

POLICY TITLE: SEARCH AND SEIZURE		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 09-13-2004	MOST RECENTLY REAFFIRMED: 05-20-2004
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students		

I. Purpose

The Board of Education of Harford County is committed to providing a safe and secure learning environment free from dangerous or illegal items and those items that constitute a violation of the Harford County Public Schools (HCPS) Code of Student Conduct.

In furtherance of its commitment to provide a safe and secure learning environment, the Board authorizes certain statutorily designated school officials to conduct a reasonable search of a student and of a student's personal belongings while on school property or during any school-sponsored activity in accordance with Maryland law and this policy.

Recognizing the potential intrusiveness of these searches, it is the Board's expectation that such searches shall be conducted only with the proper authority and justification, and with due recognition and deference for the human dignity of those being searched.

The purpose of this policy is to provide guidelines for the administration of and the monitoring and tracking of searches of students and student's possessions to ensure that the searches are equitable and justified.

II. Definitions

- A. Authorized Searcher means a principal, assistant principal, or School Safety Employee. An authorized searcher may also be a teacher on a school-sponsored trip who has been so designated in writing by the principal/designee and who has been trained in conducting searches consistent with this policy. School Resource Officers (SROs) are not considered authorized searchers for the purposes of this policy.
- B. Business day means any day in which HCPS central offices are open.
- C. Law enforcement officers means an individual who is a duly authorized county, state, or federal police officer.
- D. Portable electronic communication device means any device carried, worn, or transported by an individual to receive, communicate, or record voice,

image, and/or text content.

- E. Reasonable belief means the legal standard used for an authorized searcher to conduct a search of a student's person or property, which requires that an authorized searcher have a reasonable basis, at the inception of the search, to believe that the student is in current possession of an item or items, the possession of which is a violation of the HCPS Student Code of Conduct, any Board policy or administrative procedures, or law, or a criminal offense under the laws of Maryland. Reasonable belief is determined by considering the nature of the suspicion, the amount and credibility of the evidence, and all relevant circumstances.
- F. School property means any HCPS-owned, controlled, or leased property or vehicle, including school buses and buses operated by contracted vendors. School property includes, but is not limited to, desks, cubbies, lockers, and portable electronic communication devices including laptops, or other school property assigned to a student for educational purposes.
- G. School-sponsored activity means any HCPS-sponsored student trip or other 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., a spectator at a school event).
- H. Search and seizure means a search is an examination of a student's person or property including a student's personal vehicle parked on school property with the intent of discovering an item or items, the possession of which is a violation of the Student Code of Conduct, any Board policy or HCPS administrative procedure, law, or a criminal offense under the laws of Maryland. A seizure is the act of taking possession of the discovered item.
- I. Safety and Security Enhancement Devices means walk-through units or hand-held wands metal detectors.
- J. Police K-9 Dog Scans: Harford Public Schools with local, county, and state law enforcement agencies may conduct police K-9 scans in and around schools. Police policies and procedures will determine the parameters of the search, including the vehicle or vehicles and any other action taken in the event the police K-9 scan results in an alert.

III. Policy Statement

- A. Each school administrator shall provide notice to students at the beginning of each school year that authorized searchers have the authority to conduct searches of students on school property or during a school-sponsored activity and of the physical plant of the school, including lockers. This notice may also be made through the

distribution of the HCPS Student Rights and Responsibilities Handbook at the beginning of each school year. Additional announcements may be made at the discretion of the school administrator.

- B. Students are protected by the Fourth Amendment against the unreasonable search and/or seizure of their person and possessions by school officials.
- C. An authorized searcher is required to conduct a search or seizure only with proper authority and justification, with due recognition and deference for the human dignity of those being searched, and in accordance with the U.S. Constitution, all other applicable legal standards.
- D. The authority of an authorized searcher to search a student or a student's possessions applies to all students when on school property or at a school-sponsored activity, for the purpose of preserving order and ensuring the safety of HCPS students, employees, and others.
- E. An authorized searcher may make a reasonable search of a student on school property or during a school-sponsored activity if the authorized searcher has a reasonable basis, at the inception of the search, to believe that the student is in current possession of an item or items, the possession of which is a violation of the Student Code of Conduct, any Board policy, administrative procedure, or law, or a criminal offense under the laws of Maryland. The authorized searcher should explain the basis of the search to the student before proceeding with the search.
- F. Except in situations when there is an immediate threat to the health, safety, or welfare of the student or others, the scope of a search shall be limited to the least intrusive means available. Escalation of the scope or intrusiveness of the search shall occur only when warranted by the seriousness of the infraction or violation, and the information supporting the investigation.
- G. Any search of a student must be made in the presence of a third party. The third party must be an HCPS employee. The third party cannot be a HCPS SRO or law enforcement officer.
- H. The student's preference as to who is designated as the third party will be taken into consideration, including but not limited to the student's preferences with respect to gender identity or sex and ability to communicate with and provide support for the student, especially if the student is an English language learner and/or a student with disabilities.
- I. During a search, an authorized searcher shall require a student to empty their pockets, purse, wallet, backpack, or other personal belongings. During a search, an authorized searcher shall require a student to empty their pockets, purse, wallet, backpack, or other personal belongings. Strip searches of students are prohibited. Pat downs requiring the authorized searcher to make direct contact with the student's body are permissible if the authorized

