

GUIDELINES FOR RANDOM SEARCH AND SEIZURE, AND TESTING FOR ALCOHOLIC LIQUOR AND ILLEGAL DRUGS, AT PUBLIC SCHOOLS IN THE WESTERN CAPE PROVINCE IN TERMS OF SECTION 45A OF THE WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997)

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1. DEFINITIONS

In these Guidelines, unless the context indicates otherwise –

‘alcoholic liquor’ means –

- (a) any unlawful substance that has a psychological or physiological effect; or
- (b) any substance having such effect that is possessed unlawfully, and or
- (c) any unlawful intoxicating or stupefying substance;

‘Constitution’ means the Constitution of the Republic of South Africa, (Act 108 of 1996);

‘dangerous object’ means –

- (a) any explosive material or device;
- (b) any firearm or gas weapon;
- (c) any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious; or
- (d) any object that –
 - (i) the National Minister declares to be a dangerous object under the South African Schools Act for the purposes of that Act; or
 - (ii) the Provincial Minister declares by notice in the Provincial Gazette, to be a dangerous object for the purposes of the Act;

‘digital device’ means any mobile device used to make phone calls or send messages by using signals or information represented as digits;

‘educator’ means an educator as defined in the Employment of Educators Act, 1998 (Act 76 of 1998);

‘Head of Department’ means the head of the Western Cape Education Department;

‘illegal drug’ means any drug as defined in the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992), that is used or possessed in contravention of section 4 of that Act;

‘learner’ means any person receiving education or obliged to receive education in terms of the Act;

‘officer’ means the employee of the Western Cape Education Department appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998)(Proclamation 138 of 1994), or the Public Service Act, (Proclamation 103 of 1994);

‘parent’ means –

- (a) the parent or guardian of a learner;
- (b) the person legally entitled to custody of a learner;
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education at school;

‘principal’ means an educator appointed or acting as the head of a school;

‘Provincial Minister’ means the Provincial Minister responsible for education in the province;

‘school’ means a public school which provides basic education;

‘school activity’ means any educational, cultural, sporting, fundraising or social activity of the school within or outside the premises of the school;

‘supervision’ means the management and control of learners at school or during a school activity;

‘the Act’ means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), as amended;

‘Western Cape Education Department’ means the provincial department responsible for education in the province.

ABBREVIATIONS

CPA	Criminal Procedure Act, 1977 (Act 51 of 1977)
HOD	Head of Department of the Western Cape Education Department;
NEPA	National Education Policy Act, 1996 (Act 27 of 1996);
SANCA	South African National Council on Alcoholism and Drug Dependency;
SAPS	South African Police Services;
SASA	South African Schools Act, 1996 (Act 84 of 1996), as amended;
WCED	Western Cape Education Department; and
WCP	Western Cape Province.

2. SCOPE

These Guidelines shall apply to all public schools, under the Act, which provide education in the Province.

3. LEGISLATIVE FRAMEWORK

Constitution of the Republic of South Africa, 1996 (Act 1 of 1996);

Criminal Procedure Act, 1977 (Act 51 of 1977);

Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992);

National Education Policy Act, 1996 (Act 27 of 1996);

Regulations for Safety Measures for Public Schools;

The South African Schools Act, 1996 (Act 84 of 1996); and

The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

4. LEGAL AND POLICY UNDERPINNINGS

The Constitution of the Republic of South Africa, 1996, provides for a Bill of Rights. The following rights are relevant to random search and seizure and Alcoholic liquor and illegal drug testing at schools:

4.1 Human dignity (section 10)

Everyone has inherent dignity and the right to have their dignity respected and protected.

4.2 Privacy (section 14)

Everyone has the right to privacy, which includes the right not to have –

- (a) Their person or home searched;*
- (b) Their property searched;*
- (c) Their possessions searched; or*
- (d) The privacy of their communications infringed.*

Random search and seizure and alcoholic liquor and illegal drug testing obviously would infringe on these rights. However, the Constitution itself

provides that no right is absolute, given that any right in the Bill of Rights may be limited in terms of section 36(1).

Section 45A of the Act is aimed at safeguarding the interest of learners with regard to their right to education, which must take place in an environment free of dangerous objects, alcoholic liquor and illegal drugs.

These Guidelines, therefore, serve to regulate the application of section 45A of the Act by providing the means by which such measures can be implemented, and the necessary procedures to be employed to achieve the purpose or objective of these legislative provisions in a school environment.

