
**CARROLL COUNTY PUBLIC SCHOOLS
ADMINISTRATIVE REGULATIONS**

BOARD POLICY JIH: STUDENT SEARCHES AND SEIZURES

- I. Searches of Students and Student's Property on Board of Education Property.
- A. Authority to search in school.
1. Authorized searcher - A principal, assistant principal, or school security officer may make a search of the physical plant of the school and its appurtenances, including the lockers of students, with or without student permission.
 2. The right of the authorized searcher to search the locker shall be announced or published in the school at least annually.
- B. Authority to search student.
1. Authorized Searcher - A principal or assistant principal may make a reasonable search of a student on school premises if he/she has reasonable belief that the student is in possession of an item, the possession of which is a criminal offense under Maryland law or a violation of any other state law or policy or regulation of the Board of Education of Carroll County.
 2. Reasonable Belief/Reasonable Search
The legality of a search of a student will depend upon the "reasonableness" of the search in light of all circumstances. There must be reasonable grounds to believe that the search will reveal an item, the possession of which is a criminal offense under Maryland law. Two considerations are relevant in determining the reasonableness of a search.
 - a. The search must be justified at its inception by a reasonable suspicion.
 - b. The scope and conduct of the search must be reasonably related to the circumstances which gave rise to the search, taking into account the student's age, gender, and the nature of the offense.
 3. The search shall be made in the presence of an adult third party of the same gender as the student being searched. When possible, the searcher shall be the same gender as the student being searched.
- C. Authority to search students on school-sponsored trips.
1. Authorized Searcher - A principal, assistant principal, school security guard, or designated teacher may make a reasonable search of a student on a school-sponsored trip.
 2. Designated teacher - A trained teacher so designated in writing by the principal may make a reasonable search of a student on a school-sponsored

trip. To qualify as a designated teacher, a teacher must first receive training to conduct a search commensurate with the training received by the principal designating the teacher.

3. An authorized searcher or designated teacher who has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the Maryland law or a violation of any other State law or policy or regulation of the Board, may conduct a reasonable personal search of a student. The search shall be made in the presence of an adult third party of the same gender as the student being searched. When possible, the searcher shall be the same gender as the student being searched.

D. Refusal of student to allow search.

1. Any student who willfully refuses to cooperate with an authorized searcher or designated teacher at any time during a search of the person or property is subject to disciplinary action.
2. If a student refuses to permit a search, the authorized searcher or designated teacher should advise the student that the parent and /or police will be contacted and that the school system may take disciplinary action against that student.
3. If the student still refuses to permit a search, the authorized searcher or designated teacher should cease his/her attempt to conduct the search and notify the parent and/or police department of the circumstances. Disciplinary action beyond this contact may be taken based on the particular situation.

E. 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 under the laws of this state or a violation of any other state law or regulation of the Board of Education of Carroll County. Such items include, but are not limited to weapons, illegal drugs, controlled dangerous substances, substances which have the appearance of a controlled dangerous substance, drug paraphernalia, portable pagers, alcoholic beverages, explosive devices, fireworks, tobacco, and stolen items.

F. An authorized searcher or designated teacher may not conduct a search of a student based solely on the request of a police officer (COMAR 13A.08.01.14E).

G. Guidelines for personal searches by a principal, assistant principal or school security officer or a designated teacher.

1. The authorized searcher or designated teacher should begin the search by informing the student that he/she has a reasonable belief that the student is in possession of an unlawful item. The item should then be identified to the student and the anticipated scope of the search explained.
2. Searches must be conducted in the presence of another responsible adult of the same gender as the person being searched. When possible, the searcher shall be the same gender as the student being searched. Authorized searchers

- or designated teachers should not pat down a student of the opposite gender.
- a. Students shall be required to empty their pockets, purses, billfolds, etc., prior to a personal search
- b. The search or pat down must avoid intimate parts of the body.

