



POLICY TITLE:
Student Searches

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Preamble

Section 33 of the Education Act states that a board, as a partner in education has the responsibility to (1)(d) ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of

belonging. From time to time in order to discharge that duty it is necessary to conduct student searches. The Supreme Court of Canada decision in the case of R.v.M. (M.R.) established requirements for a school board when conducting a student search.

This regulation outlines the process to use when conducting student searches in a manner that is consistent with the decision of the Supreme Court of Canada and with the School Act.

1. Definitions

“Explosive Substances” means an explosive substance, and includes:

- I. Ammunition for a firearm; and
- II. Improvised explosive devices or components used in the construction of an improvised explosive devices such as pip bomb or incendiary device;

“Reasonable grounds for Search” means any one of the following:

- I. Information received from a credible student or person,
- II. Information from more than one person,
- III. A teacher’s or principal’s own observation, or
- IV. Any combination of the above information that the principal or designate employee considers credible;

“School Property used by a Student” means a desk, locker, school storage area or any other school article or object used by a student including electronic information resources;

“Student Articles and Objects” means articles or objects owned or used by a student either on school board premises or during off-site activities including but not limited to backpacks, clothing, purses, suitcases, and tote bags.

2. Random Searches

Random and arbitrary searches of students, school property used by students or student articles and objects including random and arbitrary canine searches are prohibited.

3. Reasonable Ground for a Search

A principal or designate employee may conduct a search of a student school property used by a student and student articles and objects in the following circumstances:

- A. When there are reasonable grounds to believe that there has been a breach of school rules or discipline and that the search will reveal evidence of the violation; or
- B. In an investigation of a violation of school discipline; or
- C. As a matter of school welfare or safety.

4. Scope of Searches

A student’s person, student articles and objects and school property used by a student are subject to search and searches must be conducted in accordance with this regulation.

5. Conduct of Searches

1. Searches may only be conducted by the school principal or their designated employee in the presence of another SWIS employee or volunteer.
2. For the purpose of this regulation, during an off-site activity the principal's designate is the teacher-in-charge.
3. All searches must:
 - a. Be carried out in a reasonable manner,
 - b. Respect the privacy of the student,
 - c. Be minimally intrusive, and
 - d. Be conducted in a sensitive manner and take into consideration the age and gender of the student, their religious practices and all related circumstances.

6. Application

1. The requirements in this regulation for reasonable grounds for a search do not apply to a situation where the principal or teacher observes disruptive student activity or behaviour and immediately request that a student hand over an article or remove material from their pockets, backpacks, purses, suitcases, tote bags, desks or lockers, and present it to the teacher or principal. Examples of these requests include:
 - a. "Give me whatever you shoved in your locker";
 - b. "Take that item out of your pocket";
 - c. "Give me that chewing gum".

7. Advice to Parents

1. Principals must ensure that school handbooks advise students and parents that the following may be subject to search:
 - a. Students,
 - b. School desks, lockers and school storage areas used by students, and
 - c. Articles and objects belonging to or used by students either on school board premises or during off-site activities including, but not limited to, backpacks, clothing, purses, suitcases, and tote bags and
 - d. Electronic information resources used by students.
2. A Notice to Parents is provided for the use of school principals in Appendix A.

8. Search of Electronic Information

1. A principal or their employee designate may authorize a Summit West employee to search Summit West electronic information resources stored at the school or facility and used by a student.
2. A search of Summit West electronic information resources used by a student may only be done by the Principal or their designate according to the Acceptable Use of Technology Policy, upon the request of a principal or the principal's employee designate.

9. Search of a Student's Person

1. The principal or employee designate must inform the student of the search process before they begin a search of the student's person.
2. It is not necessary to notify a parent before a search of the student's person is conducted, but the principal or the principal's designate must inform the student's parents about the search of the student's person as soon as practicable.
3. Searches of a student's person may only be conducted by the school principal or their employee designated in the presence of another Summit West employee or volunteer.
4. A principal or their employee designate conducting a search of the student's person may ask the student to do any one or more of the following:
 - a. Empty out their pockets, and any other articles and objects belonging to or used by the student;
 - b. Shake out their clothing;
 - c. Roll up their sleeves, waist bands or pant cuffs;
 - d. Remove belts, head coverings, hats, overcoats, jackets, scarves, mitts, gloves, socks or shoes, and any other accessories.
5. Summit West employees and volunteers are prohibited from conducting a strip searches of students under any circumstances.

