

I. Policy Statement

The Board of Education of Howard County is committed to providing a safe and supportive learning environment, free from dangerous or illegal items and those items that constitute a violation of Board policy. In order to ensure safety and security practices consistently across the Howard County Public School System (HCPSS), the Board authorizes statutorily designated employees to conduct reasonable searches of a student and of the student's possessions on school property or during any school-sponsored activity in accordance with Maryland law and this policy.

II. Purpose

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

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Authorized Searcher – An HCPSS staff member with the authority to search.
- B. 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 responsibilities.
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 - 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, as long as the person satisfies the requirements of the Education Article, §7-101(c) (Informal Kinship Care).

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 the Family Law Article, §5-507.
- C. Personal Electronic Device – Any device in a student’s possession which electronically communicates, sends, receives, stores, reproduces or displays voice and/or text communication or data. These include, but are not limited to, cellular phones, pagers, smart phones, music and media players, gaming devices, tablets, laptop computers, and personal digital assistants.
- D. Reasonable Belief – The standard used for authorized school personnel to conduct a search of a student. Searches must be based on a belief that the student possesses an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other law or HCPSS policy or the HCPSS Student Code of Conduct.
- E. School Property – Any property owned or leased by the HCPSS or used by the HCPSS for school-related activities. The concept of property extends to school activities such as domestic or international travel, use of parks and recreation facilities, proms at hotels, etc. Bus stops and facilities scheduled by the school system for student use are considered an extension of school property. Examples of school property include but are not limited to desks, cubbies, HCPSS electronic devices, and lockers.
- F. School-Related Activity – Any HCPSS activity, whether held on or off school property, in which a student directly participates (e.g., domestic or international travel, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by attending (e.g., spectator at a school event).
- G. Student Possession – Any item in the possession or under the control of a student, including, but not limited to, athletic bags, backpacks, personal electronic devices, lunch boxes, purses, wallets, or vehicles.

IV. Standards

- A. The authority of school officials to search a student or a student’s possessions applies to all students when on school property or at school-related activities for the purpose of preserving order and safety in the schools.
- B. Authorized HCPSS employees performing searches will conduct the search in accordance with the constitutional, statutory, and other legal rights of the student.
- C. School officials are authorized to search a student if the Authorized Searcher has a reasonable belief that the student has in the student’s possession an item, the possession

or use of which is a criminal offense under the laws of Maryland, or a violation of any other state law or any rule or regulation of the HCPSS.

- D. A search of a student will be made in the presence of a third party. If the Authorized Searcher is in fear of imminent bodily injury to self or others, a search may be made before a third party arrives.
- E. School officials will notify students at the beginning of each year that school officials have the authority to search students and their property.
- F. Students are protected by the Fourth Amendment against unreasonable search and seizure of students and their possessions by school officials.

V. Responsibilities

- A. The Superintendent/Designee will facilitate training for all school administrators annually of the provisions and implementation of this policy.
- B. School administrators will ensure that staff reviews this policy annually.
- C. The Superintendent/Designee will ensure that students and parents are provided annual notice of the authority of school officials to search students.
- D. Authorized Searchers may search a student if the Authorized Searcher has a reasonable belief that the student has in the student's possession an item, the possession or use of which is a criminal offense under the laws of Maryland, or a violation of any other state law or any rule or regulation of the HCPSS.

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 8080 Responsible Use of Technology and Social Media
 - Policy 8100 Field Trips, Domestic
 - Policy 8110 Student International Educational Travel
 - Policy 9020 Student Rights and Responsibilities

Policy 9200 Student Discipline

Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over the Counter Products

Policy 9240 Student Use and Possession of Tobacco Products

Policy 9250 Weapons

C. Relevant Data Sources

Maryland State Department of Education (MSDE) Discipline Summary Reports

D. Other

HCPSS Student Code of Conduct

Memorandum Of Understanding Canine Drug Scans between the HCPSS and the Howard County Police Department

VIII. History

REVIEWED:

MODIFIED:

REVISED: June 12, 2014

ADOPTED: May 11, 2006

EFFECTIVE: July 1, 2014

Effective: July 1, 2014

I. Definitions

Within the context of these implementation procedures, the following definitions apply:

- A. Intimate Areas – Those areas of the body which are normally covered by undergarments.
- B. Security Assistant – A HCPSS employee who is responsible for monitoring the safety of students, staff, and visitors who use the facilities owned or leased by the school system.
- C. Strip Search – A search conducted in a manner which exposes a student’s undergarments or intimate areas.

