

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

5120
Policy No.

BOARD OF EDUCATION POLICY

STUDENTS

Search and Seizure

I. POLICY STATEMENT

- A. The Board of Education of Prince George's 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 the Prince George's County Public Schools (PGCPS) Code of Student Conduct.
- B. In furtherance of its commitment to provide a safe and secure learning environment, the Board authorizes certain statutorily designated school officials to conduct a reasonable search of a student and of a student's personal belongings while on school property or during any school-sponsored activity in accordance with Maryland law and this policy.
- C. Recognizing the potential intrusiveness of these searches, it is the Board's expectation that such searches shall be conducted only with the proper authority and justification, and with due recognition and deference for the human dignity of those being searched.
- D. The Board acknowledges that to ensure educational equity within our schools that reduces disproportionality in student achievement and performance, student searches and seizures, along with demographic indicators, should be tracked to ensure that systemic and cultural racism resulting in the presence of bias in the interpretation of reasonable suspicion does not occur.

II. PURPOSE

The purpose of this policy is to provide guidelines for the administration of and the monitoring and tracking of searches of students and student's possessions to ensure that the searches are equitable and justified.

III. DEFINITIONS

- A. *Authorized Searcher* – A principal, assistant principal, or Safety and Security Services Assistant. An *authorized searcher* may also be a teacher on a school-sponsored trip who has been so designated in writing by the principal/designee and who has been trained in conducting searches consistent with this policy. School Resource Officers (SRO), Lead Safety and

Security Services Counselors, Safety and Security Services Counselors and other law enforcement officers are not considered *authorized searchers* for the purposes of this policy.

- B. *Business day* - Any day in which PGCPs central offices are open.
- C. *Law enforcement officers* – An individual who is a duly authorized county, state, or federal police officer.
- D. *Portable electronic communication device* – Any device carried, worn, or transported by an individual to receive, communicate, or record voice, image, and/or text content.
- E. *Reasonable belief* – The legal standard used for an authorized searcher to conduct a search of a student’s person or property, which requires that an authorized searcher have a reasonable basis, at the inception of the search, to believe that the student is in current possession of an item or items, the possession of which is a violation of the PGCPs Student Code of Conduct, any Board policy or PGCPs administrative procedures, or law, or a criminal offense under the laws of Maryland. *Reasonable belief* is determined by considering the nature of the suspicion, the amount and credibility of the evidence, and all relevant circumstances.
- F. *School property* – Any PGCPs-owned, controlled, or leased property or vehicle, including buses operated by contracted vendors. School property includes, but is not limited to, desks, cubbies, lockers, and portable electronic communication devices including laptops, or other school property assigned to a student for educational purposes.
- G. *School-sponsored activity* – Any PGCPs-sponsored student trip or other activity, whether held on or off school property, in which a student directly participates (e.g., domestic or international travel, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by attending (e.g., a spectator at a school event).
- H. *Search and seizure* – A search is an examination of a student’s person or property with the intent of discovering an item or items, the possession of which is a violation of the Student Code of Conduct, any Board policy or PGCPs administrative procedure, law, or a criminal offense under the laws of Maryland. A seizure is the act of taking possession of the discovered item.
- I. *Safety and Security Enhancement Devices* – walk-through units or hand-held wands metal detectors.
- J. *Strip search* – Any search of an individual requiring the removal of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, buttocks, anus, female breasts, or undergarments.

IV. IV. STANDARDS

A. Notice

1. Each school administrator shall provide notice to students at the beginning of each school year that authorized searchers have the authority to conduct searches of students on school property or during a school-sponsored activity and of the physical plant of the school, including lockers. This notice may also be made through the distribution of the PGPCS Student Rights and Responsibilities Handbook at the beginning of each school year. Additional announcements may be made at the discretion of the school administrator.

B. Searches of Students

1. Students are protected by the Fourth Amendment against the unreasonable search and/or seizure of their person and possessions by school officials.
2. An authorized searcher is required to conduct a search or seizure only with proper authority and justification, with due recognition and deference for the human dignity of those being searched, and in accordance with the U.S. Constitution, all other applicable legal standards.
3. The authority of an authorized searcher to search a student or a student's possessions applies to all students when on school property or at a school-sponsored activity, for the purpose of preserving order and ensuring the safety of PGPCS students, employees, and others.
4. An authorized searcher may make a reasonable search of a student on school property or during a school-sponsored activity if the authorized searcher has a reasonable basis, at the inception of the search, to believe that the student is in current possession of an item or items, the possession of which is a violation of the Student Code of Conduct, any Board policy, PGPCS administrative procedure, or law, or a criminal offense under the laws of Maryland. The authorized searcher should explain the basis of the search to the student before proceeding with the search.
5. Except in situations when there is an immediate threat to the health, safety, or welfare of the student or others, the scope of a search shall be limited to the least intrusive means available. Escalation of the scope or intrusiveness of the search shall occur only when warranted by the seriousness of the infraction or violation, and the information supporting the investigation.
5. Any search of a student must be made in the presence of a third party. The third party must be a PGPCS employee. The third party cannot be a PGPCS Lead Safety and Security Services Counselor, Safety and Security Services Counselor, SRO or law enforcement officer.
6. The student's preference as to who is designated as the third party will be taken into consideration, including but not limited to the student's

preferences with respect to gender identity or sex and ability to communicate with and provide support for the student, especially if the student is an English language learner and/or a student with disabilities.

