
HORIZON SCHOOL DIVISION**Policy Code:** IFGA
Policy Title: Interrogation/Search of Students and Seizure of Property**POLICY HANDBOOK****Cross Reference:** IFGB, IHEB
Legal Reference:
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POLICY

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.

DEFINITIONS

“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 Horizon School Division electronic information resources;

“student articles and objects” means articles or objects now owned by Horizon School Division that are used by students either on school board premises or during off-site activities including but not limited to backpacks, clothing, purses, suitcases, tote bags, and personally owned digital devices.;

“reasonable grounds for search” means there is reasonable cause to suspect that a student has violated the law, school rules, or the *Student Contract for the Use of Division Electronic Technology Resources and Computer Networks*. Additionally, reasonable cause can include reason to believe there is a threat to persons, property or the learning environment, or evidence that there has been an act of violence including bullying. Reasonable cause can derive from information received from a credible student or person, and/or information from more than one person, and/or a staff member’s own observations.

GUIDELINES

- 1 The following guidelines and regulations do not apply to a School Resource Officer during the performance of normal duties unless the officer becomes involved in the interrogation and/or search of a student.
- 2 Random and arbitrary searches of students, school property used by students or student articles and objects including random and arbitrary canine searches are prohibited.

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3 SCHOOLS

- 3.1 The Board delegates to the Principal or designate, the authority to question, conduct a search and seize school property used by a student and student articles and objects if reasonable grounds for search have been established.
- 3.2 Principals or designate will carry out searches and seizures of personal effects as outlined within this policy as agents of the board. Only if the relationship between the informer and the police is such that the exchange between the informer and the accused is materially different from what it would have been had there been no such relationship should the informer be considered a state agent.
- 3.3 Schools must ensure that they adhere to FOIP with regards to collected, used, or disclosure of personal information during search and seizures. School officials shall attempt at all times to ensure the student's right of privacy.
- 3.4 The Principal shall inform the students of this policy when search and/or seizures are conducted.

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- 4.1 The principal or designate shall request police involvement if the search and/or seizure of property is associated with criminal activity.
- 4.2 If a member of local law enforcement requests access to a student or student information at school, the principal or designate will request that the member fill out the form Public Body Requesting Access/Information (Attachment A).
- 4.3 When a warrant is produced, or when the police are in the process of an arrest, the school is required by law to cooperate with them. A member of the teaching staff, preferably the principal, must always be with police officers within the school.

REGULATIONS

1 SEARCH

- 1.1 Searches may only be conducted by the school principal or designate in the presence of another employee or volunteer.
- 1.2 All searches must be carried out in a reasonable manner, respect the privacy of the student, be minimally intrusive, and be conducted in a sensitive manner and take into consideration the age and gender of the student.
- 1.3 When the principal and/or designate questions and searches students, and/or seizes personal effects, the principal or designate shall verbally state to the student the following:
 - 1.3.1 that the principal and/or designate have the duty to maintain order and discipline, consider the health and safety of all students, have reason to believe the student broke

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school rules and pursuant to their authority as Principal and/or designate will conduct a search

- 1.4 When conducting a search of “student articles and objects” the principal or designate shall ensure the student is present during search (unless not possible and search is urgent).
- 1.5 When conducting a search of “school property used by the student” it may be preferable that the student be present during the search, but it is not necessary.
- 1.6 If a student uses a personal lock on his/her locker, the student must file either the combination or a duplicate key with the office, and if the student has not done so the school shall not be responsible for replacing a lock which the school removes.
- 1.7 Search of a student’s person may ask the student to do any one or more of the following:
 - 1.7.1 Empty out their pockets, and any other articles and objects belong to or used by the student;
 - 1.7.2 Shake out their clothing;
 - 1.7.3 Roll up their sleeves, waist bands or pant cuffs;
 - 1.7.4 Remove belts, head coverings, hats, overcoats, jackets, scarves, mitts, gloves, socks or shoes, and any other accessories.
 - 1.7.5 All Horizon School Division employees and volunteers are prohibited from conducting a strip search of students under any circumstances.

2 NOTICE:

- 2.1 Principals must ensure that school handbooks (or otherwise appropriate notice) advise students and parents that the following are subject to search and seizure: “school property used by a student” and “student articles and objects” (Attachment A)

3 RECORD

- 3.1 The person conducting the search must document the search in writing and include the following information:
 - 3.1.1 the name of the student;
 - 3.1.2 the person doing the searching, and the employee or volunteer witness to the search;
 - 3.1.3 the date, location, time of day;
 - 3.1.4 what was searched and the results of the search;
 - 3.1.5 police and/or parent contact;
 - 3.1.6 disciplinary measures resulting from the search, if any;
 - 3.1.7 and any other relevant information
 - 3.1.8 A Student Search Report must be completed whenever a search is conducted (Attachment B)

4 STORAGE AND DISPOSAL

- 4.1 If a teacher or principal has confiscated unauthorized material other than alcohol, drugs, tobacco or weapons, the teacher or principal must ensure that the unauthorized material is kept in a secure location and return the time to the student at the end of the school day, or, in

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the case of a parent or guardian, at a time that is mutually agreeable.

- 4.2 If a student is found in possession of alcohol, drugs, or tobacco, the principal will dispose of the confiscated item(s) by contacting local law enforcement for legally authorized disposal where appropriate. The principal or designate will ensure that appropriate provisions are made for student discipline in accordance with school and school division policy.
- 4.3 If a student is found in possession of firearms or imitation firearms or an explosive substance at the school, on the school grounds, or at a school authorized activity, the principal or designate must immediately contact local law enforcement for management of item(s) and their legally authorized disposal. The principal or designate will ensure that appropriate provisions are made for student discipline in accordance with school and school division policy.

5 REFUSAL TO COMPLY

- 5.1 In cases where a student refuses to cooperate with a search request made in accordance with these guidelines, the school administrator will:
 - 5.1.1 Notify the student that failure to comply will result in disciplinary action.
 - 5.1.2 Notify the student's parents, explain the situation and request a parent administration conference.

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- 6.1 When the Police request to interview or search a student (other than when a warrant is presented or an officer is in the process of an arrest), the Principal and/or designate shall:
 - 6.1.1 Make the student aware of his/her rights especially that of declining to answer any questions if he/she so chooses, and the right to refuse to consent to being searched.
 - 6.1.2 Prior to an interview or a search, the Principal shall attempt to contact the parents of the student. If the Principal is unable to contact the parent prior to an interview or a search, the parent shall be notified as soon as possible afterwards.
 - 6.1.3 Be present or appoint a designate to be present if a parent or a guardian of a minor is not present during the interview or search. If such is not acceptable, the Principal may demand that the interview/search be done off the school premises and outside school hours.
 - 6.1.4 Notwithstanding Regulation 2.1.2, the principal or designate shall provide police access to the student, property of a student, or personal information regarding the student without informing the parent in the following circumstances:
 - 6.1.4.1 when a police officer is in immediate pursuit after the commission of an offense;
 - 6.1.4.2 when the police officer is in possession of a search warrant or subpoena;
or
 - 6.1.4.3 when the police officer possesses blanket powers of search as defined by legislation (e.g. drug offenses).