

SEARCH AND SEIZURE

Background

School authorities have a responsibility to maintain order, discipline and safety within the school and on schools grounds and during school-sponsored activities. To fulfill this requirement, school officials may have reason to conduct searches of a student, his or her locker, or his or her belongings. Such a search may result in the seizure of substances, articles and/or objects.

Students, their lockers and/or their property may be subject to unannounced searches as may be considered reasonable and appropriate by school officials.

Procedures

1. School officials shall attempt at all times to protect the student's right to privacy.
2. A search may be conducted when a teacher or principal has reasonable and probable grounds to believe that a school rule has been violated and the evidence of the breach will be found on the student, in his/her locker or among his/her belongings.
3. Reasonable grounds may be based upon information from one or more than one student or from observations of teachers or principals, or from a combination of information which, considered together, is deemed credible by the agent of the Board.
4. Prior to conducting a search, a principal must be satisfied that:
 - 4.1 The School Act provides them with the authority to act;
 - 4.2 They are acting in good faith;
 - 4.3 There are reasonable and probable grounds to justify the search considering the student's history and record in the school, the reliability of the source of the information used to justify the search, the prevalence and seriousness of the problem to which the search applies; and
 - 4.4 The search is reasonable in relation to the objectives of the search and is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.
5. Searches are normally conducted on a specific student, locker or property. Random searches shall not be conducted.
6. Students and their parents shall be informed at the beginning of each school year that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.
7. The grounds for conducting a search of property shall be recorded in writing by the principal and kept on file.

8. The student's consent to search the property shall be sought, wherever possible.
9. The student shall be present during the search, whenever possible.
10. In addition to the searcher, at least one other adult witness shall be present when the search takes place.
11. Wherever possible, the parents or guardians of the student shall be informed of the search and the reasons for it prior to it being undertaken.
12. Any substance, articles and/or objects seized must be identified and recorded in writing. Evidence collected can be used either by the school administration in disciplinary matters or by the police for criminal investigation in possible criminal proceedings. In cases where items are prohibited by law, they are to be turned over to the proper authorities.
13. If the proposed search revolves around a suspicion of criminal activity, the police shall be informed and they shall conduct the search.

Reference: Section 11,33,52,53,197,222 Education Act