

SEARCHES

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 personnel 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. Personal Searches and Testing

- 1.1 Students will not be required to submit to an invasive search of their person by school officials, including but not limited to the principal, vice principals, teachers, and counselors. However, students may be required to empty their pockets, remove jackets, reveal contents of shoes or socks, or such other reasonable requests as may be made by school officials to determine within reason whether a student is in personal possession of illegal drugs, alcohol, contraband substances or any other substance that the school official reasonably believes may be for the purpose of inappropriate use.
- 1.2 Personal searches will be conducted only when school officials have a reasonable belief that the student is in possession of illegal drugs, alcohol, contraband substances, or any other substance for the likely purpose of inappropriate use of the same.
- 1.3 When such reasonable requests are made, at least one (1) other adult witness will be present in addition to the school official making the request. Consideration of the student's age, gender and privacy will be taken into account.
 - 1.3.1 The reasons for and outcome of the search will be recorded and kept on file.
- 1.4 The principal may utilize breathalyzers or minimally intrusive drug testing devices (i.e. mouth swab) to test a student for the use or consumption of illegal drugs, alcohol, contraband substances or the inappropriate use of any other substance. Testing will only be utilized in circumstances where:
 - 1.4.1 It is unclear by observation of the student whether the student has used or consumed drugs, alcohol or contraband substances, or has inappropriately used any other substance, but the Principal has reason to believe that the same has occurred;
 - 1.4.2 The principal is satisfied by observation of the student that he/she has used or consumed drugs, alcohol or other contraband substances, or has inappropriately used any other substance, but the student denies the same and further inquiry is warranted; or

- 1.4.3 Such other circumstances as the principal may assess would be reasonable to use such devices.
- 1.5 In determining whether testing is appropriate, the principal will consider any relevant factors including, but not limited to:
 - 1.5.1 The student's reasonable expectation of privacy,
 - 1.5.2 Whether the student poses or may pose a danger to him/herself or others,
 - 1.5.3 Whether testing may reveal information which is necessary to obtain, and
 - 1.5.4 Whether there are less intrusive investigative techniques which may be utilized instead.
- 1.6 Prior to utilizing breathalyzers or minimally intrusive drug testing devices, the principal will make a reasonable effort to contact the student's parent in advance to obtain consent.
 - 1.6.1 The principal will record his/her efforts in this regard, as well as the outcome of such conversation, if any.
- 1.7 When testing has been conducted, the Principal will record the results on file (School Record of Searches or similar document) and advise the student's parents of the results.
- 1.8 When a student is believed or found to be under the influence of drugs, alcohol, contraband substances or other substances, school officials:
 - 1.8.1 Will immediately attend to the student's health and safety, if applicable;
 - 1.8.2 Will make a reasonable effort to contact the student's parents and request that they attend to pick up the student. For clarity, no student who may be or is found to be under the influence of drugs, alcohol, contraband substances or any other substances will be permitted to leave school grounds without the company of a reliable escort, as assessed by school officials acting reasonably, in protection of the student's health, safety and wellbeing, as well as the protection of others;
 - 1.8.3 May contact the police or any other agency (including Alberta Children and Youth Services) if, in the assessment of the school officials, it is reasonable to do so or if such disclosure may be required by law;
 - 1.8.4 May provide the contact information and, if appropriate, facilitate the student's access to community support organizations and government bodies including, but not limited to, the Alberta Health Services, Alberta Children and Youth Services, and Alcoholics Anonymous.

2. Student Property or Locker Searches

- 2.1 Student property (including but not limited to bags and purses) and school property (including but not limited to assigned school lockers) may be subject to unannounced searches from time to time, as determined by the principal.
- 2.2 The student whose property or assigned locker is being searched will be present during the search when possible and practical.
- 2.3 In addition to the searcher, at least one (1) other adult witness is to be present when the search takes place.

- 2.4 When possible, practical and reasonable to do so, the parent of the student will be informed of the search and the reasons for it, prior to it being undertaken. If prior notification is reasonable but not possible, the parent will be notified as soon as possible after the search is undertaken.
3. In either case, the grounds for conducting such a search and the outcome of the search will be recorded in writing by the principal and recorded in the student information system (SIS).
4. 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.
 - 4.1 All students and parent(s) will be informed of the Board policy, administrative procedures and school procedures, rules and regulations, regarding searches by school personnel and the RCMP.
 - 4.1.1 The information may be communicated on a class-by-class basis or at a school assembly.
 - 4.1.2 Students who were absent will be informed on their return to school.
 - 4.1.3 Parent(s) will receive a summary of the Division's and the school's position by way of a newsletter or other means considered by the principal to be effective communication.
 - 4.2 A notice stating the Division's and the school's position regarding the use of lockers, desks and other school furniture or school fixtures capable of being used as storage facilities will be posted in each classroom and other areas identified by the principal.
 - 4.3 Students will be required to sign the agreement included in the registration package, before they are assigned or are allowed the use of a school locker or any other school storage facility that may be secured by a lock.
 - 4.3.1 Such an agreement will outline the conditions of the use of the locker or any other school storage facility and the right of school personnel to search the locker or storage facility at any time.
 - 4.4 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.
 - 4.5 If the student fails to comply with clause 1.4, the principal will require the student to remove the lock. If the student does not comply with the request to remove the lock, the principal will authorize the removal of the lock and the principal will not be responsible for replacing the lock.
5. When there are reasonable grounds to believe that school procedures or rules or Board policies or administrative 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.
 - 5.1 The principal will assess any information provided and relate it to the situation in his/her school to determine if reasonable grounds are present to justify a search. The following may constitute reasonable grounds in this context:
 - 5.1.1 Information received from one (1) or more students considered to be credible;

