


## Searches of Persons or Personal Property

		<b>Adopted:</b> June 28, 2011  <b>Amended:</b> August 13, 2012
	<b>External References:</b> <ul style="list-style-type: none"> <li>• Education Act: 85, 87, 109, 175, 231</li> <li>• Child and Family Services Act</li> <li>• Emergency Protection of Victims of Sexual Abuse and Exploitation Act</li> <li>• Provincial Child Abuse Protocol 2006</li> <li>• Youth Criminal Justice Act</li> <li>• Canadian Charter of Rights and Freedoms</li> </ul>	<b>Internal References:</b>

### Background

Principals and teachers are authorized to search school property in order to maintain order, safety or discipline.

Locker searches at the school level may be conducted as part of the Principal's power to protect and inspect school property. The Education Act and its Regulations grant school boards and principals extensive powers to ensure that school property is not used for illegal means or in violation of Division drug procedures. If there are suspicions of illegal use, there is authority to search lockers and desks that belong to the Division.

### Procedures

1. Principals are to develop procedures with respect to regular inspection by teachers of desks, lockers and other school property used for storage of student materials.
2. These procedures must be communicated to the students upon registration.
3. If the Principal or teacher ascertains that there are reasonable grounds for belief that a criminal offense is being, or has been committed, that a search of the student or property will provide evidence in these matters, or will lead to the conclusion that the commission of a criminal offense has or is about to occur, a search can proceed subject to the following:
  - 3.1 The search is to proceed immediately if there is reason to believe that the safety of any student is in question.
  - 3.2 If the safety of any student is not in question:
    - 3.2.1 Attempts are to be made to have the student concerned present and consent to the search.
    - 3.2.2 Where the student is not present, or does not consent to the search or the Principal or designate does not wish to undertake the search under their own authority, the Principal or designate is to contact the police and the search proceed under the direction of the police.
4. At least one (1) witness is to be present when a search takes place.
5. Any search on school premises initiated by the police is to be:
  - 5.1 Authorized by warrant or,

- 5.2 In relation to drugs or weapons or,
  - 5.3 Coincident with the appearance of the police for the purpose of arresting a student or,
  - 5.4 In relation to a school initiated search that results in a request for police assistance.
6. The Principal or designate is to accompany the police in any search unless advised by the police to the contrary.
7. Locker Searches
- 7.1 It is important that school locks and not personal locks be used on student lockers.
  - 7.2 Caution must be exercised regarding the decision to search a locker in cases when the Principal is concerned about school order and discipline. A process which involves the presence of the student whose locker is being searched and a second staff member is appropriate.
  - 7.3 Random and arbitrary searches may generate legal challenges. Regardless of such challenges, random searches will do much to alienate the student body and are not recommended.
  - 7.4 In cases pertaining to students suspected of trafficking drugs, the Principal, in consultation with appropriate staff, shall contact the Superintendent of Education with responsibility for school operations to determine an appropriate course of action.