A. Purpose

To establish clear procedures for school personnel regarding the search and seizure of student property, as well as the arrest and questioning of students on school grounds.

B. Background

1. Schools have a legal and ethical responsibility to maintain a safe and secure learning environment while respecting the rights of students. The authority of school officials to conduct searches, seize property, and facilitate questioning or arrests of students is governed by constitutional protections, state and federal laws, and district policies. Court rulings have established that while students do not forfeit their rights upon entering school, those rights must be balanced against the school's duty to provide a safe and orderly environment.

2. This Regulation clarifies the circumstances under which school personnel may conduct searches, respond to law enforcement requests, and engage with students in matters involving questioning or arrest. It ensures that all actions taken align with legal standards, protect student rights, and promote fairness, transparency, and accountability in school procedures. These procedures are designed to uphold student rights while ensuring a safe and orderly learning environment.

3. The Regulation provides a framework for lawful and appropriate interactions between school officials, law enforcement, and students, in accordance with applicable federal and State law and regulation, and Board of Education of Frederick County (Board) Policy and Frederick County Public Schools (FCPS) Regulation. It aims to balance student privacy with the school's responsibility to maintain safety, security, and discipline.

C. Definitions

1. "FCPS-Sponsored Activity" is defined to mean any FCPS or school-sponsored activity or event, on or off school property, in which a student participates or attends, including, but not limited to, a field trip, athletic event, or graduation activity.

2. "Parent" is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).

3. "Personal Electronic Communication Device" or "Personal Mobile Device" (PMD) is defined to mean any portable electronic device, not provided by FCPS, which is carried or transported by a student to receive, send, or record voice, image, or text content, including

cell phones, tablets, laptops, smart watches, wireless earbuds or headphones, geolocation devices, and any other device with communication functions.

4. "Reasonable search" is defined to mean a search in which an Authorized Searcher determines that the search is justified at its inception and conducts it in an appropriate manner that is reasonable in its scope, duration, and intensity.

5. "Reasonable suspicion" is defined to mean a belief that the student possesses an item that is a criminal offense under the laws of Maryland or a violation of any federal or State law, Board Policy, FCPS Regulation, or the FCPS Student Code of Conduct.

6. "School Property" or "School Grounds" is defined to mean any school, including a charter school, or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.

7. "Self-search" means a student's own examination of themselves or their possessions under the direction of an authorized searcher.

8. "Teacher-In-Charge" is defined to mean an FCPS employee holding a valid Maryland State Department of Education (MSDE) teaching certificate/license, a Department of Defense certified Navy Junior ROTC (NJROTC) Instructor, and/or a career coach who is approved by the principal to organize a field trip, attends/supervises the field trip, and assumes responsibility for ensuring compliance with provisions of this Regulation as well as the provisions of Board Policy 414, *Field Trips*, and FCPS Regulation 414-01, *Field Trips*.

D. Procedures

1. **General Terms Applicable to All Student Searches**
   a. **Authority to Search**
      i. Only authorized school personnel are permitted to conduct searches when the Authorized Searcher has Reasonable Suspicion to do so.
      ii. The following school personnel are designated as Authorized Searchers:
         1. Principal.
         2. Assistant principal.
         3. A central office security team staff member and/or a school-based security staff member (employed by FCPS).
         4. As it relates only to field trips, the Teacher-in-Charge, only if the Teacher-in-Charge, as stated in D(2)(e)(iv)(a) and (b) of FCPS Regulation 414-01, *Field Trips*:
            a. Has been trained to conduct a search on a field trip when events warrant doing so, in accordance with this Regulation, and has been provided a copy of this Regulation.
            b. Has been designated, in writing, by the principal or their administrative designee, to conduct a search on a field trip when events warrant.
   b. **Reasonable Suspicion and Scope**

i. Searches must be justified at their inception by Reasonable Suspicion.
ii. A search must be limited in scope to areas where the suspected item could reasonably be located.
iii. The scope and conduct of the search must be reasonably related to the circumstances that prompted it, considering the following factors:
    1. Student's age.
    2. Student's sex.
    3. Student's gender identity.
    4. Student's linguistic background.
    5. Student's disability status.
    6. Nature of the suspected offense.

