



I. Policy Statement

In order to provide a safe and secure environment for employees and students, conducive to teaching and learning, the Board of Education of Howard County exercises its established rights under the United States Constitution and other applicable laws to search students and their possessions.

II. Purpose

The purpose of this policy is to provide guidelines related to the school system's authority to conduct searches of students and their possessions, and to provide a uniform procedure for the administration of such searches.

III. Definitions

- A. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological parent – A natural parent whose parental rights have not been terminated.
 2. Adoptive parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and privileges.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges.
 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian.
 6. Foster parent – An adult approved to care for a child who has been placed in the home by a State agency or a licensed child placement agency as provided by Section 5-507 of the Family Law Article.
- B. Reasonable Belief – Under the Fourth Amendment of the U.S. Constitution, students may only be searched upon a “reasonable belief” that the student is possessing an item, the possession of which is a criminal offense or a violation of any state law or policy or regulation of the school system or school. The elements of “reasonable belief” are explained in the Implementation Procedures.

- C. School Property – Any property owned or leased by the Howard County Public School System. The concept of property shall extend to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc. This means that when a facility is scheduled by the school system for student use, it will be considered an extension of school property.
- D. School-related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at a school event).

IV. Standards

- A. The right of school officials to search students applies to all students when on school property or at school-related activities.
- B. School employees performing searches shall conduct the search in accordance with the constitutional and other legal rights of the student.
- C. School officials may search a student’s locker at anytime. The “reasonable belief” standard does not apply to the search of a locker.
- D. School officials shall notify students at the beginning of each year that school officials may search school lockers.
- E. Students are protected by the Fourth Amendment against unreasonable search and seizure of their possessions by school officials.
- F. The privacy interests of the students may be invaded no more than is necessary to achieve the legitimate end of preserving order in the schools.

V. Compliance

- A. The Superintendent’s designee will notify all school administrators annually of the provisions of this policy and will ensure that staff training is provided to implement this policy.
- B. The Superintendent/designee is responsible for ensuring that students and parents are provided annual notice of the right of school officials to search students, their possessions, and their automobiles when the school officials have a reasonable belief that the student is possessing an impermissible item and the right of school officials to search a student’s locker at any time.

VI. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

VII. References

- A. Legal
 - U.S. Constitution, Fourth Amendment, Search and Seizure
 - The Annotated Code of Maryland, Education Article, Section 7-308 (Searches in Schools)
 - COMAR 13A.08.01.14, Search and Seizures

- B. Other Board Policies
 - Policy 1040 Safe School Environments
 - Policy 8100 Field Trips and Student Activity Trips
 - Policy 8110 Foreign Travel
 - Policy 9020 Student Rights and Responsibilities
 - Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over-the-Counter Products
 - Policy 9240 Student Use and Possession of Tobacco Products
 - Policy 9250 Weapons

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I. Authority to Search

A. Designation of Authorized Searcher

1. Authorized Searcher means a:

- a. School principal
- b. School assistant principal
- c. Special police officer appointed by the Governor
- d. Teacher designated as an acting administrator
- e. Teacher on a school-sponsored trip who has been **so** designated in writing by the principal and who has been trained in conducting searches.

2. Authorized Searcher does not include a:

- a. School security guard
- b. Security assistant
- c. Parent or volunteer on a field trip
- d. Teacher supervising after-school activities
- e. Howard County Department of Police (HCDP) School Resource Officer.

B. An Authorized Searcher may make a reasonable search of a student or the student's belongings if the searcher has a reasonable belief that the student is possessing an item, the possession of which is a criminal offense or a violation of any state law or a policy or regulation of the school system or school. Reasonable belief has two components: inception of the search and scope of the search.

1. Inception of the Search

- a. The search must be justified at its inception by a reasonable suspicion that the student is possessing one of the following:
 - i. An item which is a criminal offense
 - ii. An item which is a violation of any state law (e.g. cigarettes)
 - iii. An item which is a violation of any policy or regulation of the school system
 - iv. An item which is a violation of any school rule.

- b. Reasonable belief is determined by considering the nature of the suspicion, the amount of evidence, and all relevant circumstances. In determining reasonableness, it is proper to consider both the amount and credibility of the evidence that the student is possessing the suspected item as well as the degree of seriousness that possession of the item presents. As an example, less verifiable evidence is needed to justify the search of a student if the information concerns the possession of a weapon.

2. Scope of the Search

- a. The scope of the search of the student (what parts of the student's body and possessions are searched and how) must be reasonable, taking into consideration, for example, the student's age, gender, the nature of the offense, and the size of the suspected item. See Section IV, Guidelines for Searching a Student.
 - b. If a search satisfies the reasonable belief standard, any item obtained during the search may be the subject of discipline, even if it is not the item which was originally suspected.
- C. All searches shall be made in the presence of a third party. Whenever possible, the third party must be an adult of the same gender as the student.
- D. An Authorized Searcher may make a search of the school building(s), including student lockers, at any time. Any item obtained during a search of a locker may be the subject of discipline. The right of the Authorized Searcher to search lockers shall be announced or published previously in the school.

