



## EXAMPLE

### HORIZON SCHOOL DIVISION POLICY IFGA – Interrogation/Search of Students and Seizure of Property

#### ATTACHMENT B NOTICE TO PARENTS

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION BELIEVES THAT SCHOOLS MUST MAINTAIN ORDER AND DISCIPLINE IN THE SCHOOL AND ON THE SCHOOL GROUNDS AS THEY HAVE A RESPONSIBILITY TO PROVIDE 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 AND SEIZURE OF PROPERTY.

FURTHER, THE BOARD EXPECTS THAT ALL SCHOOL PERSONNEL WILL COOPERATE WITH POLICE OFFICERS IN CARRYING OUT THEIR DUTIES AS THEY RELATE TO STUDENTS IN THE SCHOOLS.

#### **What does Search and Seizure mean?**

When necessary, school staff 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 students' basic rights. The Supreme Court of Canada's decision of 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 observations 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 of the student's possessions would reveal 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.