5. CONTEXT

The possibility exists that learners in possession of dangerous objects or alcoholic liquor or illegal drugs on our school grounds, may cause serious psychological damage or physiological injury to others.

These Guidelines set out strict procedures by which random searches should be carried out by principals or their delegates at schools, to protect the rights and dignity of learners. The intention of this policy is to create a safe environment for teaching and learning for all.

6. RANDOM SEARCH AND SEIZURE

6.1 The Principal

6.1.1 Section 45A of the Act stipulates that, unless authorised by the principal for legitimate educational purposes, no person may bring any dangerous object, alcoholic liquor or illegal drugs onto school premises or have in his or her possession any dangerous object, alcoholic liquor or illegal drug(s) during any school activity on or off school premises.

6.1.2 The principal may, for educational purposes, authorize the presence on the school premises of dangerous objects, such as pairs of scissors, needles

and knives, for legitimate educational purposes, and of medicines prescribed by a doctor. However, all these objects must be entered into a register for control purposes and used under supervision.

6.2 Random Search and Seizure (Reasonable Suspicion)

6.2.1 In terms of section 45A(2)(a) of the Act the principal or his or her delegate may –

- (i) Search any learner, or the property of any learner, for any dangerous object, alcoholic liquor or illegal drug, if the principal reasonably suspects the presence of a dangerous object, alcoholic liquor or illegal drug on the school premises or during a school activity; and
- (ii) Seize any dangerous object, alcoholic liquor or illegal drug found during the search.

6.2.2 The following may be an indication of the presence of dangerous objects alcoholic liquor and illegal drugs at a school:

- (a) Whistle-blowers informing the principal about their presence;
- (b) Reports from parents;
- (c) Traces of alcoholic liquor and illegal drugs on the school premises;
- (d) Threats of the use of dangerous objects against other learners or any other person;
- (e) Injury as a result of the use of such dangerous objects; and
- (f) Any other reasonable indication.

6.2.3 When the search is conducted the following should be considered:

- (a) The best interest of the learners in question or of any other learner at the school or any other person.
- (b) The safety and health of the learners in question or of any other learner at the school or any other person.

- (c) Reasonable evidence of illegal activity.
- (d) All relevant evidence received.

- 6.2.4 Where such a search entails a body search of the learner(s) in question, such a search may be conducted only –
- (i) By the principal, if he or she is of the same gender as the learner;
 - (ii) By the principal's delegate, who must be of the same gender as the learner;
 - (iii) In a private area; and
 - (iii) In the presence only of an adult witness, of the same gender as the learner.
- 6.2.5 Where there is a suspicion that learners have dangerous objects, alcoholic liquor or illegal drugs in their school bags or lockers, the random search and seizure must be directed at the learners' school bags and lockers only and may not be extended to their bodies.
- 6.2.6 Where there is a suspicion that learners are carrying dangerous objects, alcoholic liquor or illegal drugs in their pockets or elsewhere in their clothing, only their clothing and pockets may be searched.
- 6.2.7 If there is doubt about where the dangerous objects, alcoholic liquor and/or illegal drugs, are hidden, the search must initially be directed at the belongings, such as school bags and lockers of the group of learners.
- 6.2.8 If nothing is found in the school bags and lockers, the search may include the removal of outer clothing only.
- 6.2.9 A body search should not be extended to the body cavity of a learner, and the learner's private parts may not be touched.
- 6.2.10 If, as a result of a search or as a result of reliable information received, or for any other reason, the principal has good reason to believe that any dangerous object, alcoholic liquor or illegal drug is concealed on the body

or person of a particular learner, the principal may request a member of the South African Police Service to conduct a more extensive search of that learner's person, which may entail the removal of clothing in terms of section 45A(5) of the Act.

- 6.2.11 The principal may seize any dangerous object, alcoholic liquor or illegal drug, found during the search in terms of section 45A(2)(b) of the Act. Where this is not practical, the principal must appoint an educator who will become his or her delegate for the purpose of random search and seizure, including alcohol or drug testing.
 - 6.2.12 Where possible, a witness must be present for each learner who is to be searched.
 - 6.2.13 When carrying out a search on lockers, the principal or his or her delegate must undertake the search with sensitivity, and where practicable, involve the parents of the learner(s) concerned.
 - 6.2.14 The principal or his or her delegate must ensure that there is no physical force applied during the search and seizure.
- 6.3 Practical Steps for a Search and Seizure
- 6.3.1 If learners' clothes and/or school bags are to be searched, the search must be conducted in an empty and clean space, and each learner must have his or her own school bag(s) with him or her.
 - 6.3.2 If lockers and or school bags are to be searched, the principal or his or her delegate must ensure that every learner stands next to his or her locker and or school bag.
 - 6.3.3 Where possible, a witness must be present for each learner who is to be searched.

