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## ADMINISTRATIVE PROCEDURE 308 STUDENT SEARCH AND SEIZURE

The District is committed to providing a safe and caring school environment that is conducive to effective learning and to providing for the safety and security of its students. Searches by school authorities as a means to achieve this objective are authorized for the purposes of eliminating the possession of controlled substances, stolen property and any object or material that may pose a risk or hazard to students or staff within a school or on property owned or leased by the District.

*The BC School Regulation, section 5 (7)* provides the Principal or designate the authority for search and seizure where there are reasonable grounds to be suspicious. Best search and seizure practices are referenced in *Maintaining School Safety: A guide for School and Policy Personnel in BC 2019*.

### Procedure

1. School lockers and any school furniture or fixtures capable of being used for storage will be available to students on the condition that the Principal reserves the right to search at any time without notice.
2. The Principal will communicate on an annual basis that searches may occur without notice under the direction of the Principal.
  - 2.1. If the Principal plans to implement school-wide locker searches, this is to also be clearly stated.
  - 2.2. It must be clarified that all the student acquires is the right to use the locker and the school lock, both of which remain the property of the District.
3. Students shall be advised at the time they are assigned a locker of the following rules and conditions of use under which the locker is assigned:
  - 3.1. Students are responsible for the locker which is assigned to them and the locker is not to be used by any other person.
  - 3.2. Only school locks may be used on student lockers and the combination of the lock must be registered at the office.
  - 3.3. No illegal substances, weapons or other prohibited or offensive material are to be placed in school lockers.
  - 3.4. School officials may search student lockers at any time and without prior notice in order to ensure compliance with the conditions of use and other school procedures and rules.
  - 3.5. Permission to use the locker may be terminated where a student does not comply with the conditions of use or school policies or rules.

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Related Legislation: Sections 6, 8, 20, 22, 65, 85 of the School Act Civil Rights Protection Act  
Human Rights Code; *Maintaining School Safety: A guide for School and Policy Personnel in BC 2019*; Youth Criminal Justice Act (Canada)

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4. The principal shall assess any information provided and relate it to the situation in their school to determine if reasonable grounds are present to justify a search. The following may constitute reasonable grounds in this context:
    - 4.1. Information received from a teacher or other staff member.
    - 4.2. Information received from one (1) or more students considered to be credible.
    - 4.3. Information received from a member of the public considered to be credible.
    - 4.4. Information from the principal's own observations.
  5. During any search, the principal and at least one (1) other adult shall be present and ensure that any potential gender concerns are addressed. When practicable to do so, the principal shall have the student present when their personal items such as a backpack, a locker, desk or other assigned storage facility or fixture is searched.
  6. When the search reveals evidence of suspected illegal activity, the principal shall immediately secure the locker or other storage facility or fixture by any means considered advisable, including the use of a different lock, and may contact the local police. In such instances, the principal shall also inform the respective Assistant Superintendent.
  7. The principal shall record, in writing, the reasons for conducting the search, the result of the search and any action taken as a result. The identity of any informant(s) shall be kept confidential.
  8. When there are reasonable grounds to believe that school procedures or rules, administrative procedures or District policies have been violated, the principal may direct a student to take cautions to satisfy that they are not carrying, concealing or in the possession of prohibited materials. School personnel may not conduct a physical search of a student.
    - 8.1. The principal will take the student to a private area to conduct a search of articles carried with, by, or on the student's person.
    - 8.2. The principal shall ensure that at least two (2) adults are present during the search and shall ensure that gender concerns are addressed.
    - 8.3. The principal may direct a student to empty their pockets or otherwise satisfy that clothing or other items in the student's possession does not contain or conceal prohibited materials.
    - 8.4. In the event that a physical search of the student's person is deemed necessary, the police shall be contacted and the parents shall be notified prior to the search.
    - 8.5. In the event that the student refuses to cooperate with the search and/or leaves the designated private area or school without permission to do so, the police shall be contacted and the parents shall be notified. The principal shall interpret this action on the part of the student to be willful disobedience and may suspend the student.
    - 8.6. When the search reveals evidence of suspected illegal activity, the principal shall require the student to remain, under supervision, in a private area and, when appropriate, contact the police.
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- 8.7. The principal shall record, in writing, the reasons for conducting the search, the result of the search and any action taken as a result. The identity of any informant(s) shall be kept confidential.
- 8.8. The principal shall, when appropriate, inform and/or consult with the respective Assistant Superintendent regarding searches conducted under section 8.
9. The principal shall ensure that students and parents are aware of, at minimum, the following:
  - 9.1. Clear statements that lockers, desks, school furniture or fixtures capable of being used for storage are the property of the District.
  - 9.2. A clear statement that District property is subject to inspection or search at any time.
  - 9.3. The requirement that one (1) administrator and at least one (1) other adult are present for any search and shall ensure that gender concerns are addressed.
  - 9.4. The consequences of not cooperating with a search.
  - 9.5. No searches of the student's person by school personnel is permitted.
  - 9.6. The situations that may require police involvement.

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