

309 STUDENT SEARCHES

Belief

MESC permits student searches to ensure a safe and caring environment for students that fosters and maintains respectful and responsible behaviours.

Procedures

1. Definitions:
 - 1.1. Explosive substance includes ammunition for a firearm and improvised devices or components used in the construction of an explosive device such as a pipe bomb or incendiary device.
 - 1.2. Reasonable grounds for a search means any one of the following:
 - 1.2.1. Information received from a credible student or person,
 - 1.2.2. Information from more than one person,
 - 1.2.3. A teacher or principal observation, or
 - 1.2.4. Any combination of the above information that the principal or designate considers credible.
 - 1.2.5. School property used by a student means a desk, locker, school storage area or other school article or object used by a student including MESC electronic information resources.
 - 1.2.6. Student articles and objects means articles or objects owned or used by a student either on MESC premises or during off-site activities including but not limited to backpacks, clothing, purses, bags, and electronic devices.
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.
3. Schools shall require students wishing to lock their assigned locker to acknowledge and accept the terms of use by signing the school procedures governing locker use and supervision (Form 309-1: Locker Use Agreement Notification).
4. A principal or designate may conduct a search of a student, school property used by a student, and student articles and objects in the following circumstances:
 - 4.1. When there are reasonable grounds to believe that there has been a breach of school rules or discipline and that the search will reveal evidence of the violation; or
 - 4.2. In an investigation of a violation of school discipline; or

- 4.3. As a matter of school welfare and safety.
5. Searches of a student's person, student articles and objects, and school property used by a student must be conducted in accordance with this administrative procedure.
6. Searches may only be conducted by the principal or designate in the presence of another MESC employee or volunteer. RCMP may also be involved in the searches alongside the Principal.
7. For the purpose of this administrative procedure, during an off-site activity the principal's designate is the acting administrator.
8. All searches must be carried out in a reasonable manner, respect the privacy of the student, be minimally intrusive, be conducted in a sensitive manner, and take into consideration the age and gender of the student, their religious and cultural practices and all related circumstances.
9. The requirements in this administrative procedure for reasonable grounds for a search do not apply to a situation where the principal or teacher observes disruptive student activity or behaviour and immediately requests that a student hand over an article or remove material from their pockets, backpacks, purses, suitcases, tote bags, desks or lockers and present it to the teacher or principal.
10. Principals must notify students and parents that the following may be subject to search:
 - 10.1. Students
 - 10.2. School desks, lockers and school storage areas used by students, and
 - 10.3. Articles and objects belonging to or used by students either on MESC premises or during off-site activities including, but not limited to, backpacks, clothing, purses, bags, electronic devices; and
 - 10.4. MESC electronic information resources used by students.
11. A principal or designate may authorize an employee to search MESC electronic information sources stored at the school or other MESC facility and used by a student.
12. A search of MESC centrally stored electronic information resources used by a student may only be done by the Superintendent's designate according to Administrative Procedure 113: Technology Acceptable Use, upon the request of a principal or the principal's designate.
13. The principal or designate must inform the student of the search process before they begin a search of the student's person.
14. It is not necessary to notify a parent before a search of the student's person is conducted, but the principal or designate must inform the student's parents about the search of the student's person as soon as practical.
15. A principal or designate conducting a search of the student's person may ask the student to do any one or more of the following:

- 15.1. Empty out their pockets, and any other articles and objects belonging to or used by the student;
 - 15.2. Shake out their clothing;
 - 15.3. Roll up their sleeves, waist bands or pant cuffs;
 - 15.4. Remove belts, head coverings, hats, jackets, scarves, mitts, gloves, socks or shoes, and any other accessories.
16. MESC employees and volunteers are prohibited from conducting strip searches of students under any circumstances.
17. School property used by a student is the property of MESC and is subject to search by the principal or designate in the presence of another MESC employee or volunteer.
18. In certain circumstances it may be preferable that the student be present when the desk, locker or school storage area is searched, but it is not necessary.
19. The person conducting the search must document the search in writing within Powerschool log entry and include the following information:
 - 19.1. The name of the student,
 - 19.2. The name of the person doing the search,
 - 19.3. The MESC employee or volunteer witness to the search,
 - 19.4. The date, place, location and time of day,
 - 19.5. The results of the search, and
 - 19.6. Any other information.
20. At any time, if a teacher or principal has confiscated unauthorized material other than alcohol, illicit drugs, or weapons, the teacher or principal must:
 - 20.1. Ensure that the unauthorized material is kept in a secure location,
 - 20.2. Enter the item into the school office permanent record of confiscated property as soon as practical, and
 - 20.3. Return the item to the student at the end of the school day, or, in the case of a parent or guardian, at a time that is mutually agreeable to the teacher or principal and the parent or guardian.
21. The student, parent, or guardian must sign the school's permanent record of confiscated property to show that they have received the property. If the parent or guardian is not known to the school, identification will be required to pick up confiscated property.
22. If a student is found in possession of alcohol or illicit drugs, the principal must:
 - 22.1. Immediately contact the RCMP for the management of alcohol/illicit drug possession and legally authorized disposal, and
 - 22.2. Ensure that appropriate provisions are made for student discipline.

23. If a student is found in possession of knives, firearms or imitation firearms at the school, on the school grounds, or at a school authorized activity, the principal must:
 - 23.1. Immediately contact the RCMP for management of the knives, firearms or imitation firearms and their legally authorized disposal, and
 - 23.2. Initiate the Violent Threat Risk Assessment procedure and ensure that appropriate provisions are made for student discipline.
 - 23.3. This section does not apply to circumstances where a student's possession of an imitation knife or firearm is authorized by a teacher or principal, such as in a dramatic production, or a student's use of a starter's pistol authorized by a teacher or principal at an athletic event.

24. If a student is found in possession of an explosive substance at the school, or the school grounds, or at a school authorized activity, the principal must:
 - 24.1. Immediately contact RCMP for management of the explosive substance and its legally authorized disposal, and
 - 24.2. Initiate the Violent Threat Risk Assessment procedure and ensure that appropriate provisions are made for student discipline.

Reference:
Form 309-1: Locker Use Agreement Notification
AP 113: Technology Acceptable Use
Youth Criminal Justice Act
Charter of Rights and Freedoms