7. During a search, an authorized searcher shall require a student to empty their pockets, purse, wallet, backpack, or other personal belongings. However, authorized searchers are prohibited from:
 - a. engaging in strip searches of students; and
 - b. pat downs or other searches that require the authorized searcher to make any direct contact with the student's body. If the authorized searcher reasonably believes that a strip search or pat down is necessary, they must contact law enforcement.
8. Every effort shall be made to conduct searches in a manner that will minimize disruption of the normal school routine and minimize embarrassment to students affected. A search of a student shall be conducted in a private space.
9. When a student has undergone a search, he/she may check in with the Professional School Counselor to discuss the search and receive support.
10. The use of safety and security enhancement devices and other weapons detection system is permitted before students are allowed entry into high schools.

C. Searches of School Property

An authorized searcher may make a search of the physical plant of the school and its appurtenances and of property assigned to a student for school use at any time. Examples include but are not limited to, student desks, lockers, storage spaces, cubbies, and PGCPs-issued devices.

D. Searches of Students on School-Sponsored Trips by Teacher

1. A school administrator may authorize a PGCPs teacher 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 of an item, the possession of which is a violation of the Student Code of Conduct, any Board policy, PGCPs administrative procedure, or law, or a criminal offense under the laws of Maryland.
2. The search shall be made in the presence of an adult third party who is the opposite sex of the person conducting the search unless a person of the opposite sex is not available. The adult third party shall be a PGCPs employee.

3. To qualify to conduct a search under this paragraph, the teacher shall be designated in writing by the school administrator and receive training to conduct a search commensurate with the training received by a school administrator prior to a school-sponsored trip.

E. Parent Notification of Search

1. 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. If the school is unable to contact the parent by phone, the school will email or mail via U.S. Postal Service notice to the parent that a search and/or seizure took place no later than two (2) business days following the search.
2. Police investigations involving questioning of a student may not be permitted on school premises unless in connection with a crime committed on school property or in connection with an investigation which, if not immediately permitted, would endanger the lives or safety of students, staff, or other persons. The school administrator shall be present throughout any questioning of students by law enforcement officers.
3. Whenever investigative questioning of a student is permitted on school property, the school administrator shall promptly advise the parent and the Superintendent of the nature of the investigation.

F. Refusal to Allow Search

1. If a student refuses to permit a search of the student's person or belongings, the school administrator or authorized teacher shall advise the student that the student's parent or the police will be contacted.
2. A student's refusal to permit a lawful search shall result in disciplinary action in accordance with the PGPCS Code of Conduct.

G. Appeals of Search and/or Seizures

1. If the search and/or seizure resulted in disciplinary consequences in accordance with the Student Code of Conduct, the student or their parent/guardian may raise concerns that the search and/or seizure violated this policy as part of the due process and appeal procedures set forth in Policy 5115 - Student Appeals of Disciplinary Action and the accompanying administrative procedures.
2. If the search and/or seizure did not result in disciplinary action(s), the student or their parent/guardian may file a request for an administrative review within 30 calendar days of the date that the search and/or seizure took place or within

30 calendar days of the school emailing and/or mailing notice that a search and/or seizure took place. For good cause, the request for an administrative review may be extended beyond the 30 calendar days. The request should explain any concerns that the search and/or seizure violated Policy ##### Search and Seizure and the accompanying administrative procedures. The request shall be filed with the Superintendent/designee.

H. Training

Prior to the beginning of each school years, the superintendent shall ensure annual training of all authorized searchers regarding the provisions of this policy and the accompanying administrative procedures, including teachers who will be supervising students on school-sponsored trips.

I. Reporting

The Superintendent will make an annual report to the Board, which will include trend data on the number of searches and seizures conducted by authorized searchers in the previous school year overall, as well as disaggregated by students' race, ethnicity, gender, and disability. The annual report will also include data on the results of appeals from students and their parents/guardians regarding the implementation of this policy and the accompanying administrative procedures, as well as the data regarding the number and demographics of searches and seizures that were referred to law enforcement.

V. IMPLEMENTATION RESPONSIBILITIES

The Superintendent shall establish Administrative Procedures implementing this policy.

VI. REFERENCES

A. Legal

U.S. CONST. AMEND. IV
MD. CODE ANN., EDUC. § 7-305 , §7-308
COMAR 13A.08.01.13 & 14

B. Other Policies and Administrative Procedures

Policy 0101 – Educational Equity
Policy 5115 – Student Appeals of Disciplinary Action
AP 10101 – Student Rights and Responsibilities Handbook

VII. HISTORY

Policy Adopted 04/25/2024