II. Authority to Search

- A. Designation of Authorized Searcher
 - 1. Authorized Searcher includes the following:
 - a. Principal or assistant principal (or the person serving in the position of principal or assistant principal in the absence of the principal or assistant principal).
 - b. Security assistant under the direction of the principal or assistant principal.
 - c. Teacher on a school-sponsored trip who has been so designated in writing by the principal and who has been trained in conducting searches.

In the event that the person in charge of students is not an Authorized Searcher and has a reasonable belief that a student has an item, the possession or use of which is a criminal offense or a violation of any law, HCPSS policy, or the HCPSS Student Code of Conduct, the person in charge will do one of the following:

- i. Contact law enforcement.
- ii. Immediately call a school Authorized Searcher.

2. Authorized Searcher does not include the following:
 - a. Contracted security guard.
 - b. Parent or volunteer on domestic or international travel.
 - c. Staff member supervising after-school activities.
 - d. Howard County Department of Police School Resource Officer, or law enforcement officer.

- B. An Authorized Searcher may make a search of a student or the student's possessions if the Authorized Searcher has a reasonable belief the student possesses an item, the possession or use of which is a criminal offense or a violation of any law, HCPSS policy, or the HCPSS Student Code of Conduct. There are two components to a constitutional search: 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 belief that the student's possession or improper use of an item or personal electronic device constitutes at least one of the following:
 - i. A suspected criminal offense.
 - ii. A suspected violation of any state law.
 - iii. A suspected violation of any HCPSS policy or the HCPSS Student Code of Conduct.
 - iv. A suspected violation of any school rule.
 - b. Reasonable belief is determined by considering the nature of the suspicion, the amount and credibility of evidence, and all relevant circumstances. It is also necessary to consider both the amount and credibility of the evidence that the student possesses the suspected item as well as the degree of seriousness that possession of the item or electronic device 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, the student's age, gender, the nature of the offense, and the size of the suspected item. See Section V, Search of a Student.

- b. Any other item obtained during a justified search may be the subject of disciplinary action, even if it is not the item which was originally suspected.
- C. A search of a student will be made in the presence of a third party. If the Authorized Searcher is in fear of imminent bodily injury to self or others, a search may be made before a third party arrives.
- D. The right of an Authorized Searcher to search a school building will be announced or published previously in the school.
- E. If an Authorized Searcher is making a search of the school building, any item obtained during a search may result in disciplinary action.

III. Searches Requested by Law Enforcement

Credible information provided by a law enforcement officer may form the basis for an Authorized Searcher to acquire reasonable belief to conduct a search. However, an Authorized Searcher may not conduct a search of a student based solely on the request of a law enforcement officer.

IV. Items That May Be the Object of a Search

The purpose of a search must be for an item, the possession or use of which is suspected to be a criminal offense or a violation of any law, HCPSS policy or the HCPSS Student Code of Conduct. Such items include but are not limited to weapons, including look-alike and non-deadly weapons, controlled dangerous substances, medications or over-the-counter medications, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, stolen items, tobacco products and personal electronic devices that are used in violation of HCPSS policy or the HCPSS Student Code of Conduct.

For personal electronic devices, Authorized Searchers may search such devices only if they have reasonable belief that the device contains content that violates law, HCPSS policy, or the HCPSS Student Code of Conduct.

V. Search of a Student

- A. Strip searches by school personnel are prohibited.
- B. The Authorized Searcher will begin a search by informing the student that he/she has a reasonable belief that the student is in possession of (the Authorized Searcher will then state the object of the search to the student) and explain the anticipated scope of the search.
- C. A Search of a student will be made in the presence of a third party. If the Authorized Searcher is in fear of imminent bodily injury to self or others, a search may be made before a third party arrives.

