

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 4, 2012

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5460, *SEARCHES***

ORIGINATOR: Kevin A. Hobbs, Deputy Superintendent

RESOURCE PERSON(S): Dale Rauenzahn, Executive Director, Safety and Security

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 5460. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 5460

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5460
SEARCHES**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent's Rule 8130, Policy 5460 is scheduled for review in school year 2012-2013. Policy 5460 authorizes the reasonable search of a student and seizure of unlawful items. Staff is recommending that the policy be revised to: (1) include a policy statement; (2) include definitions; (3) address seizure of unlawful items and parent notification; (4) clarify that refusal by a student to permit a search may result in the authorities being notified and/or lead to disciplinary action; (5) conform with the Policy Review Committee's editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 5330, *Social Events*
2. Board of Education Policy 5550, *Disruptive Behavior*
3. Board of Education Policy 5540, *Alcoholic Beverages, Controlled Dangerous Substances, Intoxicants, Prescription and Nonprescription Drugs*
4. Board of Education Policy 5600, *Students' Rights and Responsibilities*
5. Board of Education Policy 6800, *Field Trips and Foreign*

Legal Requirements

1. *Annotated Code of Maryland, Education Article §7-308, Searches of Students and Schools*
2. COMAR 13A.08.01.14, *Searches*
3. COMAR 13A.08.01.15, *Reporting Delinquent Acts*

Similar Policies Adopted by Other Local School Systems

1. Harford County Board of Education, Policy 02-0018-000, *Student Property – Search and Seizure by Police Officers*
2. Howard County Board of Education, Policy 9260, *Student Search and Seizure*
3. Montgomery County Board of Education, Policy JGB-EA, *Searches, Arrests and Questioning on School Premises*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered by staff.

Timeline

First reading – October 23, 2012

Public comment – November 7, 2012

Third reading/vote – December 4, 2012

STUDENTS: SERVICES TO STUDENTS [Searches: Students, Schools, and Lockers]

SEARCHES

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROVIDING A SAFE AND SECURE LEARNING ENVIRONMENT FREE FROM DANGEROUS OR ILLEGAL ITEMS AND THOSE ITEMS THAT CONSTITUTE A VIOLATION OF BOARD POLICY. IN ORDER TO FURTHER THIS COMMITMENT, AND PURSUANT TO ITS STATUTORY AUTHORITY, THE BOARD AUTHORIZES BALTIMORE COUNTY PUBLIC SCHOOLS' (BCPS) ADMINISTRATORS [A principal or assistant principal of a Baltimore County Public School may make] TO CONDUCT a reasonable search of a student AND OF THE STUDENT'S PERSONAL BELONGINGS on [the] school PROPERTY [premises] OR DURING ANY [or on a] school-sponsored ACTIVITY [event] IN ACCORDANCE WITH MARYLAND LAW AND THIS POLICY. [if he/she has a reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense under the laws of the State of Maryland or a violation of any other state law or a rule or regulation of the Baltimore County Public Schools. The search shall be made in the presence of a third party (staff member).]

- B. THIS POLICY PROVIDES GUIDELINES TO CONDUCT SEARCHES OF STUDENTS AND THEIR POSSESSIONS AND PROVIDES A UNIFORM PROCESS FOR THE ADMINISTRATION OF SUCH SEARCHES.

II. DEFINITIONS

AS USED IN THIS POLICY, THE FOLLOWING DEFINITIONS SHALL APPLY.

- A. *ADMINISTRATOR* MEANS THE PRINCIPAL OR ASSISTANT PRINCIPAL OF A BALTIMORE COUNTY PUBLIC SCHOOL (BCPS).

- B. *SCHOOL PROPERTY* MEANS ANY BCPS-OWNED, CONTROLLED, OR LEASED PROPERTY OR VEHICLE REGARDLESS OF WHETHER STUDENTS ARE PRESENT.

III. GUIDELINES

A. NOTICE

EACH SCHOOL PRINCIPAL SHALL INFORM PARENTS AND STUDENTS ABOUT THE RIGHT TO CONDUCT SEARCHES ON SCHOOL PROPERTY OR DURING SCHOOL-SPONSORED ACTIVITIES THROUGH THE DISTRIBUTION OF THE *STUDENT HANDBOOK* AT THE BEGINNING OF EACH SCHOOL YEAR. ADDITIONAL ANNOUNCEMENTS MAY BE MADE AT THE DISCRETION OF THE PRINCIPAL.

