

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: July 10, 2007

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5460 – STUDENTS: SEARCHES-STUDENTS, SCHOOLS, AND LOCKERS**

ORIGINATOR: Sonia Diaz, Chief Academic Officer

RESOURCE Hays B. Lantz, Assistance Superintendent, STEM
PERSON(S): Dale R. Rauenzahn, Executive Director, Student Support Services
Patsy Holmes, Director, Student Support Services

RECOMMENDATION

That the Board of Education considers the proposed changes to Policy 5460. This is the first reading of the policies.

Attachment I: Policy Analysis 5460
Attachment II: Policy 5460

BOARD OF EDUCATION OF BALTIMORE COUNTY
POLICY ANALYSIS - Revisions to Board of Education Policy 5460
STUDENTS: Searches: Students, Schools, and Lockers

Statement of issues or questions to be addressed by the proposed policy

The Department of Student Support Services is in the process of reviewing the policies in the 5000 Series. The department is recommending major revisions to the policy to comply with new COMAR provisions concerning searches of students, schools, and lockers. The new law states that teachers may also search students on school-sponsored events if the teachers have reasonable belief that a student has in his/her possession an item that violates the law and policy and rule of the Board of Education. Teachers must be trained and authorized to search by their principals. More importantly, the policy reflects the Board's commitment to review its policies, to the best of its ability, on a five year cycle.

Fiscal Impact on the school system

No fiscal impact is anticipated or contemplated by this revision.

Relationship to other Board of Education Policies

This policy needed to be revised to be in compliance with COMAR regulations. It has not been revised since 1970.

Legal requirements, such as federal, state or local laws or regulations

Md. Ed. Art. § 7-308. Searches of Students and Schools. "A principal, assistant principal, teacher, or school security guard may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's 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 county board. A principal, assistant principal or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students."

Similar Policies adopted by other school systems

HARFORD COUNTY BOARD OF EDUCATION

Policy Number 0016-000, Search of Student Lockers, 0018-000 Search of Student's Property, 0039-000 Searches of Students

<http://www.hcps.org/BOE/PoliciesProcedures/docs/students.pdf>

HOWARD COUNTY BOARD OF EDUCATION

Policy Number 9260-3443, Search and Seizure Involving Students

<http://www.hcpss.org/board/policies/9000.pdf>

A draft of the proposed policy

See attached

Other alternatives that were considered by the Board members

The Department of Student Support Services did not consider other alternatives.

STUDENTS: [Services to Students] SEARCHES: STUDENTS, SCHOOLS AND LOCKERS

[Lockers] SEARCHES

A PRINCIPAL OR ASSISTANT PRINCIPAL OF A BALTIMORE COUNTY PUBLIC SCHOOL MAY MAKE A REASONABLE SEARCH OF A STUDENT ON THE SCHOOL PREMISES OR ON A SCHOOL-SPONSORED EVENT 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).

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 THE LOCKERS OF STUDENTS. THE RIGHT OF THE PRINCIPAL OR ASSISTANT PRINCIPAL TO SEARCH THE LOCKER SHALL BE ANNOUNCED OR PUBLISHED PREVIOUSLY IN THE SCHOOL. [Lockers are provided for the use and convenience of students and are subject to inspection by authorized personnel of the Board of Education at any time and without notice and to other regulations that the Board may from time to time enact.]

A PRINCIPAL MAY AUTHORIZE A TEACHER TO MAKE A REASONABLE SEARCH OF A STUDENT ON A SCHOOL-SPONSORED EVENT IF THE 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 MARYLAND OR A VIOLATION OF ANY OTHER STATE LAW OR POLICY OR RULE OF THE BALTIMORE COUNTY PUBLIC SCHOOLS. A TEACHER SHALL BE DESIGNATED IN WRITING BY A PRINCIPAL AND 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).

Legal Reference: [Annotated Code of Maryland, Education Article §7-307 Searches of Schools and Students] Annotated Code of Maryland, Education Article §7-707 8
Searches of Schools and Students

Policy
Adopted: 05/28/70
REVISED:

Board of Education of Baltimore County