

Administrative Procedure 354 - Appendix

Appendix - NOTICE TO PARENTS: STUDENT SEARCHES

What does Search and Seizure mean?

When necessary, teachers 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 in *R. v. M. (M.R.)* 1998 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?

- 1.1 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.
- 1.2 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 or the student's possessions would reveal further evidence of that breach.

2 Is the scope of the search reasonable?

- 2.1 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.
- 2.2 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.

Searches

The School Principal or designate in the presence of another Division staff member or volunteer may search with or without the student present:

1. School property, used by the student (i.e. locker)
2. Student articles or objects owned by the student
3. Articles of student clothing

School officials may not 'strip search' a student. If a search is conducted of a student's clothing, articles or property, or school property, the Principal will inform the student's parent / guardian and provide relevant details pertaining to the incident.