c. **Prohibited Practices**
    i. Strip searches are prohibited.
    ii. Searches of an entire class or large group of students are prohibited when based only on a generalized concern that one student may possess a prohibited item.
    iii. **Exception.** Authorized Searchers are prohibited from conducting a search of a student based solely on a request from a police officer unless a search warrant has been issued authorizing the search.

d. **Conducting a Search (Before, During, and After a Search)**
    i. Before a search begins, the Authorized Searcher must inform the student that:
        1. There is Reasonable Suspicion; and
        2. The reason for the search.
    ii. Searches must be conducted in the presence of an adult third party of the same sex or gender of the student being searched.
    iii. Searches must be conducted in a manner that:
        1. Minimizes disruption to the normal school routine.
        2. Avoids embarrassment to the student. Whenever practicable, searches should be conducted outside the presence of other students with due regard for minimizing disruption to the instructional program.
    iv. Self-search should be the default method. Examples include but are not limited to: emptying pockets, purse, wallet, backpack, removing shoes, temporarily surrendering their acceptable PMD, etc.
    v. A handheld metal-detecting wand may only be used if its use is specified in the student's safety plan.
    vi. Items that are the object of a search and unlawful items found during the search will be seized by the school administrator. Items may be turned over to the police, or where appropriate, returned to the parents of the student.
    vii. School administrators reserve the right to take temporary possession of personal items that may serve as evidence in an investigation and revoke privileges associated with the misuse of personal items, including acceptable PMDs.
    viii. School administrators are not required to contact parents before initiating a search. However, they will make a reasonable effort to notify the parent as soon as practicable after the search, including the reason for the search and its outcome.
    ix. **Documentation.** The Authorized Search Documentation Form and the Search and Seizure Report Form must be completed at the conclusion of each search and retained in the student's discipline file.

e. **Student Refusal to Cooperate and Resulting Disciplinary Action**
   i. A student's willful refusal to cooperate with the Authorized Searcher at any time during a search of the student's person or the student's property or both is considered detrimental to the safety, discipline, and sound administration of the school and may result in possible disciplinary action.
   ii. When a student refuses to permit a search, the administrator shall inform the student that the student's parent and/or police will be contacted and that the school may impose disciplinary consequences.
      1. The Authorized Searcher shall immediately cease the search attempt and notify the parent and/or police department of the circumstances.
      2. Additional disciplinary action may be imposed based on the specific circumstances of the refusal.
   iii. Students may not refuse to cooperate with an authorized search of a locker.

f. **Items That May Be the Subject of Searches.** Items for which a search may be conducted include any item whose possession violates federal or Maryland law or regulations, Board Policy, FCPS Regulation, or the FCPS Student Code of Conduct. Examples include, but are not limited to, weapons, illegal drugs, controlled dangerous substances, substances that appear to be controlled dangerous substances, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, tobacco, and stolen items.

2. **Search of Personal Mobile Devices (PMDs)**
   a. The search of a personal mobile device (PMD), including a cell phone, shall be treated the same as the search of any other personal item in which a student has a reasonable expectation of privacy (*e.g.*, purse, backpack).
   b. A school administrator or authorized staff member may search a PMD when there is reasonable belief that the student possesses, on the device, an item or information that violates the law or the Student Code of Conduct.
   c. Parental consent is not required prior to conducting a search of a student's PMD when there is reasonable suspicion that the student may have violated the Student Code of Conduct.
   d. If a student refuses to cooperate with the search of a PMD, the administrator shall follow the steps outlined in section D(1)(e) above.
   e. The reasonableness of the search as conducted shall guide the scope of the search. Examples include, but are not limited to:
      i. When there is reasonable suspicion that a student has shared pornography on school property using a PMD, it is reasonable to search texts, photographs, and videos. If an administrator finds evidence that child pornography has been shared, the administrator should immediately contact the SRO.
      ii. When a student is caught texting during an exam and there is reasonable belief the student is cheating or receiving answers, it is reasonable to search text messages.
      iii. When a student reports being photographed or video recorded while changing clothes in a locker room, bathroom, classroom, etc., it is reasonable to search texts, photographs, and videos on the accused student's device.

f. The scenarios described in D(2)(e)(i) through (iii) above are examples and are not intended to be all inclusive. For guidance related to specific situations, administrators are encouraged to consult with SEMD or their SAIL Director.