- 6.3.4 While the learner is awaiting his or her turn to be searched, the witness must observe the behaviour of the learner.
- 6.3.5 The witness must also find out whether there is a facility or item belonging to the school that is available for the learner to use, for example, a locker. If there is such an item of school property, the witness must find out what this facility or item is.
- 6.3.6 The learner and the witness must be escorted into the principal's office or a designated classroom (out of sight of other learners), and the learner must be requested to reveal any dangerous object, alcoholic liquor or illegal drug in his or her possession.
- 6.3.7 If the learner does not at this point voluntarily hand over any dangerous object, alcoholic liquor or illegal drug in his or her possession, he or she must be requested to empty his or her pockets (jacket, trousers or skirt) and school bag or sports bag.
- 6.3.8 The person conducting the search must do a superficial body search, that is, he or she must frisk the learner. Under no circumstances may a learner's private parts be touched. As a last resort, the learner must be requested to strip down to his or her underwear, and then the clothes handed over must be searched for suspicious objects.
- 6.3.9 If, at this point, it is suspected that the learner has swallowed a suspicious object, it is advisable for the matter to be handed over directly to the police.
- 6.3.10 Special Request to Leave the Area
- (i) A special request to use the bathroom should, under all normal circumstances, be the only acceptable reason for requesting to leave the area where the search is to be conducted or is being conducted.

- (ii) Bring this request to the attention of the person in charge of the search by knocking on the closed door of the room in which the search is taking place or by phoning the person in charge.
- (iii) Attempt to accommodate the learner by arranging for that particular learner to be the next to be searched.
- (iv) If it is not feasible to search that learner next, the learner must, as a last resort, be allowed to go to the bathroom, but the witness must accompany him or her and must keep the learner in his or her sight.
- (v) If the person in charge of the search leaves the room in which a learner is being searched in order to deal with the special request of another learner, the witness with the learner inside the room must be cautioned to observe any suspicious conduct by the learner, who is not allowed to walk around, but must remain in one place. The witness must note down any suspicious conduct on the part of the learner.
- (vi) The search may not be disrupted by telephone or digital device calls to the learner, the witness or the person conducting the search, or in any other way. However, telephone or digital device calls or messages to parents to inform them of a learner's unwillingness to co-operate in a lawful search and seizure procedure are allowed.

6.3.11 Time of Search

- (i) When the possession of a dangerous object, alcoholic liquor or illegal drug is suspected, it is best to conduct the search as soon as the information becomes available.
- (ii) The search must be conducted in an orderly manner and evidence must be recorded.

- (iii) Only those classes targeted should be disrupted, especially where it is feasible to plan ahead, for example, where information has been received that learners will bring dangerous objects, alcoholic liquor and illegal drugs to school the next morning.
- (iv) Ensure that the search and seizure is conducted effectively, timeously and at a reasonable time, so as not to allow the learners the opportunity to use dangerous objects, alcoholic liquor or illegal drugs.

- 6.3.12 After the dangerous object has been seized, the principal or his or her delegate may hand the object to either the police or the parent.
- 6.3.13 If the object that has been seized is illegal, the principal or his or her delegate is obliged to hand it to the police.
- 6.3.14 The principal or his or her delegate must take the object concerned to the nearest police station if the police cannot collect it.
- 6.3.15 The police officer who receives the object must issue a receipt to that effect.
- 6.3.16 Delegation in case the principal is not available

- (i) Two persons, one female and one male, must be delegated to perform the search and seizure function in case the principal is not available. The names of these persons, to whom authority has been delegated, must be reflected in a log book and must be known at all times, so that there will be certainty about whose responsibility it is to act in the principal's absence. The following is an example of the delegation, which must be in writing:
“I,, principal of (name of school), hereby authorise X (female educator's name) and Y (male educator's name) to be responsible for search and seizure in my absence. I hereby delegate to X and Y the same authority that I as principal have, and

he or she may give instructions about a search, and conduct a search and seizure on my behalf. "

