

SEARCHES

Background

The School Act states that a school board must provide a safe and caring environment for students that fosters and maintains respectful and responsible behaviours. From time to time in order to discharge that duty it is necessary to conduct student searches. The Supreme Court of Canada decision in the case of R. v. M. (M.R.) established requirements for a school board when conducting a student search.

This regulation outlines the process to use when conducting student searches in a manner that is consistent with the decision of the Supreme Court of Canada and with the School Act.

1. In this regulation
 - 1.1 "Reasonable grounds for a search" means any one of the following
 - 1.1.1 Information received from a credible student or person,
 - 1.1.2 Information from more than one person,
 - 1.1.3 A teacher's or Principal's own observations, or
 - 1.1.4 Any combination of the above information that the Principal or designate considers credible;
 - 1.2 "School property used by a student" means a desk, locker, school storage area or any other school article or object used by a student including Division owned electronic information resources;
 - 1.3 "Student articles and objects" means articles or objects owned or used by a student either on school board premises or during off-site activities including but not limited to electronic devices, backpacks, clothing, purses, suitcases, and tote bags.
2. Random and arbitrary searches of students, school property used by students or student articles and objects including random and arbitrary canine searches are prohibited.
3. A Principal or designate may conduct a search of a student school property used by a student and student articles and objects in the following circumstances:
 - 3.1 When there are reasonable grounds to believe that there has been a breach of school rules or discipline and that the search will reveal evidence of the violation;
or
 - 3.2 In an investigation of a violation of school discipline; or
 - 3.3 As a matter of school welfare or safety.

4. A student's person, student articles and objects and school property used by a student are subject to search and searches must be conducted in accordance with this regulation.
5. For the purpose of this regulation, during an off-site activity the Principal's designate is the teacher-in-charge of the activity.
6. All searches must
 - 6.1 Be carried out in a reasonable manner
 - 6.2 Respect the privacy of the student
 - 6.3 Be minimally intrusive and
 - 6.4 Be conducted in a sensitive manner and take into consideration the age and gender of the student, their religious practices and all related circumstances
7. The requirements in this regulation for reasonable grounds for a search do not apply to a situation where the Principal or teacher observes disruptive student activity or behaviour and immediately requests that a student hand over an article or remove material from their pockets, backpacks, purses, suitcases, tote bags, desks or lockers and present it to the teacher or Principal. Examples of these requests include:
 - 7.1 "Give me whatever you shoved into your locker"
 - 7.2 "Take that item out of your pocket"
 - 7.3 "Give me that chewing gum"
8. Principals must ensure that school handbooks advise students and parents that the aforementioned articles may be subject to search.
9. A notice to parents is provided for schools to provide to parents in the Appendix A.
10. It is not necessary to notify a parent before a search of the student's person is conducted, but the Principal or designate must inform the student's parents about the search of the student's person as soon as practicable.
11. Searches of a student's person may only be conducted by the school Principal or designate in the presence of another Division employee or volunteer.
12. A Principal or designate conducting a search of the student's person may ask the student to do any one or more of the following:
 - 12.1 Empty out their pockets, and any other articles and objects belonging to or used by the student
 - 12.2 Shake out their clothing
 - 12.3 Roll up their sleeves, waist bands or pant cuffs
 - 12.4 Remove belts, head coverings, hats, overcoats, jackets, scarves, mitts, gloves, socks or shoes, and any other accessories

13. Division employees and volunteers are prohibited from conducting strip searches of students under any circumstances.
14. It is preferable but not necessary to have the student present during the search.
15. The person conducting the search must document the search in writing and include the following information:
 - 15.1 The name of the student
 - 15.2 The name of the person doing the search
 - 15.3 The Division employee or volunteer witness to the search
 - 15.4 The date, place, location and time of day
 - 15.5 The results of the search and
 - 15.6 Any other relevant information
16. A Student Search Report must be completed whenever a search is conducted.
17. If a teacher or Principal has confiscated unauthorized material other than alcohol, drugs, tobacco, or weapons, the teacher or Principal must
 - 17.1 Ensure that the unauthorized material is kept in a secure location
 - 17.2 Enter the item into the school office permanent record of confiscated property as soon as is practicable (Power School discipline log), and
 - 17.3 Return the item to the student at the end of school day, or, in the case of a parent or guardian, at a time that is mutually agreeable to the teacher or Principal and the parent or guardian.
18. The student, parent or guardian must show photographic identification and sign the school's permanent record of confiscated property to show that they have received the property.
19. Searches Involving Drug Detection Dogs and Their Handlers
 - 19.1 Searches may be carried out by the Principal and the dog detection team.
 - 19.2 The Lock Down Mode, as defined in the Division Emergency Response Plan (Administrative Procedure 165 – Appendix A), will be activated prior to any dog detection team search.
 - 19.3 Following any search using the dog detection team, the Principal will submit a written report to the Superintendent or designate.

Reference: Section 20, 45, 60, 61, 113 School Act
 Child, Youth and Family Enhancement Act
 Controlled Drugs and Substances Act
 Youth Criminal Justice Act
 Criminal Code (Canada)
 Administrative Procedure 165 Appendix A – Division Emergency Response Plan

Form: Student Search Report