3. **Search of a Student Automobile**
   a. When an Authorized Searcher has reasonable belief that a student has concealed an unlawful item in the student's automobile, the following process shall be followed:
      i. The Authorized Searcher may search the vehicle and/or involve the police if deemed necessary.
      ii. If police are unavailable or circumstances do not allow for police presence, the vehicle may only be searched by an Authorized Searcher when the student or vehicle owner consents.
      iii. If consent is not provided, the vehicle shall not be opened.
      iv. If a student refuses to open the vehicle, the appropriate administrator shall contact the parent and the student shall be disciplined in accordance with the FCPS Student Code of Conduct.
   b. All items that are the subject of a search shall be seized by school administrators. Unlawful items shall be turned over to police as required by law or section D(1)(d)(v) of this Regulation.

3. **School Lockers**
   a. School lockers are not regarded as the student's personal property and are classified as school property under the law. Authorized Searchers are permitted to search lockers as they could any other school property, as students are annually put on notice of this possibility. However, a search of personal property within the locker should only occur based on reasonable suspicion standards.
   b. As indicated in D(1)(e)(ii)(3) above, students may not refuse to cooperate with an authorized search of a locker.
   c. **Locker Clean Out**
      1. End of year locker clean outs may be monitored by a teacher, but a teacher does not have authority to search contents of personal property within the locker.
      2. If a teacher suspects or sees something during a locker clean out that a student may be in possession that is prohibited on school premises, the teacher will alert a school administrator to further address the issue.

5. **Detection Dogs**
   a. **General Requirements**
      i. Students and parents shall be notified early in the school year, through newsletters, student/parent handbooks, newspapers, or other appropriate media, that detection dogs may be used on school property.
      ii. FCPS strongly endorses a drug-free school environment. Use of detection dogs is authorized as a possible resource by school officials in investigations and for deterrence.
      iii. There shall be mutual agreement between school and law enforcement officials that the use of detection dogs is appropriate.
      iv. FCPS reserves the right to conduct random scheduled school scans.

b. **Requesting Detection Dog Scans**
   i. Principal requesting detection dog scans shall submit a request to the Director of the Safety and Emergency Management Department (SEMD).
   ii. The Director of SEMD shall notify the appropriate School Administration and Instructional Leadership (SAIL) Director.
   iii. Once approved, the Director of SEMD or designee shall coordinate the scans with building administrators and the appropriate law enforcement agencies.
   iv. Results of the scans shall be reported upon completion.
c. **Random Scheduled School Scans**
   i. The Director of SEMD or designee shall coordinate with the appropriate SAIL Director and law enforcement to schedule K9 scans.
   ii. Scans shall be scheduled to avoid conflicts with exams and testing.
   iii. The date and time of prescheduled scans shall not be shared with site administrators or staff in advance.
   iv. Results of the scans shall be reported upon completion.
d. **Procedures During Detection Dog Use**
   i. Targeted areas shall include vehicles in school parking lots. Students shall not be scanned.
   ii. When practicable, interior scans shall occur when students are in class and not moving through hallways; lunch periods and class-change times shall be avoided.
   iii. If appropriate, one (1) designated staff member will accompany the canine team through the building to assist and redirect students away from areas being scanned. The administrator(s) will remain in the principal's office with the law enforcement supervisor or designee.
   iv. Efforts will be made to utilize a standard response protocol to limit possible interactions between the canine teams, students, and building visitors.
e. **Procedures When a Detection Dog Alerts**
   i. If a dog alerts on a vehicle, or other area of the school, school personnel may conduct a search of that area. The school administrator will assist the police in securing the vehicle, or other area of the school. The student who operates the vehicle will be summoned to the office and brought to the location or parking lot. Law enforcement will follow appropriate procedures and laws to conduct the search.
   ii. If there is an alert on a vehicle, an administrator or staff member will respond to the respective locker of the vehicle operator. The student will be brought to their locker when they are no longer needed in the parking lot, and the contents of their locker checked.
   iii. A reasonable attempt shall be made to contact a parent of the student searched to provide information related to the reason for the search and the outcome of the search as soon as practicable.
   iv. Police officers shall conduct searches of students and school premises in accordance with their established policies and procedures consistent with COMAR 13A.08.01.14D.
f. **Procedures After Detection Dog Use**
   i. Any disciplinary action taken by school officials shall be separate from any action taken by law enforcement.

