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## ADMINISTRATIVE PROCEDURE 352

# ILLEGAL OR INAPPROPRIATE SUBSTANCE USE PROTOCOLS AND PROCEDURES

### BACKGROUND

A goal of the Grande Yellowhead Public School Division No. 77 (the "Division") is to inspire all students to become productive citizens in a changing society, to foster student well-being and to develop healthy, responsible and respectful behaviours. To this end, the illegal or inappropriate use or possession of illegal drugs, alcohol or contraband substances, or the inappropriate use of any other substances (including but not limited to glue and prescription medications) is detrimental to the development of a safe and caring learning environment, jeopardizes the educational best interests of all students enrolled in the Division, and will not be tolerated.

The Division takes seriously its responsibility pursuant to the *School Act* to ensure that students are provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours. In addition, the Division recognizes that the educational best interests of students are the paramount considerations in exercising its authority.

The *School Act* requires that students comply with the rules of the school, and that teachers, the principal and other administrators of the school are responsible for maintaining order and discipline among students while they are in school, on the school grounds, on school buses or attending school-related activities (whether or not on school grounds).

The Division has decided that it is a reasonable and prudent course of action to outline its procedures with respect to searches of students and school property to detect the presence of illegal drugs, alcohol, contraband substances, and the inappropriate use of any substances, as well as to provide a deterrent to individuals bringing such illegal drugs, alcohol or other contraband substances into the schools or school related activities which are off-campus.

### GUIDELINES

1. For the purposes of this Administrative Procedure, the phrase "alcohol, drugs, contraband substances or any other substances", or such similar phrases, includes but is not limited to the following substances:
  - 1.1 Alcohol;
  - 1.2 Narcotics;
  - 1.3 Controlled substances;
  - 1.4 Intoxicants (including but not limited to glues, aerosol containers and alcohol-based mouthwashes); and

- 1.5 Over-the-counter medications (including cough syrup) and prescription drugs that are not used in accordance with the manufacturers' recommendations or physicians/pharmacists' directions.
2. Students are expressly prohibited from using or possessing for use any alcohol, drugs, contraband substances or intoxicants, or from misusing any substances.
3. Throughout this Administrative Procedure, references to the school principal shall include his or her designate, whether or not expressly stated.
4. To be clear, this Administrative Procedure does not apply to the safe and appropriate use of over-the-counter or prescription medications, provided that such use is consistent with the manufacturers' instructions or physicians/pharmacists' recommendations, and in accordance with Administrative Procedure 313 entitled "Medical Care of Students in School".
5. Any school official or any other person who observes or reasonably believes any student may be using alcohol, drugs, or contraband substances or inappropriately using any substance, shall immediately report his/her concerns to the school principal or his/her designate.
6. Students and parents should understand that searches in accordance with this Administrative Procedure may include the use of a police service dog on school property or drug/alcohol testing devices to detect the presence, use or consumption of illegal drugs, alcohol or other contraband substances or the inappropriate use of other substances. Written notice shall be posted at the primary entrance of each school in which police service dogs may be utilized.
7. Students and parents should understand that there is no reasonable expectation of privacy with respect to the use and contents of assigned lockers provided to students by the Division. Each student is solely responsible for the contents of his/her assigned locker.
8. A copy of this Administrative Procedure will be included in the Student Handbook provided to all students at the start of each school year or upon a student's registration.
9. In addition, information regarding this and any related Administrative Procedure shall be delivered to the general student body and distributed to parents and guardians (ex. handbooks, agendas, newsletters, registrations).
10. All searches conducted pursuant to this Administrative Procedure will be in accordance with the procedures set out below and with the principles set out above at the beginning of this Administrative Procedure. Further, all searches shall be conducted in accordance with Administrative Procedure 356 entitled "Searches by School Authorities". If there is conflict between these two Administrative Procedures, this Administrative Procedure shall apply.

## **PROCEDURES**

1. The Division is committed to providing relevant, progressive educational programming and supportive services to students in a safe and caring learning environment. Schools will

provide training and strategies to students to increase the resilience of students to the use of drugs, alcohol, contraband substances and the inappropriate use of other substances through the identification and assessment of risk factors and the enhancement of protective factors.

