

STUDENT SEARCH AND SEIZURE, ARREST, AND QUESTIONING ON SCHOOL PROPERTY

FILE: JIH-R1

I. Definitions

Within the context of this administrative regulation, the following definitions apply:

- A. Authorized School Personnel: School Officials or a teacher, if designated in writing by the principal to conduct searches.
- B. School Official: A principal, assistant principal, or teacher in charge.
- C. School Premises: Any school or other facility including grounds owned, leased, or operated by the Board of Education, Board-owned buses and contractor-owned buses and other Board vehicles, and the facility and/or grounds of any Board-sponsored activity involving students.
- D. School Security Employee: an individual who is not a school resource officer and is employed by the Board of Education of Allegany County to provide safety and security-related services at a public school.

II. Procedures

A. Authority to Search Student

- 1. A school official may make a reasonable search of a student on the school premises or on any 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 Maryland or a violation of any other Maryland law or a Policy, rule, or administrative regulation of the Board of Education or ACPS.
- 2. A teacher, if designated in writing by the principal, may make a reasonable search of a student on any school-sponsored trip if the teacher 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 Maryland or a violation of any other Maryland law or a Policy, rule, or administrative regulation of the Board of Education or ACPS.

To qualify to conduct the search, the teacher must first receive training commensurate with the training received by the principal designating the teacher.

- 3. All searches of a student, conducted by the school official, or a teacher authorized in writing by the principal to conduct a search while on any school-sponsored trip, shall be made in the presence of a third party of the same gender as the student being searched.
- 4. All searches of a student, conducted by the assistant principal, or a teacher authorized in writing by the principal to conduct a search, shall report the search to the school principal in writing by the close of business if the search is conducted during the school day or before the start of the next school day if the search is conducted at an after-school event.
- 5. School security employees may make a reasonable search only if the school security employee reasonable believes that a crime is occurring or about to occur.

STUDENT SEARCH AND SEIZURE, ARREST, AND QUESTIONING ON SCHOOL PROPERTY

FILE: JIH-R2

B. Authority to Search School

1. A school official may make a search of the physical plant of the school and its appurtenances including the lockers of students.
2. The right of the school official to search lockers shall be announced or published previously in the school.
3. School security employees may make a search of the physical plant of the school and its appurtenances including the lockers of students if reasonably necessary to eliminate a threat to the safety of the school, students or staff, or if the school security employee believes that a crime is occurring or about to occur.

C. Guidelines for Personal Searches

1. The standard to be authorized school personnel who conduct searches of a student is "reasonable belief". Searches must be based upon a reasonable suspicion, in light of the totality of the circumstances, that the student has possession of an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other Maryland law or Policy, rule, or administrative regulation of the Board of Education or ACPS.
2. The extent of the search of a student's person or personal effects and the measures used in conducting the search must be reasonably related to the objectives of the search, must not go beyond what is warranted by the nature of the suspected violation and must respect privacy considerations in light of the age and gender of the student.
3. Students shall be required to empty their pockets, purses, billfolds, or any other item where an object may be concealed prior to a personal search, as directed by school officials.
4. Searches shall be conducted in a private area and every effort made to conduct searches in a manner that will minimize disruption of the normal school routine and minimize embarrassment to the student(s) affected. Under no circumstances shall school personnel conduct strip searches.

D. Refusal to Allow Search

A student's refusal to cooperate with a school official authorized to conduct a search at any time during a search of the student or their property will result in disciplinary action.

E. Items That May Be the Object of a Search

The object of a search must be an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other Maryland law or a Policy, rule, or administrative regulation of the Board of Education or ACPS. Such items may include, but are not limited to, weapons, illegal drugs, controlled substances, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, cannabis or cannabis products, tobacco or tobacco products, and stolen items.

STUDENT SEARCH AND SEIZURE, ARREST, AND QUESTIONING ON SCHOOL PROPERTY

FILE: JIH-R3

F. Law Enforcement Arrest on School Premises

1. When possible and appropriate, arrest by law enforcement should be made during non-school hours and away from school premises.
2. When an arrest on school premises during school hours is necessary, the principal or assistant principal shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parents or legal guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.
3. When an arrest has taken place on school premises or during school hours, every effort shall be made to inform the parents or legal guardians immediately and, thereafter, promptly advise the Superintendent.
4. Arrest on school premises during school hours or during a school sponsored event shall be effectuated in such a manner as to avoid both embarrassment of the student being arrested and jeopardizing the safety and welfare of other students and staff.
5. School officials may not permit questioning of a student under arrest on the school premises and shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.

G. Law Enforcement of Department of Social Services Questioning on School Premises

1. Law Enforcement investigations involving the questioning of a student may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the student or other persons, provided, however, that a school official should be present throughout the questioning.
2. Personnel from a department of social services or a law enforcement officer shall be permitted to question a student on school premises during the school day in an investigation involving suspected child neglect or suspected child abuse.

The Superintendent or the Superintendent's designee shall determine, after consultation with the individual from the department of social services or the law enforcement officer, whether a school official shall be present during the questioning of a student pursuant to this section.

3. Except as provided by paragraph 4 below, whenever investigative questioning of a student is permitted on the school premises, the school official shall promptly advise the parents or legal guardians and the Superintendent of the nature of the investigation and such other details as may be required.
4. School officials are not required to notify parents or legal guardians of investigations on school premises involving suspected child neglect or suspected child abuse.

STUDENT SEARCH AND SEIZURE, ARREST, AND QUESTIONING ON SCHOOL PROPERTY

FILE: JIH-R4

5. In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parents or legal guardians. However, a student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the department of social services has guardianship of the child or a court order to remove the child.

The Superintendent or Superintendent's designee shall ensure that prompt notification of a student's removal from school under this section is made to the student's parents or legal guardians.

H. Law Enforcement Search and Seizure

1. Law enforcement 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 must cooperate with the law enforcement officers performing the search. Upon the authority of the search warrant, law enforcement may take possession of items.
2. Investigative searches of school premises by law enforcement 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.
3. Every effort shall be made to conduct searches in a manner which will minimize a disruption to the normal school operations and minimize embarrassment to the student(s) affected.
4. A law enforcement officer may not search the person of a student not under arrest, unless the law enforcement 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 a person at the request of a law enforcement officer.*

I. Reporting Delinquent Acts

1. Delinquent acts are offenses committed by a person who is under 18 years old which would be a crime if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.
2. Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parents or legal guardians concerned.

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