
HORIZON SCHOOL DIVISION**Policy Code:** IFGA
Policy Title: Interrogation/Search of Students and Seizure of Property**POLICY HANDBOOK****Cross Reference:** IHEB, JFCH, JHF
Legal Reference:
Adoption Date: May 28, 1997
Amendment or Re-affirmation Date: **May 30, 2023**

POLICY

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION RECOGNIZE THEIR RESPONSIBILITY TO PROVIDE A WELCOMING, CARING, RESPECTFUL AND SAFE LEARNING ENVIRONMENT AND RECOGNIZE THAT STAFF MAY FIND IT NECESSARY TO CONDUCT STUDENT SEARCHES AND SEIZURE OF PROPERTY. THE BOARD EXPECTS STAFF, STUDENTS, AND PARENTS/GUARDIANS TO COOPERATE WITH POLICE IN CARRYING OUT THEIR DUTIES AS THEY RELATE TO THE SAFETY OF SCHOOLS.

DEFINITIONS

School property used by a student means a desk, locker, school storage area or any other school article or object provided to a student by the division including electronics and electronic storage.

Student articles and objects means articles or objects 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 be derived 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.

DEFINITION

Faith based articles – are not considered weapons unless they are unsecured/unsealed and used to inflict or threaten bodily harm or to intimidate a person.

GUIDELINES

- 1 The following guidelines and regulations do not apply to a School Resource Officer during the performance of normal police duties.
- 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.

Policy IFGA, *Interrogation/Search of Students and Seizure of Property*, Cont'd.

- 3 Students who carry faith-based articles that could be construed as being a weapon must inform the principal. Staff who carry faith-based articles must inform their supervisor.
- 4 SCHOOLS
 - 4.1 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.
 - 4.2 Schools must remain cognizant of their obligations with regard to respecting student's right of privacy and ensure that they adhere to FOIP with regards to collected, use, or disclosure of personal information during search and seizures.
 - 4.3 The principal or designate shall inform the student of this policy when search and/or seizures are conducted.
- 5 POLICE
 - 5.1 The principal or designate may request police involvement if the search and/or seizure of property is associated with criminal activity.
 - 5.2 If a member of local law enforcement requests access to a student or access to student information, the principal or designate will request that the member fill out the form Public Body Requesting Access/Information (Attachment A).
 - 5.3 When a warrant is produced, or when the police are in the process of an arrest, the school is required by law to cooperate. The principal or designate shall be present when police officers are executing a warrant within school property.

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 should verbally share the following with the student:
 - 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 school rules and pursuant to their authority as principal and/or designate will conduct a search.

Policy IFGA, *Interrogation/Search of Students and Seizure of Property*, Cont'd.

- 1.4 When conducting a search of “student articles and objects” the principal or designate should strive to have the student present during the search.
- 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 not required.
- 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. If the student has not done so the school has the authority to remove the lock during a search and shall not be responsible for replacing the lock if it is destroyed.
- 1.7 Principals or designate may ask the student to do any one or more of the following during a search of a student’s person:
 - 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; and
 - 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(s), location, time of day;
 - 3.1.4 what was searched;
 - 3.1.5 the results of the search (what was being looked for and what was found);

Policy IFGA, *Interrogation/Search of Students and Seizure of Property*, Cont'd.

3.1.6 police and/or parents/guardians contacted;

3.1.7 disciplinary measures resulting from the search, if any; and

3.1.8 any other relevant information

3.2 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 illicit and controlled substances or weapons, the teacher or principal must ensure that the unauthorized material is kept in a secure location and returned to the student at an appropriate time, or, in the case of a parent or guardian, at a time that is mutually agreeable.

4.2 If a student is found in possession of illicit and controlled substances, the principal will dispose of the confiscated item(s) and may contact local law enforcement for legally authorized disposal where appropriate.

4.3 If a student is found in possession of 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.

5 REFUSAL TO COMPLY

5.1 If a student refuses to cooperate with a search request made in accordance with this policy, the principal or designate will notify:

5.1.1 the student that failure to comply may result in disciplinary action; and

5.1.2 the student's parents to explain the situation and may request a parent meeting.

6 POLICE

6.1 When 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 or designate should:

6.1.1 make the student aware of his/her rights to decline to answer any questions if he/she so chooses, and their right to refuse to consent to being searched by the police;

6.1.2 attempt to contact the parents/guardians of the student prior to the interview or search;

6.1.2.1 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.

Policy IFGA, *Interrogation/Search of Students and Seizure of Property*, Cont'd.

- 6.1.3 be present if a parent/guardian is not present during the interview or search; and
 - 6.1.3.1 If a request to interview or search is not acceptable to parents/guardians, the principal or designate may ask that the interview/search be done off the school premises and/or outside school hours.
- 6.1.4 Notwithstanding Regulation 6.1.2, 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).