II. Searches Requested by Police Officers

Credible information provided by a police officer may form the basis for an Authorized Searcher to have reasonable belief to conduct a search. An Authorized Searcher may not conduct a search of a student based solely on the request of a police officer.

III. Items That May Be the Object of a Search

The object of a search must be an item, the possession of which is a criminal offense or a violation of any state law or a policy or regulation of the school system or school. Such items may include but are not limited to weapons, including look-alike and nondeadly weapons, controlled dangerous substances, medications or over-the-counter medications, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, stolen items, and tobacco products.

IV. Guidelines for Searching a Student

- A. Strip searches by school personnel are prohibited.
- B. The Authorized Searcher should begin the search by informing the student that he has a reasonable belief that the student is in possession of (the Authorized Searcher should then state the object of the search to the student) and explain the anticipated scope of the search.
- C. Searches must be conducted by an Authorized Searcher in the presence of another adult. Authorized Searchers should not pat down or search a student of the opposite gender unless there is reason to believe a threat of danger exists.
- D. The search or pat down must avoid intimate parts of the body.
- E. Students may be required to empty their pockets, purses, billfolds, etc. prior to being patted down.

V. Guidelines for Searching a Student Automobile

A student's automobile and its contents on school property may be searched by an Authorized Searcher when an impermissible item is in plain view, the Authorized Searcher has a reasonable belief that an impermissible item is in the car, or when the student consents. The Authorized Searcher may also contact the police, as needed, based on the suspected item or student's conduct.

VI. Seizure

All items that are the object of a search and unlawful items found during the search will be seized and secured by an administrator. Items may be retained by the Authorized Searcher, turned over to the police, or where appropriate, returned to the parents of the student.

VII. Refusal to Allow Search and Seizure

- A. A student's willful refusal to cooperate with an Authorized Searcher at any time during a search of the person or property which is detrimental to the security, discipline, or sound administration of the school may result in disciplinary action.
- B. If a student refuses to permit a search, the Authorized Searcher should advise the student that the student's parents or the police may be contacted.

- C. A student's refusal to permit a lawful search shall constitute insubordination, the refusal to obey school rules, and uncooperative behavior under the Student Code of Conduct.

VIII. Guidelines for Searches on Field Trips

- A. A teacher(s) on a school-sponsored trip who has been designated in writing by the principal and who has been trained in conducting searches may conduct a search of a student as an "Authorized Searcher" under the provisions of this policy.
- B. Whether to designate teachers to be authorized to conduct searches on school-sponsored trips is a discretionary decision by each principal.
- C. The teacher should contact the principal or assistant principal prior to conducting any search, if possible.
- D. Inappropriate or illegal items found during the search should be seized by the teacher and forwarded to the appropriate school administrator at the earliest possible time.
- E. If the student refuses to consent to a search, the teacher should follow the procedures in Section VII. B and call parents and/or police (if appropriate) and inform the administration of the student's insubordination for follow-up.
- F. The teacher should contact the local police department if the items in question pose an immediate threat to the safety of students or others. This action could result in the arrest and prosecution of the student in the applicable jurisdiction. If possible, the teacher should contact the principal or assistant principal prior to contacting the police. The date and time local police were contacted should be recorded.
- G. On field trips outside of the United States, a teacher should follow all policies and procedures of the HCPSS and all local, state, and federal laws in determining the legality of items suspected to be in a student's possession. This action could result in the arrest and prosecution of the student in a foreign country.

IX. Parental Notification of a Search

Whenever a student or student's property is searched, the Authorized Searcher must contact the student's parents to explain that the student was searched and to inform them of any administrative action which might have been taken.

X. Documentation of a Search

Whenever a student search is undertaken, the Authorized Searcher must record the following information:

- A. The date and time of the search
- B. The basis for the search
- C. Whether the student cooperated or refused in the search
- D. All objects found during the search and their disposition
- E. Whether objects found in the search created reasonable suspicion for the additional search of a person or item
- F. Any student disciplinary action as a result of the search
- G. The date and time of any contact with the parent or guardian.

XI. Police Canine Drug Scans

- A. In partnership with the Howard County Department of Police, the school system permits the police department to use trained drug detection dogs to search school property and automobiles on school property.
- B. Drug scans are conducted by members of the Howard County Department of Police. During a drug scan the school administration will cooperate with the police officers in completing the scan. Drug scans by police canine units will be implemented in accordance with a joint Memorandum of Understanding on this topic between the Howard County Department of Police and the Howard County Public School System. If procedural or policy questions arise during a canine search, school administrators should contact the Office of School Administration for assistance.
- C. The principal will be advised in advance when a police canine search will occur. That information is strictly confidential, and the principal may not inform any other school personnel of the date or particulars of the search.
- D. For schools participating in police canine drug scans (currently high schools only), the principal must make at least 3 school announcements to the student body that periodic drug scans will be conducted on school premises by the canine unit of the Howard County Department of Police. The principal must keep a record of the dates and times of these announcements.

- E. Students are subject to discipline if the canine search reveals any illegal items or violation of school policies or rules, or if they fail to cooperate with the school's administrators during the actual scan process.

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