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<b>Date of issue</b>	December 2023
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<b>Subject</b>	<b>SEARCHING STUDENTS – GUIDELINES</b>
<b>References</b>	<a href="#">Policy 4240 – Safe, Inclusive and Accepting Schools</a> <a href="#">APM A1300 – Information and Computing Technology – Appropriate Use Guidelines for Students</a> <a href="#">APM A7630 – Code of Conduct</a> <i>Canadian Charter of Rights and Freedoms, Section 8</i> <i>Education Act, Regulation 298</i> Police/School Board Protocol
<b>Contact</b>	School Services

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## 1. General

The school environment is both physical and social. The school environment must be safe and welcoming so that learning can take place. Actions that threaten the physical or social environment of a school, such as the presence of weapons, illegal and/or restricted drugs, and other forms of contraband, must be addressed.

For the purpose of this administrative procedures memorandum (APM) a school administrator includes the principal, vice-principal, or designate.

## 2. Duties of principals

- 2.1 The principal of a school, subject to the authority of the appropriate supervisory officer, is in charge of the instruction and discipline of students in the school and the organization and management of the school.
- 2.2 The duties of principals to maintain safe learning environments are set out in the *Education Act* and regulations. It is the duty of the principal to:
  - 2.2.1 maintain proper order and discipline in the school;
  - 2.2.2 develop co-operation and coordination of effort among the members of the staff; and,
  - 2.2.3 give assiduous attention to the health and comfort of students.

## 3. Canadian Charter of Rights and Freedoms

- 3.1 Section 8 of the *Canadian Charter of Rights and Freedoms* (the Charter) provides that “everyone has the right to be secure against unreasonable search and seizure”. In applying this provision in a school context, the Supreme Court of Canada and the Ontario Court of Appeal state that a principal who has reasonable grounds to do so may conduct a search of a student or their possessions in carrying out the duty to maintain order and discipline in the school.

**4. Searches by school administrators**

- 4.1 The school administrator must have reasonable grounds to believe that there has been a breach of school regulations and that a search of a student would reveal evidence of that breach. Reasonable grounds may include, but are not limited to:
- 4.1.1 information received from an individual considered to be credible;
  - 4.1.2 information received from more than one individual;
  - 4.1.3 a staff member or school administrator's observations; or,
  - 4.1.4 any combination of these pieces of information which the school administrator considers to be credible.

The compelling nature of the information and the credibility of these or other sources must be assessed by the school administrator in the context of circumstances existing at a particular school. Random or arbitrary searches, or searches on groundless suspicion, will likely be in contravention of the Charter.

- 4.2 The courts have also held that a warrant is not essential in order to conduct a search of a student by a school administrator. The courts have recognized that school administrators are in the best position to assess information given to them and relate it to the situation existing in their school. When deciding whether to conduct a search, the school administrator must weigh individual rights to privacy against the collective right to a safe, orderly, and inviting learning environment.
- 4.3 School administrators have considerable flexibility and latitude when judging the practicalities of their actions when it comes to the issue of search of students and their property. However, in exercising their powers, school administrators are expected to be sensible, reasonable, and responsible. At no time should a school administrator physically touch a student, while conducting a search of the student.
- 4.4 If a school administrator decides to conduct a search, it must be conducted in a reasonable and sensitive manner and be minimally intrusive to a student's right to privacy. Police should be contacted if a more intrusive search is required or if the student does not consent to the search.
- 4.5 Under no circumstances will school administrators conduct searches which involve the removal of indoor wear or cavity searches.
- 4.6 All searches will be carried out in the presence of an adult witness.
- 4.7 A school administrator has the duty to carry out an investigation to establish the nature and extent of an alleged offence. If the school administrator believes that there is criminal intent, or that a crime has been committed, the police should be called to investigate. Under these conditions, it is the responsibility of the police to explain their rights to the student and to conduct the necessary search.
- 4.8 It is the responsibility of the school administrator to inform the students at the beginning of the school year that desks and lockers are school property and there is no expectation of privacy. This process should take place each year when lockers are assigned.

