

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

Date Submitted: June 15, 2004 Date Reviewed: January 17, 2006 March 17, 2009	Number: 600-40
Subject: Student Searches	Date Approved: July 20, 2004 February 21, 2006 May 26, 2009 Date Revised: March 17, 2009 Date Effective: July 20, 2004 February 21, 2006 May 26, 2009

1. **PURPOSE**

To define the process for searching school premises and/or students by school personnel and police.

2. **Guidelines**

- A. Legal Basis: Section 7-308 of the Educational Article, Annotated Code of Maryland COMAR 13A.08.01.14
- B. Police officers, upon the authority of a search warrant, may make a search of that part of the school premises described in the search warrant, and school officials should cooperate in performing the search.
- C. Investigative searches of school premises by police officers shall only be permitted upon the authority of a search warrant or in any case where the search is essential to prevent imminent danger to the safety and welfare of the student or other persons on school property. The search may not include a student's assigned locker unless specified in the search warrant.
- D. Every effort shall be made to conduct searches in a manner which will minimize a disruption of the normal school routine and minimize embarrassment to students affected.
- E. A police officer may not search the person of a student not under arrest, unless the police officer has a reasonable suspicion that the student is concealing a weapon which poses a danger to others. A school official may not conduct a search of the person at the request of a police officer.
- F. A principal, assistant principal, or school security guard may make a reasonable search of a student on the school premises or on a school sponsored trip if that individual has a reasonable belief that the student has in his or her possession 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 rule or regulation of the local board. The search shall be made in the presence of a third party.
- G. A principal, assistant principal, or school security guard may make a search of the physical plant of the school and its surrounding area, including the lockers of students.

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The right of the school official to search the locker shall be announced or published previously in the school.

- H. If designated in writing by the principal, a teacher may make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in his or her possession 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 a rule or regulation of the Board. The search shall be made in the presence of a third party. To qualify to conduct a search under this section, a faculty member must first receive training to conduct a search commensurate with the training received by the principal designating the teacher.