- (ii) The delegated persons must have insight into the process of search and seizure. No formal training is needed; reading these guidelines is sufficient. If the delegated person is uncertain about any part of the search and seizure procedure, he or she must, before conducting the search and seizure, again read the guidelines to ensure that he or she knows exactly how to conduct the search and seizure. A copy of these guidelines must be available at the principal's office at all times.
- (iii) If the principal will be away for an extended period, the formal acting appointee in his or her place, will have the same authority to delegate as the principal.
- (iv) If the principal will be absent for a short period, he or she must, before leaving, identify the person delegated (who may be permanently appointed as delegate), so that it is known who the principal's delegate is as far as searches and seizures are concerned.
- (v) If the principal does not identify a delegate before he or she leaves the school premises, he or she may do so, and may instruct such delegated person, by telephone or digital device. Such delegations made and instructions given must be written down by the delegate in a logbook at the school.
- (vi) A search and seizure operation cannot be cancelled or postponed because the principal is not available.

6.3.17 How to Deal with a Learner who is Unwilling to be Searched in Terms of Section 45A(5) of the Act:

- (i) If reasonably practicable, the parent should be telephoned or a message should be sent to the parent in some other way to inform the parent that the learner is unwilling to co-operate in a lawful search and seizure procedure as provided for by the Act, and that the learner will be handed over to the police.

- (ii) If the parent indicates that he or she is willing to participate by instructing the learner to co-operate in a search and seizure that is conducted in terms of section 45A of the Act, where the outcome is linked to an internal disciplinary process, –
 - (a) The parent may be given a reasonable opportunity to come to the school and to instruct the learner to co-operate;

 - (b) The parent may also give such instruction to the learner and to the principal over the telephone or digital device;

 - (c) A witness must be with the learner while such a conversation takes place; and

 - (d) It is vitally important that the principal communicates with the parent and that the principal explains the basis for the search and seizure according to the provisions of section 45A of the Act.

- (iii) If either the learner or the parent refuses to co-operate, the matter, and the learner, must be handed over to the police, so that they may conduct a search and seizure in terms of the Criminal Procedure Act. The outcome of such a search and seizure is linked to a Criminal Court Process, with possible criminal prosecution.

6.4 Seizure of Dangerous Objects, Alcoholic Liquor and Illegal Drugs in terms of sections 45A(6), (7) and (8) of the Act

- 6.4.1 The principal, or his or her delegate or a police officer may seize any dangerous object or alcoholic liquor or illegal drugs present on a public school premises or on a person on the school premises or at a school activity.
- 6.4.2 Any dangerous object, alcoholic liquor or illegal drug that has been seized shall be —
- (a) Clearly and correctly labelled with full particulars, including —
 - (i) Where it was found and, if applicable, the name of the learner in whose possession it was found;
 - (ii) The time and date of search and seizure;
 - (iii) An incident reference number;
 - (iv) The name of the person who conducted the search;
 - (i) The name of the member of staff in whose presence the search was conducted, where applicable; and
 - (vi) Any other details that may be necessary to identify the item and incident.
 - (b) Recorded in the school record book; and
 - (c) Handed over to a member of the South African Police Service immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- 6.4.3 If the police cannot collect the dangerous object, alcoholic liquor or illegal drug from the school immediately, the principal or his or her delegate shall —
- (a) Take the dangerous object, alcoholic liquor or illegal drug to the nearest police station; and
 - (b) Hand the dangerous object, alcoholic liquor or illegal drug over to the police to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977.

6.4.4 The police officer who receives the dangerous object, alcoholic liquor or illegal drug shall issue an official receipt to the principal or delegate.

6.4.5 Section 45A(8) of the Act determines that the police officer who receives the dangerous object, alcoholic liquor or illegal drug shall issue an official receipt to the principal or delegate.

6.5 Exceptions

For teaching purposes, only pictures of dangerous objects, alcoholic liquor or illegal drugs should be used.

7. TESTING FOR ALCOHOLIC LIQUOR AND ILLEGAL DRUG

7.1 Prohibition of Illegal Substances on School Premises

Unless authorised by the principal for legitimate educational purposes, no person may bring alcoholic liquor or illegal drugs onto school premises or have in his or her possession any alcoholic liquor or illegal drug on school premises or during any school activity.

7.2 Legal Grounds for Administering a Test for Illegal Substances

Section 45A(9) of the Act determines that the principal or his or her delegate may administer a urine test or other non-invasive test to any learner if the principal has reasonable ground for suspecting that the learner —

- (a) Is in possession of or using alcoholic liquor or illegal drugs; or
- (b) Is under the influence of alcoholic liquor or illegal drugs, during school hours or at a school activity.

