

**NLSchools** refers to all public K-12 English schools and school-related facilities under the jurisdiction of the Department of Education, Education Operations Branch and all employees working therein providing services and supports to such schools, including those who work in the areas of school facilities, student transportation, program implementation, student services, and procurement.

## Policy Name

Student Search and Seizure

## Policy Statement

The Department of Education authorizes the search of students and their belongings when a school administrator has reasonable grounds to believe that they may be concealing weapons, alcohol, cannabis or cannabis-containing substances, controlled substances, toxic substances, or other prohibited substances and objects. In the event that illegal or prohibited substances or objects are found, either on the student's person or in their belongings, the department authorizes the seizure of those substances and objects to ensure a safe school environment.

## Background

NLSchools is committed to providing a safe, caring, and healthy school environment. This policy is aligned with the department's [Safe and Caring Schools Policy](#). School administrators within NLSchools must be able to respond quickly and effectively to problems that arise in schools in order to protect students and staff from harm, and to ensure orderly teaching and learning environments.

## Scope

This policy applies to all students in schools within NLSchools.

## Definitions

### Weapon

Anything used, designed to be used, or intended for use in causing death or injury, or for threatening or intimidating any person ([Criminal Code R.S.C., 1985, c. C-46](#)).

Weapons include, but are not limited to, firearms, knives, brass knuckles, bear spray, etc.

### **Alcohol**

Alcohol includes any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor.

### **Cannabis and Cannabis-containing Substances**

Actual plant material from the Cannabis plant containing, or thought to contain, tetrahydrocannabinol (THC), including weed, hashish and/or hashish oil.

Cannabis- containing substances may include oils, ointments, or a wide variety of edible products.

### **Controlled Substances**

Controlled substances include narcotic drugs, prescription drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in the [Controlled Drug and Substances Act](#), including analogues and look-alike drugs.

### **Toxic Substances**

Toxic substances include glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or stimulation of the central nervous system.

## **Policy Directives**

1. Searches of students and/or their belongings are authorized only when a school administrator has reasonable grounds to believe that they may be concealing illegal or prohibited substances or objects.
2. Searches of students and/or their belongings shall be conducted in a sensitive and minimally intrusive manner, in accordance with the administrative procedures outlined for this policy.
3. Student searches shall require the presence of two or more persons.
4. In conducting searches, school administrators will accommodate for gender and be conscious of the inherent dignity afforded all persons.
5. When the school administration collects evidence that reveals possession of any of the aforementioned items in this policy, or other evidence of criminal intent, the matter must be reported to local police authorities and to the Superintendent of

Schools at the earliest opportunity.

## Administrative Procedures

### 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 department authorizes the school administrator to search the student and their 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, they 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 their belongings results in the collection of evidence of criminal activity; possession of a weapon, alcohol, cannabis or cannabis-containing substances, controlled substances, toxic substances, or other prohibited substances or objects; 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 or guardian of the student will be informed and the student may be suspended, as per the Student Suspension Policy pending a meeting between the school administration and the parent or guardian.
- 1.8 School administrators may seize the following items from students when they

have reason to believe 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 an item constitutes evidence in an act of violence (including acts of bullying) or illegal activity:

- a) Drugs, cigarettes, alcohol, cannabis, cannabis-containing substances, toxic substances;
  - 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.

### **Searches of Students**

- 1.10 Searches will be conducted in a private area such as the school administrator's office.
- 1.11 The student will be asked to empty any carrying cases such as book bags, knapsacks, purses or briefcases.
- 1.12 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.

### **Searches of Desks or Lockers**

- 1.13 Desks and lockers are NLSchools property 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.
- 1.14 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).

### **Searches of Electronic and Multi-Media Devices; Written Materials**

- 1.15 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 or guardian shall be notified of the confiscation and that they can retrieve the device from the school.
- 1.16 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 well-being of students and staff, or of academic dishonesty.
- 1.17 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. It shall be limited to content on the electronic device where relevant information is likely to be stored.
- 1.18 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, Education Operations Branch. See the Acceptable Use of Technology Policy for further details.

### **Dealing with Illegal/Prohibited Items**

- 1.19 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 item in question;
  - b) Issue an out-of-school suspension where appropriate, as per the Student Suspensions Policy, including notifying the parent or 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, Education Operations Branch if they have any questions regarding the preservation of

- information or evidence from electronic devices.
- e) Notify local police for appropriate follow-up where necessary.
    - i. Generally, items or substances considered to be of a dangerous or illegal nature must be turned over to 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 or 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 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 police.
  - f) Establish a plan and the appropriate conditions for the student's return to school.

### **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 well-being of the student body outweighs the intrusiveness of such a process. Police dog searches are to be subject to the following restrictions:

- 1.20 The school administrator must have prior approval of the Superintendent of Schools or designate. The school administrator 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.
- 1.21 The use of police dogs is strictly limited to the searching of property and can never be used in searches involving students.
- 1.22 The use of police dogs will be limited to an identified area of the school building or ground.
- 1.23 Prior to the commencement of any search of a school premises 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.
- 1.24 For further details on police investigations and searches, see the [Police Investigations Policy](#).

### **Search and Seizure on School Buses**

- 1.25 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.
- 1.26 Where a bus driver has reasonable suspicion that a student is concealing a weapon, alcohol, cannabis or cannabis-containing substances, controlled substances, toxic substances, or other prohibited substances or objects, the driver shall advise the school administrator at the earliest opportunity.