

# REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JCC (formerly Policy 902.05)

Responsible Office: ASSISTANT SUPERINTENDENT FOR STRATEGIC INITIATIVES

## SEARCH AND SEIZURE

### A. PURPOSE

It is the responsibility of the student not to enter school property with dangerous or illegal items or those items that constitute violations of school policy. It is the responsibility of the student to cooperate fully with any lawful investigation by authorized persons on school property.

### B. BACKGROUND

Students are protected against unreasonable search and seizure by school officials by the Fourth Amendment. *New Jersey v. T.L.O.*, 105 s. Ct. 733 (1985). . However, school officials do not need a warrant to conduct a search of a student, and the level of suspicion required to justify a search is not "probable cause," as it is in most circumstances, but rather a standard of "reasonable belief." Both the inception of the search and its scope must be justified by this standard, and 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."

Desks, lockers, and storage spaces, which are provided to students, are the property of the school. A student's locker, purse, backpack, and other personal possessions and vehicle can be searched if there is a reasonable belief any of them contain drugs, weapons, contraband, or other items not permitted in school or on school property. Trained sniff-screening police dogs may be used during the school year as a part of school safety prevention efforts designed in cooperation with local police authorities to ensure schools are safe and drug free.

### C. PROCEDURES

1. Maryland State Board Bylaw (COMAR) provides that:
  - a. Police officers, upon 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;
  - b. 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 or welfare of the student or other persons or school property. The search may not include a student's assigned locker unless specified in the search warrant;

- c. Every effort shall be made to conduct searches in a manner which will minimize disruption of the normal school routine and minimize embarrassment to students affected;
- d. 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; and

2. Maryland Education Law provides that:

- a. A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises if that person has a reasonable belief that the student possesses an item, the possession of which is a criminal offense under the laws of this state. The search shall be made in the presence of a third party;
- b. A principal, assistant principal, or school resource officer of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students; and
- c. The right of the school official to search the locker shall be announced or published previously in the school.

3. When it has been established to the satisfaction of the principal or the principal's designee that the search of a student or the seizure of anything is necessary to ensure the safety of students and staff, such actions will be governed by Maryland State Board Bylaw (COMAR) and Maryland Education Law. The school will take action in accordance with the *Code of Student Conduct*.

*Regulation history:*            *Developed by the Superintendent 2/15/06*  
   *Reviewed by the Board of Education 6/7/06*  
   *Issued 6/7/06*

*Note previous regulation history: Replaces Policy 902.05, adopted 11/6/74 and revised 5/20/91.*