7.3 Procedure to be Followed When Testing for Illegal Substances

7.3.1 A learner contemplated in paragraph 7.2 may be subjected to a urine test or other non-invasive test, as stipulated in section 45A(10), for alcoholic liquor or illegal drugs only if —

- (a) The test is conducted by a person of the same gender as the learner;
- (b) It is done in a private area;
- (c) One adult witness, of the same gender as the learner, is present;
- (d) The sample is clearly and correctly labelled with full particulars as contemplated in paragraph 6.4.2 with the necessary changes; and
- (e) A device contemplated in section 8A(11) of the South African Schools Act is used.

7.3.2 The school's intention and modus operandi for search and seizure and alcoholic liquor and illegal drug testing must be included in the school's learner code of conduct.

7.4 Recording of Information and Disposal of Alcoholic Liquor, Illegal Drugs and Urine Samples

7.4.1 Any alcoholic liquor or illegal drug that has been seized or urine sample that has been tested must be clearly and correctly labelled with full particulars, including-

- (a) The name of the learner in whose possession it was found or whose sample was taken;
- (b) The time and date of search and seizure or sample taken;
- (c) An incident reference number;
- (d) The name of the person who searched or tested the learner;
- (e) The name of the witness; and
- (f) Any other details that may be necessary to identify the item and the incident.

7.4.2 All the details must be recorded in the school record book.

7.5 Symptoms of Possible Drug Use

The South African Council on Alcoholism and Drug Dependence has issued the following list of symptoms to enable detection of drug use:

(a) Noticeable Changes in the Physical Condition of the Learner

- (i) Change in level of activity: Periods of lethargy common with the use of dagga, alcohol, sedatives, cocaine and heroin, and periods of hyperactivity associated with dagga, stimulants and alcohol;
- (ii) Change in appetite, varying from increased to decreased levels;
- (iii) Unexplained increase or decrease in weight;
- (iv) Lack of co-ordination, staggering or slow movements, dropping of objects, clumsiness and falling;
- (v) Alterations in speech pattern, resulting in slurred or garbled speech; abnormally rapid speech; forgetfulness; incomplete sentences and incoherent conversation;
- (vi) Unusual shortness of breath, persistent coughs, strange odour on breath and on clothing (common with use of dagga and inhalants);
- (vii) Red-rimmed, bloodshot eyes, watery eyes and drooping eyelids;
- (viii) Little sores around the mouth and unexplained chapped or cracked lips (inherent users);
- (ix) Yellow-brown stains on hands;
- (x) Continuous runny nose and learner continually fidgets with nose;
- (xi) Unexplained bleeding of nose;
- (xii) Increased susceptibility to infections and colds;
- (xiii) Change in sleeping habits, i.e. staying up all night, but sleepy all day, and restless sleep;
- (xiv) Change in physical appearance, i.e. changes in style of clothing and appearance which may be sloppy and unkempt;
- (xv) Severe agitation and lack of concentration;
- (xvi) Unexplained shaking, tremors, nausea, vomiting, and sweats or chills, which may be early withdrawal symptoms;

- (xvii) Distorted perception of time;
- (xviii) Reaction time becomes sluggish;
- (xix) Needle marks, which may result in learner wearing long-sleeved shirts, even in hot weather conditions, so as to conceal marks caused by intravenous injection of drugs;
- (xx) Unexplained and on-going headaches;
- (xxi) Drowsiness, especially during the day;
- (xxii) Unusual dreamy and absent-minded demeanour; and
- (xxiii) Unusual persistent dry mouth and thirst.

(b) Behavioural Indicators

- (i) Sudden aggressive and violent behaviour exhibited through unexplained outbursts of anger;
- (ii) Unexplained restlessness;
- (iii) Destructive behaviour, e.g. punching walls, swearing, fighting;
- (iv) Unexplained irritability;
- (v) Lack of motivation, e.g. sudden loss of interest in hobbies or sport previously enjoyed;
- (vi) Continual episodes of unexplained giggling; and
- (vii) Saddened and apathetic attitude to life in general.

(c) Emotional Indicators

- (i) Sudden unexplained and continual nervousness;
- (ii) Low self-esteem;
- (iii) Decreased sense of responsibility;
- (iv) Sudden feelings of depression, despondency and hopelessness;
- (v) Severe mood alterations, mood swings varying from euphoria to sudden anxiety and depression, including hypersensitivity; and
- (vi) Thought pattern alterations; strange and bizarre thinking; hallucinations; paranoid delusions; abnormal suspiciousness; depressed and suicidal thoughts.

