teacher reasonably believes that a violation of school rules or policies, administrative procedures, (Board policies), or a criminal offense is being, or has been committed, the principal or designate may direct a student to satisfy that the student is not carrying or concealing prohibited items.

A search of personal effects can entail directing a student to empty their purses, backpacks, or other carrying devices, and to empty their pockets or otherwise satisfy that clothing or such other mentioned items do not contain or conceal prohibited materials identified in Section 1 above. Exercise caution when conducting a search of personal effects.

**Note:** *School personnel may not conduct a physical search of a student. School personnel may not direct a student to unlock their smartphone, tablet, etc.*

- b) When conducting a search of articles carried, by or on the student's person, the student and suspect property are to be taken to a private area where the search can be conducted in private.
- c) During said search, the principal or designate shall ensure that at least two (2) adults are present during the search.
- d) If 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 or designate shall interpret this action on the part of the student to be willful disobedience and/or open opposition to authority and apply appropriate aspects of AP-409 Student Discipline.
- e) If the search reveals evidence of suspected criminal activity, the principal shall direct the student to remain under supervision in the private area where the search was conducted and immediately contact the RCMP.
- f) The principal shall record in writing the reasons for conducting the search, the results of the search and the actions taken. The principal shall keep the record in a secure location and the identity of any informant(s) shall, as much as possible, be kept confidential.

### 4) Police Searches

- a) Where the student does not consent to the search or the school officials do not wish to undertake the search under their own authority, or a physical search of a student is thought necessary, school officials are to contact the police and the search proceed under the direction of the police.
- Parents of the student being searched shall be notified.
  - At least one (1) witness is to be present when a search takes place.
  - The police must conduct all physical/intrusive searches.

- b) Any search on school premises initiated by the police is to be:
- Authorized by warrant; or
  - In relation to drugs or weapons; or
  - Coincident with the appearance of the police for the purpose of arresting a student.
- c) The principal or designate is to accompany the police in any search unless advised by the police to the contrary.

*References: [Education Act, 1995](#) Section 85, 87, 109, 175*