B. SEARCHES OF STUDENTS

1. AN ADMINISTRATOR MAY MAKE A REASONABLE SEARCH OF A STUDENT ON SCHOOL PROPERTY OR DURING A SCHOOL-SPONSORED ACTIVITY IF THE ADMINISTRATOR HAS A REASONABLE BELIEF THAT THE STUDENT HAS IN HIS/HER POSSESSION AN ITEM, THE POSSESSION OF WHICH IS A CRIMINAL OFFENSE UNDER THE LAWS OF THE STATE OF MARYLAND OR A VIOLATION OF ANY OTHER STATE LAW OR POLICY OR RULE OF BCPS.
2. STRIP SEARCHES ARE PROHIBITED.
3. SEARCHES MUST BE CONDUCTED IN THE PRESENCE OF AN ADULT THIRD PARTY OF THE SAME GENDER AS THE STUDENT BEING SEARCHED.
 - a. THE ADULT THIRD PARTY SHALL BE A BCPS EMPLOYEE.

C. SEARCHES AT SCHOOLS

1. DESKS, LOCKERS, AND STORAGE SPACES, WHICH ARE PROVIDED TO STUDENTS, ARE THE PROPERTY OF BCPS. AN ADMINISTRATOR [A principal or assistant principal of a Baltimore County Public School] may make a search of the physical plant of the school and its appurtenances, including STUDENT DESKS, [the] lockers, AND STORAGE SPACES AT ANY TIME [of students]. The right of ADMINISTRATORS [the principal or assistant principal] to search the locker shall be announced or published previously in the school.

- D. SEARCHES OF STUDENTS ON SCHOOL-SPONSORED TRIPS
1. AN ADMINISTRATOR OR DESIGNATED [A principal may authorize a] teacher MAY [to] make a reasonable search of a student on a school-sponsored TRIP [event] if the SEARCHER OR DESIGNATED teacher has a reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense under the laws of THE STATE OF Maryland or a violation of any other State law or policy or rule of BCPS [the Baltimore County Public Schools]. THE SEARCH SHALL BE MADE IN THE PRESENCE OF AN ADULT THIRD PARTY OF THE SAME GENDER AS THE STUDENT BEING SEARCHED.
 - a. THE ADULT THIRD PARTY SHALL BE A BCPS EMPLOYEE.
 2. A TEACHER DESIGNATED TO CONDUCT A SEARCH UNDER THIS SECTION [A teacher] shall be designated in writing by THE SCHOOL [a] principal and SHALL receive training to conduct a search commensurate with the training received by a principal prior to a school-sponsored event. [The search shall be made in the presence of a third party (staff member).]

IV. SEIZURE

- A. ALL ITEMS FOUND DURING ANY SEARCH WILL BE SEIZED BY THE ADMINISTRATOR OR AUTHORIZED TEACHER WHEN THE POSSESSION OF SUCH ITEMS VIOLATES ANY STATE LAW OR SCHOOL SYSTEM POLICY OR RULE.
- B. ALL ITEMS SEIZED MUST BE RETAINED BY THE ADMINISTRATOR; TURNED OVER TO THE POLICE OR OTHER APPROPRIATE AGENCY; OR, WHEN APPROPRIATE, RETURNED TO THE STUDENT'S PARENT. IN ALL CASES A PICTURE OR PHOTOCOPY OF THE ITEM(S) SEIZED SHALL BE MAINTAINED BY THE ADMINISTRATOR.

V. PARENT NOTIFICATION OF SEARCH

- A. 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.

VI. REFUSAL TO ALLOW SEARCH

- A. IF A STUDENT REFUSES TO PERMIT A SEARCH OF HIS/HER PERSON OR HIS BELONGINGS, THE ADMINISTRATOR OR AUTHORIZED TEACHER SHOULD ADVISE THE STUDENT THAT THE STUDENT’S PARENT OR THE POLICE MAY BE CONTACTED.
- B. A STUDENT’S REFUSAL TO PERMIT A LAWFUL SEARCH MAY RESULT IN DISCIPLINARY ACTION IN ACCORDANCE WITH POLICY 5550, *DISRUPTIVE BEHAVIOR*.

VII. IMPLEMENTATION

- A. THE BOARD DIRECTS THE SUPERINTENDENT TO IMPLEMENT THIS POLICY.

Legal ReferenceS: *Annotated Code of Maryland, Education Article §7-308 [7-707 8], SEARCHES OF STUDENTS AND SCHOOLS [Searches of Schools and Students]*
 COMAR 13A.08.01.14, *SEARCHES*
 COMAR 13A.08.01.15, *REPORTING DELINQUENT ACTS*

RELATED POLICIES: BOARD OF EDUCATION POLICY 5330, *SOCIAL EVENTS*
 BOARD OF EDUCATION POLICY 5500, *DISRUPTIVE BEHAVIOR*
 BOARD OF EDUCATION POLICY 5540, *ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, INTOXICANTS, PRESCRIPTION AND NONPRESCRIPTION DRUGS*
 BOARD OF EDUCATION POLICY 5600, *STUDENTS’ RIGHTS AND RESPONSIBILITIES*
 BOARD OF EDUCATION POLICY 6800, *FIELD TRIPS AND FOREIGN TRAVEL*

Policy Board of Education of Baltimore County
 Adopted: 05/28/70
 Revised: 09/05/07
 REVISED: _____