(d) Social Indicators

- (i) Sudden withdrawal from family and friends;
- (ii) Sudden secretiveness, deviousness, vagueness, lies, deceit;
- (iii) Sudden change in friends, usually friends who are older and suspected of using drugs, and reluctance to introduce friends to family;
- (iv) Deterioration in school performance exhibited by an overall lack of motivation towards school work;
- (v) Playing truant regularly;
- (vi) Resentment of and disregard of rules, both at home and at school;
- (vii) Unusual interest in money; and
- (viii) Claims of "lost" clothes, equipment, money, which cannot be accounted for.

8. APPROVED DEVICES FOR ILLEGAL DRUGS AND ALCOHOLIC LIQUOR TESTING

8.1 Identification and Publication of Drug Testing Devices

8.1.1 The National Education Minister, has in terms of section 8A(11) of the South African Schools Act, selected devices to be used for drug testing and procedures to be followed.

8.1.2 The Minister has selected ten (10) devices for use in this regard and has published this list in the Government Gazette.

8.1.3 A school may use any one of the devices from the list.

8.1.4 The following is the list of devices for this purpose:

- (i) Drug Detective Wipe Detection System for Surfaces;
- (ii) One Step Home Cocaine Test Strip;

- (iii) Multi-drug Test;
- (iv) Quicktox Drug Screen Discard Test;
- (v) Monitect Drug Screen Cassette Test;
- (vi) Toxcup Drug Screen Cup Test;
- (vii) Multipanel Drug Testing Device;
- (viii) Smart Check Drug Screen Test;
- (ix) Drug Smart Cup; and
- (x) Avitar Oral Screen 4 or Drugometer.

8.1.5 For the purpose of alcohol testing, an SABS approved instrument can be used or, with the permission of the parent, a blood test at an accredited medical facility.

8.2 The Device

8.2.1 The testing kit must be opened in the presence of the learner who is to be tested.

8.2.2 A learner who is to be tested must first be asked if he or she has taken any medicinal substance.

8.2.3 The test must be conducted –

- (i) By a person of the same gender as the learner;
- (ii) In the presence of an adult witness of the same gender as the learner; and
- (iii) Away from the presence of other learners and individuals.

8.2.4 The person conducting the test must wear latex gloves.

8.2.5 The package insert of each device indicates how the result of that test is to be conducted and interpreted.

8.2.6 The information contained in the packet insert must be read by the principal or his delegate in the presence of the learner before the test is conducted.

8.2.7 The test must be conducted as prescribed in the package insert.

9. NOTICE TO PARENTS AND DISCIPLINARY PROCEEDINGS

9.1 Notice to Parents in Terms of Section 45A(11) of the Act and Rehabilitation

9.1.1 The Principal or her/his delegate must –

(i) Within one working day, if practicable, inform the parent concerned that a random test or search and seizure was done in respect of the learner; and

(ii) Inform the learner and his or her parent of the result of the test immediately after it becomes available.

9.2 Disciplinary Proceedings in Terms of Section 45A(13) of the Act

9.2.1 Once a learner has tested positive for alcoholic liquor or illegal drugs the principal or his or her delegate shall discuss the results with the relevant parent, and the latter shall be appraised of the dangers and consequences of alcohol and drug abuse.

9.2.2 It shall further be brought to the attention of the parent concerned that there are rehabilitation centres and institutions to which the learner can be referred at the request and consent of the parent.

9.2.3 The principal or his or her delegate may subject the learner concerned or group of learners to disciplinary proceedings for the possession of dangerous objects, alcoholic liquor or illegal drugs and for testing positive in an alcohol or a drug test conducted in terms of this guideline.

9.2.4 However, no criminal proceedings may be instituted by the school against a learner or group of learners.

9.2.5 Where disciplinary proceedings are instituted in respect of a learner, such disciplinary proceedings shall be conducted in terms of the Code of Conduct contained in section 45(1) of the Act, Regulations and policy on learner misconduct applicable in the Western Cape Education Department.

10. ANNEXURES

10.1 Annexure A – Pro Forma School Policy on Random Search and Seizure and Alcoholic Liquor and Illegal Drug Testing.

10.2 Annexure B – Call Centre Contact Details and Functions.

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10.4 Annexure D – Department of Social Development (Contact details and specialised services provided)