ii. The principal shall report the results of the investigation to the appropriate SAIL Director, who will inform the Superintendent.
iii. **Documentation Requirements.** The administrator in charge of the search shall complete the Authorized Search Documentation Form and retain a copy in the student's discipline file.

6. **Seizure**
   a. If an Authorized Searcher discovers an item or items, the possession or inappropriate use of which is prohibited by Maryland law, Board Policy, FCPS Regulation, or the FCPS Student Code of Conduct, as a result of a search of a student's person or property, the item(s) will be seized, identified, and stored as follows:
      1. Place the item in a sealed envelope or other container.
      2. Attach and maintain a copy of the Search and Seizure Report Form with the item or envelope / container.
      3. Store the envelope/container in the principal's office until the item(s) are released to the proper authorities or until the Authorized Searcher is advised to return the item(s), as appropriate, to the student or the student's parent within a reasonable period of time.
      4. These rules do not apply when administrators temporarily take away student possessions, such as personal mobile devices or other items that are openly used in a manner that distracts from the learning environment, as long as there is no search involved. Those items should be stored in a secure place and returned. as appropriate, to the student or the student's parent within a reasonable period of time.
   b. If a student is suspected of possessing a firearm, law-enforcement assistance must be requested immediately.
      1. Law enforcement, SEMD staff members, or school-based SROs will remove the suspected firearm from the student or location when safe and practical.
      2. In the case of an emergency or other circumstances requiring swift action to prevent harm to others, the search may be initiated prior to obtaining assistance from law enforcement.
   c. At the conclusion of a search and seizure, the authorized searcher must complete and submit the Search and Seizure Report Form.

7. **Arrests on School Premises**
   a. Whenever possible and appropriate, the arrest of a student by law enforcement will be made during non-school hours and away from the school premises.
   b. When an arrest on school premises during school hours is necessary, the responsible school official shall ascertain the facts surrounding the arrest from the arresting officer, to fully advise the student's parent and, as appropriate, other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.
   c. SEMD encourages law enforcement to communicate with school administration before they respond to or arrive at a school when they believe an arrest on school premises is necessary.
   d. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the student's parent immediately and thereafter promptly to advise the Superintendent.

e. The arrest of a student on school premises during school hours shall be effectuated in such a manner as to avoid both jeopardizing the safety and welfare of other students and embarrassment to the student being arrested.
f. School officials shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.

7. **Questioning Students on School Premises Not Involving Investigations of Suspected Child Abuse or Neglect.** The following restrictions apply to all investigations except those related to investigations of suspected child abuse or neglect.
   a. During police investigations, students will not be questioned on school premises unless:
      1. The questioning relates to a crime committed on the premises; or
      2. The failure to question the student immediately would compromise the success of that investigation or endanger the lives or safety of students or other persons.
   b. A school official may be present during the questioning.
   c. The school official shall promptly advise the student's parent of the nature of the investigation and such other details as may be required. The school official may inform other staff members as appropriate.
   d. In the absence of an arrest, a student cannot be removed from school premises for questioning without the consent of the student's parent.

8. **Questioning Students on School Premises in Connection with Investigations of Suspected Child Abuse or Neglect.** The following provisions apply only in investigations of suspected child abuse or neglect.
   a. FCPS will permit personnel from the Frederick County Department of Social Services (DSS) (Child Protective Services [CPS] or Adult Protective Services [APS], as appropriate) or a police officer to question a student on school premises during the school day in an investigation involving suspected child neglect.
   b. School officials are not required, nor expected to notify parents of investigations on school premises involving suspected child neglect or abuse, under Family Law Article, Title 5, Subtitle 7, *Annotated Code of Maryland*.
   c. The Superintendent or the appropriate school director shall determine, after consultation with the individual from CPS or APS, as appropriate, or the police officer, whether a school official shall be present during the questioning of a student. This determination should be made based on the unique needs of the student.