10. School Desks, Lockers

1. School property used by a student is the property of Summit West Independent School and is subject to search by the principal or their employee designate in the presence of another Summit West employee or volunteer.
2. In certain circumstances, it may be preferable that the student be present when the desk, locker, or school storage area is searched, but it is not necessary.

11. Search Reports

1. The person conducting the search must document the search in writing and include the following information:
 - a. The name of the student,
 - b. The name of the person doing the search,
 - c. The Summit West employee or volunteer witness to the search,
 - d. The date, place, location, and time of day,
 - e. The results of the search, and
 - f. Any other relevant information.
2. A Student Search Report must be completed whenever a search is conducted, and is attached in Appendix B.

12. Securing, Recording, and Returning

1. If a teacher or principal has confiscated unauthorized material other than alcohol, drugs, tobacco, or weapons, the teacher or principal must
 - a. Ensure that the unauthorized material is kept in a secure location

- b. Complete an incident report and have the student complete an action plan documenting the search as soon as is practicable, and
 - c. Return the item to the student at the end of school day, or, in the case of a parent or guardian, at a time that is mutually agreeable to the teacher or principal and the parent or guardian.
2. The student, parent, or guardian must show photographic identification and sign the action plan completed by the student.

13. Alcohol/ Drugs/ Tobacco

1. If a student is found in possession of alcohol, drugs, or tobacco, the principal and;
 - a. Immediately contact local Police Services for the management of alcohol/drugs/tobacco possession and legally authorized disposal and;
 - b. Ensure that appropriate provisions are made for student discipline according to the Student Discipline Policy.
2. If alcohol/ drugs/ tobacco are discovered at the school, on the school grounds, or at a school authorized activity, and the owner is known, the principal must ensure that the alcohol/drugs/tobacco are immediately delivered to the local Police Services, or local law enforcement officials, for legally authorized disposal.

14. Firearms

1. If a student is found in possession of firearms or imitation firearms at the school, on the school grounds, or at a school authorized activity, the principal must
 - a. Immediately contact local Police Services, or local law enforcement officials, for management of the firearms or imitation firearms and their legally authorized disposal, and
 - b. Ensure that appropriate provisions are made for student discipline according to the Student Discipline Policy.
2. This section does not apply to circumstances where
 - a. A student's possession of an imitation firearm is authorized by a teacher or principal, such as in a dramatic production or
 - b. A student's use of a starter's pistol authorized by a teacher or principal at an athletic event.

15. Explosive Substances

1. If a student is found in possession of an explosive substances at the school, on the school grounds, or at a school authorized activity, the principal must
 - a. Immediately contact the local Police Services, or local law enforcement officials, for management of the explosive substances and its legally authorized disposal; and
 - b. Ensure that appropriate provisions are made for student discipline according to the Student Discipline Policy.

APPENDIX A

Notice to Parents

What does Search and Seizure mean?

When necessary, teachers must be able to quickly intervene, search students, and seize articles or items that interfere with the safety and maintenance of a learning environment. Student searches cannot be at the expense of the students' basic rights. The Supreme Court of Canada's decision in R.v.M. (M.R.) found a balance between these two positions by requiring the search to be both reasonable at its inception, and reasonable in scope.

The Supreme Court of Canada mandated a two-part procedure.

1. Is the search reasonable at its inception?

- a. Teachers and school administrators must have reasonable grounds to believe there has been a breach of school regulations or discipline. The information received must be credible; it should be from a reliable source. The information could come from a student, personal observation or colleagues.
- b. Having received information that a violation of school policy by a particular student has/is taking place, teachers, and school administrators must believe that a search of this student or the student's possessions would renew further evidence of that breach.

2. Is the scope of the search reasonable?

- a. If there are reasonable grounds based on credible information that the student has violated school policy and that the search would result in supporting evidence, a search is permissible.
- b. The search must be conducted in a sensitive and minimally intrusive manner. Factors such as age and gender of the student, the gender of those performing the search, and where the search is conducted must be taken into consideration.