

EXHIBIT

MONTGOMERY COUNTY PUBLIC SCHOOLS

Searches, Arrests and Questioning on School Premises (State Law)

- (a) *Authority to Search Student.*— A principal, assistant principal, or school security guard of a public school 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.
- (b) *Same – By teacher.*—
- (1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school 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 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.
 - (2) To qualify to conduct a search under this subsection, 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.
- (c) *Presence of third party required.*— A search under subsection (a) or (b) of this section shall be made in the presence of a third party.
- (d) *Authority to search school* —
- (1) 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.
 - (2) The right of the school official to search the locker shall be announced or published previously in the school.

(e) *Rules and regulations.*—

The Department shall adopt rules and regulations relating to the searches permitted under this section.

Source: Annotated Code of Maryland, Education Article, Section 7-308.

Exhibit History: Revised September 1996; revised October 2007.

Arrests and Questioning on School Premises (State Regulation)

.12 Arrests on School Premises

- A. When possible and appropriate, arrest by police should be made during nonschool hours and away from the school premises.
- B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable the school official to fully advise the parent or guardians and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.
- C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardians immediately and thereafter promptly to advise the local superintendent of schools.
- D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students.
- E. 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.

.13 Questioning on School Premises

- A. Police investigations involving the questioning of students 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 students or other persons, provided, however, that a school official should be present throughout that questioning.

- B. A local school system shall permit personnel from a local department of social services or a police officer to question a student on school premises during the school day in an investigation involving suspected child neglect or suspected child abuse under *Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland*. The following apply:
- (1) The local superintendent or the superintendent's designee shall determine, after consultation with the individual from the local department of social services or the police officer, whether a school official shall be present during the questioning of a student pursuant to this section.
 - (2) Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under *Article 88A, §6(b), Annotated Code of Maryland*.
- C. Except as provided in §D, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent's office of the nature of the investigation and such other details as may be required.
- D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect and suspected child abuse under *Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland*.
- E. 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 parent or guardians, except as provided below:
- (1) A student may be removed from school premises if that student is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child;
 - (2) The Superintendent or the Superintendent's designee shall ensure that prompt notification of a student's removal from school under this section is made to the student's parent or guardians.

.14 Searches

- A. Search of Student by Principal, Assistant Principal, or School Security Guard.
- (1) A principal, assistant principal, or school security guard of a public school 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) A criminal offense under the laws of this State; or
- (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.

(2) A search under §A(1) of this regulation shall be made in the presence of a third party.

B. Search of School by Principal, Assistant Principal, or School Security Guard.

- (1) 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.
- (2) The right of a principal, assistant principal, or school security guard to search lockers of students under §B(1) of this regulation shall be announced or published previously in the school.

C. Search of Student on School-Sponsored Trip by Teacher.

- (1) A local board may authorize a teacher of a public school 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 an item, the possession of which is:
 - (a) A criminal offense under the laws of this State; or
 - (b) A violation of:
 - (i) Any other State law; or
 - (ii) A rule or regulation of the local board.
- (2) To qualify to conduct a search under §C(1) of this regulation, a teacher shall:
 - (a) Be designated in writing by a principal; and
 - (b) Receive training to conduct a search commensurate with the training received

by a principal.

- (3) A search under §C(1) of this regulation shall be made in the presence of a third party.
- D. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.
- E. A school official may not conduct a search of the person of a student at the request of a police officer unless a search warrant has been issued authorizing the search.
- F. 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.

Source: Code of Maryland Regulations, Title 13A, Section 13A.08.01.12, 13-14.

Exhibit History: Revised February 1993; reviewed September 1996.; revised October 2007.