8. **Students Who Are Removed From School**
   a. A student may not be removed from the school grounds for investigative questioning or for a medical evaluation without parental approval, unless DSS assumes custody of the student or has a court order to remove the student, or unless there is a medical emergency which is caused by suspected abuse or neglect. Such authorization need not be in hand but will be verified by telephone. FCPS's expectation is that DSS will make the necessary arrangements to ensure that the school can verify and validate the authorization prior to the student's removal. Staff should contact the Legal Services Division with any questions.
   b. Removal from school grounds requires prompt notification to the student's parents. This requirement is not discretionary. The principal or designee shall ensure that

prompt notification occurs. By mutual agreement, notification may be delegated to the Frederick County DSS or law enforcement agency; however, responsibility for ensuring that notification is completed remains with the principal.

9. **Training.** School administrators will be annually trained on the provisions of this Regulation with periodic notification provided by the Legal Services Division and SEMD.

E. Related Information

1. **Board Policy**
   a. Policy 403, *Student Discipline*
   (https://apps.fcps.org/legal/documents/403)
   b. Policy 404, *Student Rights and Responsibilities*
   (https://apps.fcps.org/legal/documents/404)
   c. Policy 418, *Child Abuse and Neglect*
   (https://apps.fcps.org/legal/documents/418)

2. **Code of Maryland Regulations (COMAR)**
   a. COMAR 13A.08.01.12, *Arrests on School Premises*
   (https://fcps-md.info/COMAR_13A-08-01-12)
   b. COMAR 13A.08.01.13, *Questioning on School Premises*
   (https://fcps-md.info/COMAR_13A-08-01-13)
   c. COMAR 13A.08.01.14, *Searches*
   (https://fcps-md.info/COMAR_13A-08-01-14)

3. **FCPS Regulations**
   a. Regulation 111-01, *Weapon Possession on School Property*
   (https://apps.fcps.org/legal/documents/111-01)
   b. Regulation 118-01, *Personal Mobile Devices*
   (https://apps.fcps.org/legal/documents/118-01)
   c. Regulation 403-01, *Student Discipline*
   (https://apps.fcps.org/legal/documents/403-01)
   d. Regulation 408-01, *Suspension and Expulsion*
   (https://apps.fcps.org/legal/documents/408-01)
   e. Regulation 414-01, *Field Trips*
   (https://apps.fcps.org/legal/documents/414-01)
   f. Regulation 418-01, *Reporting Suspected Abuse or Neglect* (formerly 400-47)
   (https://apps.fcps.org/legal/documents/418-01)
   g. Regulation 434-01, *Technology, Student Use*
   (https://apps.fcps.org/legal/documents/434-01)

4. **FCPS Resources**
   a. FCPS / Families & Students / Student Code of Conduct
   (https://www.fcps.org/families_students/student_code_of_conduct)
   b. **Forms**

i. Authorized Search Documentation Form (https://apps.fcps.org/forms/public-regulation-forms/87)
ii. Search and Seizure Report Form (https://apps.fcps.org/forms/staff-student-services/250)

c. **Standard Operating Procedures and Internal Resources**
i. Detection Dog Searches
ii. Framework for Conducting Student Investigations
iii. Legal Considerations
iv. Requesting and Documenting Support from School Resource Officers (SROs)
v. Student Investigations – Standard Operating Procedures (SOP)

5. **Federal Case Law**
a. New Jersey v. T.L.O., 469 U.S. 325 (1985) (https://fcps-md.info/NJ_v_TLO)

6. **Federal Law**
a. U.S. Const., Fourth Amendment (https://fcps-md.info/Fourth_Amendment)
b. U.S. Const., Fourteenth Amendment (https://fcps-md.info/Fourteenth_Amendment)

7. **Maryland Statutes**
a. Md. Code Ann., Educ. § 7-308 (https://fcps-md.info/MD_Educ_Code_7-308)
b. Md. Code Ann., Family § 5-701 (https://fcps-md.info/MD_Family_Code_5-701)

F. Regulation History (Maintained by Legal Services)

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