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- 4.9 Students should be informed that the school reserves the right to remove locks to access a student's property where there are safety concerns.
- 4.10 It is recommended that the student be present when the desk or locker is being opened to avoid allegations that school administrators have planted or removed something from the desk or locker. If the student is unavailable during a search, the search shall be conducted by the school administrator with another staff member as a witness. School administrators should exercise reason and judgement in determining the scope of any search. Searches should be conducted in a sensitive manner and be minimally intrusive. Due consideration should be given to the age and gender of the student and the gravity of the infraction.
- 4.11 Students should not expect that online work is private. Staff may access Simcoe County District School Board (SCDSB) student digital media workspaces for assessment and support purposes, to maintain system integrity, and to ensure that students, in accordance with the appropriate use guidelines, are using the system responsibly and safely. A search may be conducted if there is reasonable cause to suspect that a student has violated the law, APM A7630 – Code of Conduct, or APM A1300 – Information and Computing Technology – Appropriate Use Guidelines for Students.
- 4.11.1 School administrators may request access to information found on a student's personal device if they have reasonable grounds that access to such information is needed to maintain proper order and discipline in the school. If a student refuses to comply, then the school administrator should contact a parent/guardian and/or the superintendent of education or police as required.
- 4.12 Where there are reasonable grounds to believe that a student is carrying a gun, or some other dangerous weapon, or is in possession of or is distributing illegal and/or restricted drugs, the school administrator will call the police and take swift and immediate action, which may include one or more of the following actions:
- 4.12.1 search lockers and personal property;
- 4.12.2 have the student empty and turn out pockets and remove outerwear (e.g., shoes, boots, socks, jackets, sweaters, and hats);
- 4.12.3 students should be kept isolated and under observation awaiting the arrival of the police; and,
- 4.12.4 notify their immediate supervisor in a timely fashion of the action they have taken.
- 4.13 Where there are reasonable grounds to believe that a student is in possession of stolen property, the school administrator may decide to:
- 4.13.1 search lockers and personal property;
- 4.13.2 have the student empty and turn out pockets and remove outerwear (e.g., shoes, boots, socks, jackets, sweaters, and hats); and,
- 4.13.3 call in the police if they deem a more intrusive search is necessary or if the student does not consent to the search. Students should be kept isolated and under observation awaiting the arrival of the police.
- 4.14 Parent(s)/guardian(s) must be involved at the earliest possible stage of an investigation. The earliest possible stage will be at the discretion of the school administrator. Such discretion shall be guided by the following principles:

- 4.14.1 the immediacy and degree of the threat to the safety of students or staff;
- 4.14.2 the age of the student(s);
- 4.14.3 the seriousness of the offence; and,
- 4.14.4 the imminent involvement of the police.

There may be times when the police will direct the school administrator not to contact parent(s)/guardian(s). In this case, the school administrator will follow the direction of the police.

- 4.15 In the event that a parent/guardian is unavailable, the following guidelines shall prevail:
  - 4.15.1 if a parent/guardian is not available, the emergency contact(s) will be notified;
  - 4.15.2 a telephone call to the police will not be delayed as a result of the unavailability of a parent/guardian or the emergency contact(s);
  - 4.15.3 a weapons and illegal and/or restricted drugs search will not be delayed if the parent/guardian is unavailable;
  - 4.15.4 every effort shall be made to notify parent(s)/guardian(s) as soon as possible after the search or police contact has been made; and,
  - 4.15.5 if parent(s)/guardian(s) cannot be contacted, and the police wish to interview or search the student, a school administrator may act in the place of a parent/guardian unless declined by the student or the situation is of a severe nature. In the case of a serious offence, the police may choose to transport the student to the police station for interview or search purposes.

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