

5009: STUDENT DISCIPLINE -SEARCH AND SEIZURE (AP)

Approved: 96 06 25

POLICY

The Board of Education believes that a safe and orderly school environment is conducive to learning. In order to maintain such an environment it is necessary that students comply with rules established by the Board and the school, and laws established by civil authorities.

When a reasonable suspicion arises that a student has possession of property that is illegal, disruptive or dangerous to the general welfare of students and staff, the Board authorizes school principals and/or their designate to conduct a search of the student's personal property or person. Such searches and subsequent seizures that might result are to be conducted in the manner prescribed in the regulations.

ADMINISTRATIVE PROCEDURES

1.0 DETERMINATION THAT A SEARCH IS NECESSARY

- 1.1 Only the principal or designate shall be responsible for determining whether or not a search shall be conducted of a student's personal property or person.
- 1.2 Factors establishing reasonableness for a search:
 - 1.2.1 The principal or designate has reasonable grounds to believe that evidence pertaining to the breach of the law or a rule of the school or school district may be found in the place to be searched. This reasonable suspicion may be formed by considering such factors as: eyewitness observations by school personnel, information received from a reliable source, or, suspicious behaviour by the student.
 - 1.2.2 The scope of the search is not excessively intrusive in light of the nature of the infraction and the age and sex of the students.
- 1.3 When deemed appropriate, the principal or designate will request the participation of lawful agencies.
- 1.4 Should the RCMP become involved, procedures outlined in SD 70 Policy 5016: Police Contact with Students in Schools will be followed.

1.5 Parent(s)/Guardian(s) will be notified of the search.

2.0 SEARCH PROCEDURES ONCE REASONABLENESS OF THE JUSTIFICATION HAS BEEN STABLISHED

2.1 The student shall be present during a search of property in his/her immediate possession.

2.2 The student shall comply with a request of the principal or designate to display the contents of personal effects, e.g. book bag, purse, clothing pockets, etc., by taking out all the contents for visual inspection.

2.3 Should it become necessary to conduct a search of a student's person, a second adult must be present.

2.3.1 A 'pat-down' search must be conducted by a school official of the same sex, in private, discreetly and in the least intrusive manner required to gather the object(s) under suspicion, unless the health or safety of students will be endangered by any delay.

2.3.2 A more intrusive search of a student's person must only be conducted in private by a school official of the same sex with an adult of the same sex present, unless the health or safety of students will be endangered by any delay. The principal or designate may request the assistance of the RCMP to conduct this kind of search.

2.4 There may be occasions when school authorities will inspect student lockers for cleanliness, general maintenance, or vandalism – or to comply with regulations set out by the school or school district. Such searches may occur at any time and without notice.

3.0 DISPOSITION OF SEIZED ITEMS

3.1 The storage, return or destruction of items seized under this policy shall be at the discretion of the principal subject to any legal requirements or Board policy.