

## **SEARCHES OF STUDENTS OR PERSONAL PROPERTY**

### **Background**

Principals and teachers shall provide a safe school environment and maintain order and discipline among students while they are in school and on school grounds. There may be situations in which principals or teachers will be required to undertake searches of students or their personal property, including personal electronics. In such circumstances, the Division requires school officials to follow the procedures set out below, whether those officials are acting on their own or in concert with a Government authority.

Foothills School Division (Foothills) believes that none of its policies or practices should obstruct the Police or Child and Family Services personnel in the performance of their duties. Nevertheless, the Principal is expected to act as a reasonable parent might in such matters, and ensure that the rights of the student under the age of 18 years are protected.

Foothills expects the following to be observed with regard to student searches, interviews with child welfare workers, and interrogations/searches/arrests by police:

1. School officials must make reasonable attempts to protect the student's right to privacy.
2. Searches of students or their private property should only be conducted on the basis of reasonable and probable grounds;
3. School personnel have a duty to uphold the law;
4. School personnel are obligated to comply with the provisions of all statutes; and
5. The Division expects the Principal to make every reasonable effort to ensure that the rights of students are upheld when statutes are applied by non-school personnel.

Legal authorities do not have the automatic right to conduct their investigations on school property during school hours, except in accordance with a warrant, other specific statutory authority, or "exigent circumstances" of urgency or emergency, such as a bomb threat, person with a weapon, or pursuit of a fleeing suspect.

### **Procedures**

1. Under no circumstances shall strip searches be conducted by school personnel.
2. The Division owns student lockers and desks. School Principals (or designate) have the authority to inspect school and Division property under their charge. The primary purpose for locker/desk inspection shall be for the protection of health, safety and general welfare of students, staff and school property.

3. Students and their parents/guardians shall be informed at the beginning of each school year or semester regarding Division and school procedures in effect that regulate searches of students and student property, including personal electronics, and the provision that the police K9 Unit may be called in to assist in keeping schools safe.
4. Before conducting a search, there must be reasonable grounds that inappropriate student conduct has been committed or that school rules or administrative procedures have been inappropriately breached or the locker contains materials that are visually offensive, illegal or restricted by legislation, regulation, Division, school or administrative procedures.
5. Reasonable grounds for a search may be found in the following context:
  - 5.1 Information received from one (1) student considered to be credible;
  - 5.2 Information received from more than one (1) student considered to be credible;
  - 5.3 A teacher, other staff member, other credible sources or the Principal's own observations;
  - 5.4 Any combination of these pieces of information which is considered credible.
6. The grounds for conducting a search shall be recorded in writing by the Principal and kept on file in accordance with the Administrative Procedure 320 – Student Records.
7. Students may be given the opportunity to provide consent for such a search and to be present, or to make voluntary disclosure of the suspected property. Notwithstanding the danger presented by the property being sought, the student's age, record of conduct and the urgency of making the search without delay are circumstances bearing on the justification of requesting such consent.
8. Searches of students or property shall be carried out in a reasonable manner and are to be conducted in a sensitive manner with a minimal amount of intrusion, wherever possible.
9. Searches of students or property shall be conducted by the Principal or designate in the presence of an adult witness.
10. Should such a search result in the discovery of material(s) which are inappropriate to a school building, the Principal (or designate) has the authority to remove the material(s) or seal the locker for the purpose of seeking further counsel.
11. The student shall be informed within a reasonable timeframe of any item(s) removed from his/her locker/desk.
12. Where a search is required at an off campus site during a school related/sponsored event, the School Principal, or designate, must be contacted to conduct the search.
13. If suspected of wrong doing, a student may be directed to empty his/her pockets, knapsack, purse, remove outer jackets or hats/caps, remove shoes etc.; however, physical searches of students are not to be undertaken by school personnel. If, in the opinion of the school authority a physical search of a student should be conducted, the police shall be contacted to conduct such a search. If the police are contacted to conduct a search, the school should make every reasonable effort to notify parents

immediately.

14. Any property seized as possible evidence in a criminal proceeding should immediately be turned over to police. Property taken as a result of breach of school rules should be retained in a secure manner and only for such period as may be prescribed by school rules in this regard. If such goods are lost or stolen after being taken from the student, liability for such loss shall rest with the employee who confiscated the goods.
  
15. The Principal (or designate) shall be entitled to terminate any agreement for the use of a locker(s) by a student at any time, and for any reason that the Principal (or designate) considers reasonable.

Reference: Relevant Legislation or Regulation