searcher has reasonable suspicion that the student is in possession of a deadly weapon. Law enforcement shall be notified, and law enforcement shall retrieve any contraband that is recovered from the search.

- J. Every effort shall be made to conduct searches in a manner that will minimize disruption of the normal school routine and minimize embarrassment to students affected. A search of a student shall be conducted in a private space.
- K. When a student has undergone a search, he/she may check in with the Professional School Counselor to discuss the search and receive support.
- L. The use of safety and security enhancement devices and other weapons detection system is permitted before students are allowed entry into high schools.
- M. Searches of School Property An authorized searcher may make a search of the physical plant of the school and its appurtenances and of property assigned to a student for school use at any time. Examples include but are not limited to, student desks, lockers, storage spaces, cubbies, and HCPS-issued devices.
- N. Searches of Students on School-Sponsored Trips by Teacher
 - 1. A school administrator may authorize a HCPS teacher to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession of an item, the possession of which is a violation of the Student Code of Conduct, any Board policy, HCPS administrative procedure, or law, or a criminal offense under the laws of Maryland.
 - 2. The search shall be made in the presence of an adult third party who is the opposite sex of the person conducting the search unless a person of the opposite sex is not available. The adult third party shall be an HCPS employee.
 - 3. To qualify to conduct a search under this paragraph, the teacher shall be designated in writing by the school administrator and receive training to conduct a search commensurate with the training received by a school administrator prior to a school-sponsored trip.
- O. Parent Notification of Search
 - 1. At the conclusion of the student search, a reasonable attempt will be made to contact a parent of the student searched to provide information related to the reason for the search and its outcome. If the school is unable to contact the parent by phone, the school will email or mail via U.S. Postal Service notice to the parent that a search and/or seizure took place no later than two (2) business days following the search.

2. Police investigations involving questioning of a student may not be permitted on school premises unless in connection with a crime committed on school property or in connection with an investigation which, if not immediately permitted, would endanger the lives or safety of students, staff, or other persons. The school administrator shall be present throughout any questioning of students by law enforcement officers.

P. Refusal to Allow Search

1. If a student is believed to be in possession of a deadly weapon and refuses to permit a search of the student's person or belongings, the school administrator or authorized teacher shall advise the student that the police will be contacted and the student's parents notified.
2. A student's refusal to permit a lawful search shall result in disciplinary action in accordance with the HCPS Code of Conduct.

Q. Appeals of Search and/or Seizures

1. If the search and/or seizure resulted in disciplinary consequences in accordance with the Student Code of Conduct, the student or their parent/guardian may raise concerns that the search and/or seizure violated this policy as part of the due process and appeal procedures Student Appeals of Disciplinary Action and the accompanying administrative procedures.
2. If the search and/or seizure did not result in disciplinary action(s), the student or their parent/guardian may file a request for an administrative review within 30 calendar days of the date that the search and/or seizure took place or within 30 calendar days of the school emailing and/or mailing notice that a search and/or seizure took place. For good cause, the request for an administrative review may be extended beyond the 30 calendar days. The request should explain any concerns that the search and/or seizure violated Search and Seizure Policy and the accompanying administrative procedures. The request shall be filed with the Superintendent/designee.

R. Training Prior to the beginning of each school years, the superintendent shall ensure annual training of all authorized searchers regarding the provisions of this policy and the accompanying administrative procedures, including teachers who will be supervising students on school-sponsored trips.

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D.
Superintendent

Policy Action Dates							
ACTION		DATE		ACTION		DATE	

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Kimberly H. Neal, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Donoven Brooks	JOB POSITION OF PERSON RESPONSIBLE: Supervisor of Safety and Security
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

U.S. CONST. AMEND. IV

MD. CODE ANN., EDUC. § 7-305 , §7-308 COMAR 13A.08.01.13 & 14

Other Policies and Administrative Procedures Policy 0101 – Educational Equity Policy
5115 – Student Appeals of Disciplinary Action AP 10101 – Student Rights and
Responsibilities Handbook

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.