2. The school principal, in cooperation with the Division, the School Council and the school's community, shall ensure that educational programs and community resources are focused on the identification of reasons and factors leading to the use of drugs, alcohol, contraband substances and the inappropriate use of other substances among students, and the resolution of problems leading to the same so as to resolve existing use or addiction issues as well as prevent future issues from arising amongst students.
3. Using the school's pyramid of interventions (i.e. a framework of instructional interventions that can be provided in a learning environment to maximize student success), remedial and or disciplinary responses shall be designed to correct the problem behavior, prevent another occurrence of the behavior, and support the student.
4. The school principal, among others, is responsible for maintaining an environment that is safe and conducive for learning for all students and, consistent with this duty, will exercise appropriate discretion in conducting personal and property searches and in the use of police service dogs or drug/alcohol testing devices. The school principal or his/her designate shall exercise such discretion in recognition that the educational interests of all students is of paramount consideration.
5. Personal or property searches may be conducted if the school principal has reasonable grounds to believe that the student possesses, or the property or assigned locker contains, illegal drugs, alcohol or other contraband, or there are rule violations in respect of materials within or on the property or assigned locker. The grounds for conducting such a search and the outcome of the search shall be recorded in writing by the school principal or designate and kept on file.
6. When alcohol, drugs, contraband substances or inappropriately used substances are confiscated by school officials, such substances shall be inventoried and locked in the school safe or such other secure location until proper disposal can be made. When appropriate, the police shall be contacted to dispose of such substances (such as narcotics).
7. The school principal shall ensure that all school staff are informed about the procedures established by this Administrative Procedure, and that these procedures are to be followed when investigating or responding to reasonable suspicions or incidents of possession or use of drugs, alcohol or other contraband substances, or the inappropriate use of any other substance.

### **Personal Searches and Testing**

8. Students shall not be required to submit to an invasive search of their person by school officials (including but not limited to the principal, vice principals, teachers, and counselors). However, students may be required to empty their pockets, remove jackets, reveal contents of shoes or socks, or such other reasonable requests as may be made by school officials to determine within reason whether a student is in personal possession of

illegal drugs, alcohol, contraband substances or any other substance that the school official reasonably believes may be for the purpose of inappropriate use.

9. Personal searches shall be conducted only when school officials have a reasonable belief that the student is in possession of illegal drugs, alcohol, contraband substances, or any other substance for the likely purpose of inappropriate use of the same.
10. When such reasonable requests are made, at least one other adult witness shall be present in addition to the school official making the request. Consideration of the student's age, gender and privacy shall be taken into account. The reasons for and outcome of the search shall be recorded and kept on file.
11. The school principal may utilize breathalyzers or minimally intrusive drug testing devices (i.e. mouth swab) to test a student for the use or consumption of illegal drugs, alcohol, contraband substances or the inappropriate use of any other substance. Testing shall only be utilized in circumstances where:
  - 11.1 it is unclear by observation of the student whether the student has used or consumed drugs, alcohol or contraband substances, or has inappropriately used any other substance, but the school principal or designate has reason to believe that the same has occurred;
  - 11.2 the school principal or designate is satisfied by observation of the student that he/she has used or consumed drugs, alcohol or other contraband substances, or has inappropriately used any other substance, but the student denies the same and further inquiry is warranted; or
  - 11.3 such other circumstances as the school principal or designate may assess would be reasonable to use such devices.
12. In determining whether testing is appropriate, the school principal shall consider any relevant factors including, but not limited to, the student's reasonable expectation of privacy, whether the student poses or may pose a danger to him/herself or others, whether testing may reveal information which is necessary to obtain, and whether there are less intrusive investigative techniques which may be utilized instead.
13. Prior to utilizing breathalyzers or minimally intrusive drug testing devices, the school principal shall make a reasonable effort to contact the student's parent or guardian in advance to obtain consent. The school principal shall record his/her efforts in this regard, as well as the outcome of such conversation, if any.
14. When testing has been conducted, the principal or designate shall record the results on file (School Record of Searches or similar document) and advise the student's parents or guardians of the results.
15. When a student is believed or found to be under the influence of drugs, alcohol, contraband substances or other substances, school officials:
  - 15.1 Shall immediately attend to the student's health and safety, if applicable;

