

## **SEARCH AND SEIZURE: Illicit Use of Drugs and Alcohol**

### **Background**

The principal has the right to carry out search and seizure of a student's person and or property in the school, or within the vicinity of the school, based upon reasonable suspicion of theft and possession of prohibited substances and articles.

### **Procedures**

#### **1. Search**

- 1.1 The principal or designate is authorized to search school property in order to maintain order, safety, or discipline.
- 1.2 The principal or designate shall have the right and the responsibility to carry out routine administrative searches of lockers and other school property to ensure the safety of the students. Schools need to communicate this to students and parents in the school handbook.
- 1.3 If the principal or designate ascertains that there are reasonable grounds for belief that a criminal offense is being, or has been committed, that a search of the student or property will provide evidence in these matters, or will lead to the conclusion that the commission of a criminal offense has or is about to occur, a search can proceed subject to the following:
  - 1.3.1 The search should proceed immediately if there is reason to believe that the safety of any student is in question.
  - 1.3.2 If the safety of any student is not in question:
    - Attempts should be made to have the student concerned present and consent to the search.
    - Where the student is not present or does not consent to the search or the school officials do not wish to undertake the search under their own authority, school officials are to contact the police and the search proceed under the direction of the police.
    - At least one witness is to be present when a search takes place.
    - All intrusive searches must be conducted by the police.
- 1.4 Any search on school premises initiated by the police is to be:
  - Authorized by warrant or,

- In relation to drugs or weapons or,
  - Coincident with the appearance of the police for the purpose of arresting a student or,
  - In relation to a school initiated search that results in a request for police assistance.
- 1.5 The principal or designate is to accompany the police in any search unless advised by the police to the contrary.

## 2. Illicit Use of Drugs and Alcohol

- 2.1 The principal may suspend any student who is impaired by drugs or alcohol, in possession of, distributing, selling, or supplying alcohol or illegal drugs or alcohol listed under the *Controlled Drugs and Substances Act, 1996* or *The Food and Drugs Act, 1985* and is on school premises, school buses, or at school-sponsored activities. The suspension is to be in accordance with *Administrative Procedure No. 354 – Student Discipline*.
- 2.2 Any student convicted of trafficking in drugs on school property, school activities, or school buses is to be suspended after consultation with the Superintendent of Operations, in accordance with *Administrative Procedure No. 354 – Student Discipline*.
- 2.3 Any student who has a drug or alcohol problem and confides in a teacher or principal for the purpose of receiving assistance in overcoming the problem is to be directed to appropriate programs and services for assistance.
- 2.4 The principal and staff are to cooperate fully with parents, community agencies, and law enforcement agencies in their attempts to solve problems associated with drug and alcohol usage.

Reference: Sections 85, 87, 175, 231 of the Education Act  
Sections 11, 12, 81 Child and Family Services Act  
Emergency Protection of Victims of Sexual Abuse and Exploitation Act  
Provincial Child Abuse Protocol 2006  
Youth Criminal Justice Act  
Canadian Charter of Rights and Freedoms

June 12, 2018