

<b>Policy:</b>	Student Search and Seizure	PROG-306
<b>Division:</b>	Programs	
<b>Cross-Reference:</b>	<i>GOV-100 Student Suspensions</i> <i>PROG-302 Bomb Threats</i> <i>PROG-303 Weapons</i> <i>PROG-307 Police Investigations</i> <i>FIN-500 Acceptable Use of Technology</i>	

1. Search Protocol

When a school administrator has reasonable grounds to suspect that a student is involved in acts of violence or illegal activity; may possess illegal or prohibited substances; or, has violated a school rule, the Board authorizes the school administrator to search the student and his/her possessions, including the student's vehicle. Searches are subject to the following protocol:

- 1.1 Student searches require the presence of two or more persons. When a school administrator has reason to conduct a student search, s/he will always have another staff person present, preferably another administrator or a teacher.
- 1.2 Strip searches are prohibited.
- 1.3 Random searches are prohibited.
- 1.4 When a search of a student or his/her belongings results in the collection of evidence of criminal activity; possession of an illegal or prohibited substance; or, that a school rule has been violated, the evidence may be used for disciplinary procedures, up to and including suspension or expulsion.
- 1.5 When the school administrator collects evidence of criminal activity, the evidence must be provided to the police and may be used against the student in any criminal proceeding.
- 1.6 Every attempt should be made to have the student present when a locker, a desk or personal items are searched. However, in emergencies or when students are absent it is recognized that this may not be possible. When the student is present, the purpose of the search should be clearly stated to the student.

- 1.7 In the case where a student refuses to cooperate with a search (including refusing to provide a password for an electronic device), the parent/guardian of the student will be informed and the student may be suspended, as per the NLESD GOV-100 Student Suspension Policy, pending a meeting between the school administration and the parent/guardian.
- 1.8 School administrators may seize the following items from students when they have reason to believe that the items are a threat to persons, property or the learning environment. The school administrator may also seize items if they have reason to believe that an item constitutes evidence in an act of violence (including acts of bullying) or illegal activity:
  - a) Drugs, cigarettes and alcohol;
  - b) Weapons or items that may be used as weapons, including all forms of firearms and knives;
  - c) Electronic and multimedia devices;
  - d) Written material including books and journals; and/or,
  - e) Stolen property.
- 1.9 School administrators will establish and maintain a Search and Seizure File or Electronic Folder containing information on all searches conducted during the school year, including persons conducting the search, purpose of the search, date, time and results.

## 2. Searches of Students

- 2.1 Searches will be conducted in a private area such as the school administrator's office.
- 2.2 The student will be asked to empty any carrying cases such as book bags, knapsacks, purses or brief cases.
- 2.3 The student will be asked to empty all pockets and remove outer garments such as jackets or sweaters, and may be asked to roll-up shirt sleeves or cuffs and remove hats, socks and shoes.

## 3. Searches of Desks or Lockers

- 3.1 Desks and lockers are the property of the school district and, as such, are subject to search. Only approved locks shall be permitted to be used on school lockers. Locker use may be terminated where a student does not comply with the conditions of use as set by the school. The school administrator may search all items within the locker or desk when there are reasonable grounds to do so.

- 3.2 Locker searches should be conducted when there is minimal impact on the general student population (e.g. when most students are in class; outside of regular school hours).

4. Searches of Electronic and Multi-Media Devices; Written Materials

- 4.1 A student's electronic device may be seized by a school administrator when a school rule or policy has been violated (e.g. a school policy prohibiting the use of cell phones during instructional time). In such cases, the school administrator may return the device to the student at an appropriate time, or the parent/guardian shall be notified of the confiscation and that they can retrieve the device from the school.
- 4.2 A school administrator may seize and search a student's electronic device or written materials where there are reasonable grounds to conclude that the electronic device or written materials contains evidence of criminal or illegal activity relating to the health, safety and/or well-being of students and/or staff, or of academic dishonesty.
- 4.3 Any search of an electronic device will be conducted in the least intrusive manner having regard to such factors as the seriousness and timing of the incident under investigation and shall be limited to content on the electronic device where relevant information is likely to be stored.
- 4.4 A search may be conducted of electronic information resources stored at the school or facility and used by a student, upon the request of a school administrator and with the approval of the Director of Information Technology. See NLESD FIN-500 Acceptable Use of Technology Policy for further details.

5. Dealing with Illegal/Prohibited Items

- 5.1 Should a search of a student or the student's personal effects, desk or locker result in the recovery of any illegal or prohibited substance or material, the school administrator will:
- a) Seize the items in question.
  - b) Issue an out-of-school suspension where appropriate, as per the NLESD GOV-100 Student Suspensions Policy, including notifying the parent/guardian and requesting a parent-school administration conference, where necessary.
  - c) Establish a clear record of events surrounding the investigation and save in the Search and Seizure File or Electronic Folder.
  - d) Contact the Director of Information Technology if s/he has any questions regarding the preservation of information/evidence from electronic devices.

- e) Notify the local police for appropriate follow-up where necessary.
  - i. Generally, items or substances considered to be of a dangerous and/or illegal nature must be turned over to the police. However, school administrators may use discretion when it is clear that an object was not brought to school for harmful purposes (e.g. pocket knife). In these cases, the item should be confiscated and the parent/guardian notified that the object may be picked up from the school.
  - ii. In cases where an electronic device contains evidence of suspected criminal activity, the device must be turned over to the police. Where there is reasonable suspicion that a student's electronic device contains evidence of criminal or illegal activity, but the student has refused to provide a password, the device should be turned over to the police.
- f) Establish a plan and the appropriate conditions for the student's return to school.

## 6. Use of Police Dogs in School Searches

The use of police dogs in school searches is not considered a procedure necessary in routine investigations. There may be instances of an extreme nature in which the wellbeing of the student body outweighs the intrusiveness of such a process. Police dog searches are to be subject to the following restrictions:

- 6.1 The school administrator must have prior approval of the Director of Education or designate, the Associate Director of Education. S/he must be able to demonstrate that the incident under investigation is of such a serious nature that the use of police dogs is a reasonable response.
- 6.2 The use of police dogs is strictly limited to the searching of property and can never be used in searches involving students.
- 6.3 The use of police dogs will be limited to an identified area of the school building or ground.
- 6.4 Prior to the commencement of any search of a school premises by a police officer involving the deployment of police dogs all students must be removed from the classroom or immediate area that is to be searched, and are to be kept separate and apart from the dogs at all times during the search.
- 6.5 For further details on police investigations and searches see PROG-307 Police Investigations Policy.

7. Search and Seizure on School Buses

- 7.1 Any item reasonably determined by the bus driver to be an immediate threat to the safety and security of students and staff may be confiscated by the driver and turned over to the school administrator.
- 7.2 Where a bus driver has reasonable suspicion that a student is concealing illegal or prohibited substances, s/he shall advise the school administrator at the earliest opportunity.