- D. Authorized Searchers should avoid a pat down or search of a student of the opposite gender unless there is reason to believe a threat of danger exists. The search or pat down must avoid intimate parts of the body.
- E. During a search, a student may be required to empty the student's pockets, purse, wallet, backpack, etc.

VI. Search of a Student Vehicle

A student's vehicle 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 vehicle, or when the student consents. The Authorized Searcher may also contact law enforcement, as needed, based on the suspected item or the student's conduct.

VII. Search of School Property Assigned to a Student for School Use

An Authorized Searcher may search property assigned to a student for school use at any time. This includes, but is not limited to, lockers, desks, electronic devices, and cubbies.

VIII. 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 law enforcement, or where appropriate, returned to the parents of the student.

IX. Refusal to Allow Search and Seizure

- A. A student's refusal to cooperate with an Authorized Searcher at any time during a search of the student or of his/her possessions deemed to be 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 will advise the student that the student's parents and/or the police will be contacted.
- C. A student's refusal to permit a lawful search will constitute insubordination under the HCPSS Student Code of Conduct.

X. Searches on Domestic and International Travel

- A. Training will be provided for staff members on the appropriate process of conducting a search under the provisions of this policy.
- B. A teacher designated in writing as an Authorized Searcher by the principal/designee may conduct a search of a student under the provisions of this

policy as long as that individual has received training to conduct a search commensurate with the training received by the principal.

- C. Staff designated as Authorized Searchers will implement the provisions of this policy as deemed necessary on both domestic and international travel.
- D. When practical, Authorized Searchers will contact the principal or principal's designee prior to conducting any search.
- E. Inappropriate or illegal items found during the search should be seized by the Authorized Searcher and forwarded to the appropriate party in accordance with Seizure Procedures (VIII above).
- F. If the student refuses to consent to a search, the Authorized Searcher should follow the procedures in Section IX. B above and call parents and/or law enforcement (if appropriate) and inform the administration of the student's insubordination.
- G. The Authorized Searcher should:
 - 1. Contact the local law enforcement department if the items in question pose an immediate threat to the safety of others.
 - 2. When practical, contact the principal/designee prior to contacting the police.
 - 3. Record the date and time local law enforcement were contacted.
- H. The arrest and prosecution of the student in the applicable jurisdiction could occur as a result of the Authorized Searcher contacting local law enforcement.

XI. Parental Notification of a Search

When a student or student's possessions are searched, the principal or principal's designee must contact the student's parents to explain that the student was searched. The parent will be informed of any administrative action pending or applied.

XII. Documentation of a Search

When a student search is undertaken, the Authorized Searcher must record and/or collect the following information:

- A. The date and time of the search.
- B. The reason for the search.
- C. Whether the student cooperated or refused in the search.

- D. Student and staff statements, as appropriate.
- E. All objects seized during the search and their disposition.
- F. Whether objects seized in the search created reasonable suspicion for the additional search of a person or item.
- G. Any student disciplinary action as a result of the search.
- H. The date and time of any contact with the parent.

XIII. Law Enforcement Canine Drug Scans

- A. In partnership with the Howard County Department of Police, the school system permits their department to use trained drug detection dogs to search school property and vehicles on school property.
- B. Drug scans are conducted by members of the Howard County Department of Police. School administration will cooperate with the law enforcement officers in completing the scan. Drug scans by law enforcement 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 HCPSS. If procedural or policy questions arise during a canine search, school administrators will contact the Office of School Administration for assistance.
- C. The principal will be advised in advance when a law enforcement canine search will occur. That information is strictly confidential, and the principal will not inform any other school personnel of the date or particulars of the search.
- D. For schools participating in law enforcement canine drug scans, the principal will make at least three school announcements each school year 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 will record the dates and times of these announcements.
- E. A student is subject to discipline if the canine search reveals any illegal items or violation of school policies or rules, or if the student fails to cooperate with school administrators during the actual scan process.

XIV. History

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