

Search and Seizure

Policy No. 302.13R

REGULATIONS

Prior notice: Students and parents should be advised at the beginning of the year, through a student locker agreement and through the student handbook, that, where reasonable grounds exist that a search will provide evidence that a school or school district rule has been or is being violated, administration may conduct a search of a student, the student's belongings and or their locker. This may involve the use of drug detection dogs to sniff lockers. If the student did not wish to have a locker, they were not obligated to do so.

A drug search involving drug detection dogs should occur only in response to a specific and serious concern over the presence of drugs in the school. These concerns could be based upon:

- Information believed to be credible received from a student;
- A staff member's or administrator's observation; and,
- A combination of sources of information (including drug detection dogs) that the principal or vice-principal considers to be credible.

Where the principal, vice-principal, or their designate has reasonable grounds to believe that a school rule has been or is being violated and that a search will produce evidence of that violation, and where the principal, vice-principal or designate intends to conduct a search of a student or their possessions, the following guidelines will be observed:

- The reason and purpose of the search will be clearly stated to the student(s);
- The search will be conducted in a private area in a respectful manner which recognizes the right to be treated fairly. The use of threats is not permitted;
- Searches will be conducted in the presence of a second adult;
- Where a dog team is used, a representative of the administrative team shall accompany the team to ensure that the procedure is carried out appropriately and so that a representative of the School Board was present with the dogs when they were in the school;
- Where reasonably possible a search will be conducted by a person of the same gender as the student;
- School principals, vice-principals or their designates should not physically search students;
- Rather, students should be requested to provide any concealed articles on their person, or in their personal property; and,
- A reasonable attempt will be made to contact the parent(s) and/or legal guardian(s) prior to the search.

Searches, and particularly dog searches, will be conducted during class times or outside school hours. If possible, the area in which the dog will be present will be blocked off by a staff member and classroom doors will be closed. (A procedure must be addressed at the school level to allow students the use of bathrooms etc. at these times.) Only personnel associated with the search should be in the area when the dog or dogs are present.

Where dogs are responsible for a false positive, in other words, they may detect belongings that have been in the presence of drugs, school principals and their designates must be mindful that they are not entitled to unreasonably invade the privacy of a student's out of school activities.