

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: COB-RA, COE-RA, JFA-RA, JGA-RA, JGA-RB, JGA-EA, JGA-EB, JGB-EA
Responsible Office: Deputy Superintendent of Schools
Chief Operating Officer

Search and Seizure

I. PURPOSE

To provide the specific guidelines to be followed whenever students on an MCPS site, their possessions, and/or school lockers are subject to search and/or seizure for alleged infractions of law or MCPS policy, regulation, or rule

II. DEFINITION

- A. *Authorized school personnel* includes the principal, assistant principal, MCPS security team leader, security assistant, and other designated school personnel under certain circumstances.
- B. *Exigent circumstances* are generally an emergency or set of circumstances requiring immediate attention or swift action.
- C. *Reasonable belief* refers to the standard used for authorized school personnel to conduct a search of a student. Searches must be based upon reasonable belief 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 state law or MCPS policy, regulation, or rule.
- C. An *MCPS Site* is defined as any school or facility, including grounds and buses, owned or occupied by MCPS. The definition includes the location of an MCPS sponsored activity, such as a school-sponsored trip.
- D. The *principal/director* refers to the administrator responsible for a school or office as appropriate.

- E. *Appropriate community superintendent or appropriate office* means the following:
- Office of School Performance when referring to regular or special education schools
 - Office of Special Education and Student Services, when referring to alternative programs
 - Office of the Chief Operating Officer when referring to all other locations or operations sites

III. PROCEDURES

- A. The principal/director will inform parents and students about the laws, policies, and regulations regarding search and seizure through the distribution of *A Student's Guide To Rights and Responsibilities in MCPS* at the beginning of the school year.
- B. Authorized school personnel conducting a search of a student's person, possessions, locker, or assigned personal storage space, such as a cubby, will make a reasonable effort to inform the student prior to the search. A third party of majority age must be present at the time of a search of a student.
- C. Authorized school personnel may search a student's person, if the authorized person has a reasonable belief 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 state law or MCPS policy, regulation, or rule. If the item is suspected to be a firearm, it is required that immediate police assistance be requested in conducting the search (see Regulation COE-RA: *Weapons*). Under exigent circumstances, the search may be initiated prior to obtaining police assistance.
- D. Police officers may question and/or search students, their possessions, or lockers, in accordance with state law. (See Exhibit JGB-EA: *Searches, Arrests, and Questioning on School Premises*).
- E. A teacher, designated in writing by the principal, may conduct a search of students on a school-sponsored trip.
- F. Each arrest, or search, that occurs relative to this regulation will be reported in writing in detail and by telephone to the appropriate community superintendent or appropriate office as soon as feasible after the incident in accordance with Regulation COB-RA: *Reporting a Serious Incident*.

- G. Materials will be confiscated as follows:
1. If the article is harmful to students or others, may endanger property, is unlawful, or violates MCPS policies or regulations:
 - a) Place in a sealed envelope or other container
 - b) Label the container with the staff member's name, date, time, and method of attainment (Indicate the name of the person from whom the material was obtained unless drugs were acquired during confidential counseling regarding a student's seeking help with overcoming drug use)
 - c) Store in a secure place until released to the proper authorities
 2. If the article is a firearm, police/authorized school personnel will remove the weapon from the student or location when safe and practical.
 3. All other materials will be returned to the student or parent within a reasonable period of time.

Regulation History: Formerly Regulation No. 270-7, May 21, 1979 (directory information updated, October 1986); revised June 11, 1993; revised October 4, 1996; revised October 13, 1999; updated office titles June 1, 2000; revised December 22, 2005.