- 5.1.2 Information from a teacher or other staff member based on a teacher's or other staff member's observations; or
 - 5.1.3 Information from the principal's own observations.
 - 5.2 When practicable to do so, the principal will attempt to have the student present when a locker, desk or other assigned storage facility is searched.
 - 5.3 During any locker search, at least one (1) administrator, and one (1) other adult will be present and will ensure that any potential gender concerns are addressed.
 - 5.4 When the search reveals evidence of suspected criminal activity, the principal will immediately secure the locker or other storage facility by any means considered advisable, including use of a different lock and immediately contact the RCMP.
 - 5.5 When the search of a desk or other school storage facility reveals evidence of suspected criminal activity, the area will be secured and the RCMP will be contacted immediately.
 - 5.6 The principal will record, in writing, the reasons for conducting the search under clauses 2.4 and 2.5, the result of the search and any action taken as a result. The principal will keep the record in the SIS and the identity of any informant(s) will be kept confidential.
6. When there are reasonable grounds to believe that school procedures or rules or Board policies or administrative procedures have been violated, the principal may direct a student to satisfy that they are not carrying or concealing prohibited materials.
- 6.1 School personnel may not conduct a physical search of a student.
 - 6.1.1 In the event that a physical search of the student's person is necessary, the RCMP will be called in and the parent(s) will be notified.
 - 6.2 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.
 - 6.3 When a search contemplated by clause 3.2 is determined to be necessary, the principal will ensure that at least two (2) adults are present during the search and will ensure that gender concerns are addressed.
 - 6.4 When there are reasonable grounds to believe that a search in accordance with this Administrative Procedure is advisable, the principal 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.
 - 6.5 In the event that the student refuses to cooperate with the search and/or leaves the school, the RCMP will be called in and the parent(s) will be notified.
 - 6.5.1 The principal will interpret this action on the part of the student to be willful disobedience and/or open opposition to authority.
Pursuant to Administrative Procedure 350 – Student Conduct, the Principal may suspend the student and recommend expulsion.

- 6.6 When a search conducted under clause 3.2, reveals evidence of suspected criminal activity, the principal will require the student to remain, under supervision, in the private area where the search took place and will immediately contact the RCMP.
- 6.7 The principal will record, in writing, the reasons for conducting the search under clause 3.2, the results of the search and the action taken. The principal will keep the record in a secure location and the identity of any informant(s) will be kept confidential.
7. An agreement may be entered into whereby the Division, the School Council and the RCMP agree that unannounced co-operative patrols of the school by RCMP officers assisted by a trained canine member(s) of the force may take place at the instance of either the RCMP or the principal.
8. Any agreement entered into by the Division, the School Council and the RCMP will be preceded by appropriate consultation, community involvement, and publicity.
9. Principals will develop procedures that outline the rules for the use of Division property.
 - 9.1 The principal will ensure that procedures regarding searches by school personnel and the RCMP are in place for his/her school. Such procedures will contain at least the following:
 - 9.1.1 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.
 - 9.1.2 A clear statement that Division property is subject to inspection or search at any time.
 - 9.1.3 The location of notices stating the Division's and the school's position regarding the use of lockers, desks and other storage facilities.
 - 9.1.4 A requirement that students will be required to sign an agreement to use a locker, desk or other storage facility.
 - 9.1.5 A restriction on the use of personal locks pursuant to clause 1.4.
 - 9.1.6 The consequences of not complying with clause 1.4.
 - 9.1.7 A requirement that one (1) administrator and at least one (1) other adult are present for any search and will ensure that gender concerns are addressed.
 - 9.1.8 The consequences of not cooperating with a search.
 - 9.1.9 No searches of the student's person are permitted.
 - 9.1.10 The situations that may require RCMP involvement.
10. Students, parent(s) and the school community will be informed of the Division's position on searches by school personnel and the RCMP.
11. 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 for the expulsion of the student, if the principal considers it appropriate to do so.

Reference: Section 11,33,52,53,197,222 Education Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act Criminal Code (Canada)

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