

SEARCH PROCEDURES

Pursuant to the authority provided under *The Education Administration Act*, C.C.S.M. c. E10, *The Education Administration Miscellaneous Provisions Regulation*, and *The Appropriate Disciplinary Consequences in Schools Regulation*, the principal of a school and/or their delegate have authority over the conduct of each pupil of a school and the duty to maintain proper order in the school.

The following procedures are to be followed when the principal or designate intends to search the locker of a student, the person of a student, the personal property of a student or a student's vehicle.

- (1) Annually, the school will inform parents and students of the search policy.
- (2) The principal or designate has the responsibility for enforcing the policy by providing necessary instructions and procedures to all teachers and other staff members.
- (3) Before performing searches in accordance with the guidelines and procedures forming part of this policy:
 - a) The principal or designate must have reasonable grounds to believe that there has been or will be a violation of a school rule or policy, or poses a threat to the proper order and discipline of the school; and
 - b) The principal or designate must have reasonable grounds to believe that evidence of the violation may be found in the location or on the person of the student searched.
- (4) The principal of the school will ensure that sufficient and appropriate records are maintained with respect to all situations governed by the policy.
- (5) Random or arbitrary searches are not permitted.
- (6) Prior to a search being performed under this policy, the student who is the subject of the search shall be notified and given the opportunity to consent to the search, subject to the availability of the student to provide consent, except where there is an emergency or danger to health or safety.
- (7) Whenever possible, the student should be present when their locker and/or personal property is being searched.
- (8) At any search conducted by the principal or designate, another adult witness is to be present.

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- (9) Any search conducted shall be carried out in sensitive manner and the degree of intrusiveness of the search shall be based on consideration of all of the surrounding circumstances.
- (10) The policy will apply to situations which arise at any time on school premises, or during the course of any school activity, on or away from the school campus.

Lockers and Desks

Lockers/desks are school property and, as such, are subject to inspection by the principal or designate whenever a school authority has reasonable grounds to believe that:

- 1) a school rule or policy has been or is violated, and that evidence of the violation will be found in the locker/desk; or
- 2) the health and/or safety of students or others is or may be at risk and that the risk will be mitigated or evidence of the risk will be found in the locker/desk. Where there is an immediate threat to health and/or safety, a search may be conducted at any time without notice and without student consent.

Student Vehicles

Vehicles brought by students and parked on school property are subject to inspection by school authorities whenever a school authority has reason to believe that:

- 1) A school rule has been or is violated and that evidence of the violation will be found in the student vehicles;
- 2) The health and/or safety of students or others is or may be at risk and that the risk will be mitigated or evidence of the risk will be found in the student vehicles. Where there is an immediate threat to health and/or safety, a search may be conducted at any time without notice and without student consent.

Student Clothing or Possessions

A student's personal effects (e.g. purse, book bag, outer clothing, etc.) may be searched whenever a school authority has reasonable grounds to believe that:

- 1) a school rule has been or is violated and that evidence of the violation will be found in the student's clothing or possessions;
- 2) the health and/or safety of students or others is or may be at risk and that the risk will be mitigated or evidence of the risk will be found in the student's clothing or

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possessions. Where there is an immediate threat to health and/or safety, a search may be conducted at any time without notice and without student consent.

Students may be required to empty their pockets, remove their hat, shoes and socks. Staff will not directly conduct a personal search of the student(s) but may require them to empty pockets, remove their hat, shoes and/or socks where necessary in the circumstances.

Only the principal or designate may authorize a search of a student's clothing or possessions.

Electronic Devices/Cell Phones

The principal or designate may confiscate a student's cell phone or electronic device and store it safely where necessary to ensure the enforcement of school discipline.

A phone should only be turned over to law enforcement if there is a warrant or other legal authorization.

Personal Searches

- (1) Personal searches are **NOT** to be conducted by the principal or designate, but a student may be detained by the principal or designate under close surveillance, if there is reason to believe a police search is required.
- (2) Steps should be taken to prevent the possible destruction of evidence.
- (3) Any personal search that may be deemed necessary will be conducted by the police.
- (4) Following any search involving a student, the principal is to notify the parent(s)/ legal guardian(s) and the superintendent as soon as possible indicating the reasons for the search and the results of the search.

When the health and safety of students and staff are at risk, application of items (1) through (4) may be overridden.

Police Search

The police will be contacted by school authorities if the principal or designate has reason to suspect that police presence is warranted.

At any time the police are involved, the principal or designate shall notify the parent(s)/guardian(s) and the superintendent.

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Searches Initiated By The Police

The principal or designate will co-operate with the police who have probable cause to conduct a search or when they present a search warrant.

School Action/Consequences

Depending on the results of any search and/or seizure, the principal will determine whether the matter should be turned over to the proper law enforcement authorities.

If a properly conducted search yields illegal or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

The principal or designate will assign such disciplinary consequences as are deemed appropriate.

Interviews by Police

When police request to interview a student at the school, the principal or designate shall cooperate.

Any person(s) claiming to be a police officer must satisfy the principal or designate as to his/her identity.

The police and the principal or designate will consider the most appropriate location for conducting the interview and take steps to ensure that the student's rights are respected during the interview.

When students under 18 years of age are to be interviewed by the police, the principal or designate shall first inform the parent/legal guardian of the situation. With the permission of the parent/legal guardian, the interview may take place and the principal or designate shall be present.

The police may be given the address of a student, date of birth and primary contact information.

In the event that apprehension of a student is deemed necessary by the police, the matter shall be handled with discretion.

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Refusal to Comply with a Search

A student who refuses to comply with a search under this policy may be suspended.

The principal or designate:

- a) may supervise the student pending arrival by the police,
- b) may suspend for up to five days,
- c) will notify the parent/legal guardian of action taken and the procedure for re-entry to school;
- d) will submit a suspension report to the superintendent or designate,
- e) may develop a safety plan.

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Legal/Cross Reference: Policy JICH – Drug and Alcohol Use by Students