- 15.2 Will make a reasonable effort to contact the student's parents or guardians and request that they attend to pick up the student. For clarity, no student who may be or is found to be under the influence of drugs, alcohol, contraband substances or any other substances will be permitted to leave school grounds without the company of a reliable escort, as assessed by school officials acting reasonably, in protection of the student's health, safety and wellbeing, as well as the protection of others;
- 15.3 May contact the police or any other body (including Alberta Children and Youth Services) if, in the assessment of the school officials, it is reasonable to do so or if such disclosure may be required by law;
- 15.4 May provide the contact information and, if appropriate, facilitate the student's access to community support organizations and government bodies including, but not limited to, the Alberta Health Services (formerly the Alberta Alcohol and Drug Abuse Commission), Alberta Children and Youth Services, and Alcoholics Anonymous.

### **Student Property or Locker Searches**

16. Student property (including but not limited to bags and purses) and school property (including but not limited to assigned school lockers) may be subject to unannounced searches from time to time, as determined by school administration.
17. The student whose property or assigned locker is being searched shall be present during the search when possible and practical.
18. In addition to the searcher, at least one other adult witness should be present when the search takes place.
19. When possible, practical and reasonable to do so, the parent or guardian of the student shall be informed of the search and the reasons for it, prior to it being undertaken. If prior notification is reasonable but not possible, the parent or guardian shall be notified as soon as possible after the search is undertaken. In any case, the grounds for conducting such a search and the outcome of the search shall be recorded in writing by the school principal or designate and kept on file.

### **Drug-Sniffing Police Dogs**

20. The school principal may request the use of a police service dog to conduct a search of school lockers, other school property, or the school in general if the principal has reasonable grounds to believe that there are drugs, alcohol or other contraband substances in school lockers or on school property. Furthermore, the school principal may request the use of a police service dog to conduct a search at random intervals when deemed appropriate, in his/her discretion, to maintain a safe and caring school and to minimize the potential presence of drugs, alcohol and other contraband substances within the school, on school property or at school-related events.
21. In these circumstances, students have no reasonable expectation to privacy with respect to the police service dog searching school lockers or school property for drugs, alcohol or

other contraband substances. This is deemed a general search of all school lockers and school property.

22. If the police service dog identifies that there may be drugs, alcohol or other contraband substances present within the school or on a person, the school principal shall conduct a search pursuant to this Administrative Procedure unless the police assume control of the search and any resulting seizure.

### **Police and Investigative/Protective Authorities**

23. If the school principal determines that a student is or may be involved in criminal activity, the school principal shall contact the police.
24. If the school principal or any other school official determines that he or she has a duty or obligation to report concerns regarding a student or incident to an investigative or protective authority (including but not limited to Alberta Children and Youth Services), he or she shall inform that school principal immediately, and contact the necessary investigative or protective authority.
25. Any disclosure of information or personal information shall be made in accordance with the applicable legislation, including but not limited to the *Freedom of Information and Protection of Privacy Act*.

### **Disciplinary Consequences**

26. When the school principal determines that a student has contravened this Administrative Procedure by using or possessing for use any alcohol, drugs, contraband substances or intoxicants, misusing any substances, failing to reasonably cooperate in any investigation pursuant to this Administrative Procedure, or any other conduct contrary to this Administrative Procedure, the student may be subject to disciplinary action by the school principal.
27. Disciplinary action shall be implemented in accordance with Administrative Procedure 350 entitled “Student Conduct” and may include suspension and/or expulsion.
28. Disciplinary action may be taken by the school principal regardless of any criminal or other sanction imposed by the police, Courts or any other investigative authority.

References: School Act, R.S.A. 2000, c. S-3  
Criminal Code of Canada, R.S.C. 1985, c. C-46  
Food and Drugs Act, R.S.C. 1985, c. F-27  
Youth Criminal Justice Act, S.C. 2002, c. 1  
Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25  
Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act, 1982 (U.K.), 1982, c. 11

Cross References: Administrative Procedure 180–Freedom of Information and Protection of Privacy  
Administrative Procedure 181 – Records Management  
Administrative Procedure 310 – Safe and Caring Schools  
Administrative Procedure 313 – Medical Care of Students in School  
Administrative Procedure 350 – Student Conduct  
Administrative Procedure 356 – Searches by School Authorities

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