

Public Schools Branch

INTERIM OPERATIONAL PROCEDURE

This policy is in effect until June 30, 2020 unless it is revoked or replaced prior to that date.

STUDENT INVESTIGATIONS AND SEARCHES	
<i>Policy Section</i> Programs and Services	<i>Procedure Number</i> 409.1
<i>Pages</i> 3	<i>Approved Date</i> September 17, 2019
<i>Reviewed Date</i>	<i>Effective Date</i> September 17, 2019
<i>Replaces:</i> PSB Procedure 409.1 Student Investigations and Searches, August 21, 2018	

1.0 PROCEDURES

- 1.1 Student use of school property will be subject to the code of conduct of the school and the policies and regulations of the District. School property includes school lockers and desks, and other storage facilities provided by the school on school premises, or during activities sponsored or approved by the District.
- 1.2 Inspection of school property may be conducted by the principal or designate during the normal course of operation of the school.
- 1.3 Unless there is an immediate threat to the safety or security of a person or the school, any investigation or search conducted under this policy will be conducted by the principal or designate.
- 1.4 Every student must cooperate with school authorities in the implementation of this policy.

2.0 INVESTIGATION

- 2.1 An investigation, including reasonable questioning of a student, may be based upon suspicion that a school rule has been violated or that the safety or security of a person or the school may be at risk.
- 2.2 A principal or designate may question a student in furtherance of an investigation conducted for the purpose of maintaining order and discipline in the school, on school property, or during a sponsored or approved school activity. When it is evident that a situation under investigation may involve illegal activity, the principal or designate should refer the matter to the police, notify the parent or guardian of the student, and refrain from any further investigation until the police arrive.

3.0 SEARCHES – PROCEDURES

- 3.1 A search of a student or any personal property which a student brings on school property such as a bag or purse, cell phone, or any student-owned vehicle, may be conducted when there are reasonable grounds to believe that:
 - 3.1.1 a school rule has been violated, or the safety or security of a person or the school is at risk; and
 - 3.1.2 that evidence of the violation or risk will be found in the location to be searched.
- 3.2 Searches must be conducted in a reasonable and minimally-intrusive manner having regard to the circumstances. The principal or designate should exercise reason and good judgment in determining the scope of any search. Due consideration should be given to the age and gender of the student, the gravity of the violation or risk, the urgency of the situation, the privacy and other rights of the student, and any other relevant factors.
- 3.3 If a vehicle that is brought on school property is owned by a third party, such as a parent of the student, consent of the parent to the search should be obtained before the search is conducted.
- 3.4 A student should generally be given the opportunity to produce the object that he or she is believed to be possessing before a personal or personal property search is conducted.
- 3.5 All searches should be conducted in the presence of at least one adult witness designated by the principal or designate.
- 3.6 If a search yields illegal substances or objects, the parent or guardian of the student and the police should be notified promptly and such material must be turned over to the police for disposition. Other prohibited substances or objects are to be confiscated and retained in a secure location by the principal or designate. A record of all seized substances or objects must also be maintained.

4.0 SCHOOL PROPERTY SEARCHES

- 4.1 Lockers, desks, and other storage facility provided by the school for a student's use are subject to searches by the principal or designate on a periodic basis as set by the principal or designate, or at any other time as may be determined at the direction of the principal or designate, with or without prior notice to the student and where possible, be conducted in the presence of the relevant student.
- 4.2 Only school issued or authorized locks may be used to secure school lockers, and the school should retain a master key to all lockers.

5.0 SEARCHES OF A STUDENT'S PERSON

- 5.1 All personal searches of a student should be conducted in a private area (i.e., the privacy of the principal's office or another suitable room designated by the principal or designate).

- 5.2 A search of a student's person should be conducted and witnessed by a school employee that is the same gender with which the student identifies. The personal search of a student by the principal or designate should be limited to requesting that outer layers of clothing be removed e.g. coats, hats, gloves, outer shirts, shoes, or socks be removed, pockets be emptied, bags be opened, and other similar requests. A more intensive search of the student's person should not be conducted by the principal or designate. If such a search is believed to be necessary, the principal or designate should refer the matter to the police for assistance or advice. Parents/guardians should be notified of a search in line with Interim Operational policy and procedure, Relations with Law Enforcement and Child Protection Authorities.
- 5.3 The use of police dogs in conducting searches of school property will require prior approval from the Public Schools Branch.

6.0 RECORDKEEPING

- 6.1 The principal or designate must ensure that a record is maintained with respect to all situations governed by this policy. Recorded information should include details of allegations, names of relevant parties and possible witnesses, times of relevant incidents, times and places of investigation, parties searched or interviewed, seized substances or objects, efforts made to contact parents or guardians, and details of police involvement (if any).

7.0 CROSS REFERENCE

- 7.1 PSB Interim Operational Policy 702 - Relations with Law Enforcement and Child Protection
- 7.2 PSB Interim Operational Procedure 702.1 - Relations with Law Enforcement and Child Protection Authorities
- 7.3 PSB Interim Operational Policy 409 - Student Investigations and Searches
- 7.4 *Education Act*

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