H. Guidelines for search of automobiles by authorized searchers.

If an authorized searcher has a reasonable belief that a student has concealed an unlawful item in the student's automobile, the authorized searcher should not search the automobile, but rather contact the police. If the police are unavailable or if the situation will not allow for police presence, a student's automobile may be searched by an authorized searcher only when the student or owner consents. Otherwise, the car should not be opened.

I. Search by police.

1. Police officers shall conduct searches of students and the school premises in accordance with established policies and procedures.
2. School officials should cooperate with the police officers performing the search, **but not conduct searches as directed by police officers.**
3. Investigative searches of school premises by police officers shall only be permitted upon the authority of a search warrant or probable cause or in any case where the search is essential to prevent imminent danger to the safety or welfare of the students or of persons or school property.
4. Every effort shall be made to conduct searches in a manner that will minimize a disruption of the normal school routine and minimize embarrassment to students affected.

J. Drug Investigations – searches and seizures using drug detection dogs.

Administrative procedures:

1. Students and parents will be notified early in the school year by appropriate media such as newsletters, and/or student/parent handbooks and/or newspapers that drug detection dogs may be used on school property.
2. The use of drug detection dogs is authorized as a possible resource by school officials in drug investigations and for drug deterrence. There shall be mutual agreement between school and law enforcement officials that the use of drug detection dogs is appropriate.
3. Procedures to be followed by the building principal prior to and during the use of the drug detection dogs on school property:
 - a. The principal desiring drug scans will make a request to the Coordinator of Security
 - b. The Coordinator of Security will notify the appropriate Elementary, Middle, or High School Director, the Director of Student Services and the Superintendent of the request and secure approval of the Superintendent of Schools.
 - c. Once approved, the Coordinator of Security will facilitate the scans with the building administrators and the appropriate law enforcement agencies

- d. Results of the scans will be reported to the principal once the scans have been completed.
 - e. Targeted areas will be student lockers and cars on the parking lots. Students will not be scanned.
 - f. If practicable, scans will be timed to occur when students are in classes or not in the school building; times during lunch periods and change of classes will be avoided. If a class change occurs during scanning, scanning will cease until the halls are clear of students.
 - g. One (1) administrator and one (1) other staff member will accompany the canine team and route any students who may be in the vicinity away from the area being scanned.
4. Procedures to be followed by the school principal if a drug detection dog alerts on a locker, other area of the school, or vehicle:
- a. If a dog alerts on a locker, vehicle, or other area of the school, school personnel may not conduct a search of that area. The only exception to this will be in a case where the search is essential to prevent imminent danger to the safety or welfare of a student or other persons or school property.
 - b. The school administrator will assist the police in securing the locker, vehicle, or other area of the school. The student who operates the vehicle or to whom the locker is assigned will be summoned to the office and brought to the locker location or parking lot.
 - c. Police officers shall conduct searches of students and school premises in accordance with their established policies and procedures consistent with COMAR 13A.08.01.14D.
 - d. Whenever police officers question a student, except in an investigation concerning suspected child abuse or neglect, the principal shall promptly notify the parent and the Superintendent of Schools, or his designee of the nature of the investigation.
5. Procedures to be followed **after** using the drug detection dogs on school property:
- a. Disciplinary action taken by school officials is independent from action taken by the law enforcement officers.
 - b. The principal will report the results of the investigation to the appropriate Director who will inform the Superintendent.

II. Parent Notification

A reasonable attempt shall be made to contact a parent of the student searched to provide information related to the reason for the search and the outcome of the search as soon as possible.

III. Seizure of Unlawful Items

All items that are the object of a search and unlawful items found during the search will be seized by the authorized searcher or designated teacher. As required by law and Carroll County Public Schools' regulations, all items shall be turned over to police.

IV. Training

Employees, authorized by Board policy to search students and seize unlawful items, will receive an annual interactive training with material approved by legal counsel. Training material will be provided to administrators by the Department of Student Services and updated annually.