
By: **Delegates King, Barkley, Boschert, Bozman, G. Clagett, Cryor, Dumais,
Feldman, Gilleland, Gutierrez, Krebs, Mandel, Murray, Petzold, and
Ramirez**

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Reassigned: Judiciary, January 21, 2004

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Searches of Students - School-Sponsored Trips - Teachers**

3 FOR the purpose of authorizing a county board of education to authorize a certain
4 teacher to make a certain search of certain students on a school-sponsored trip
5 under certain circumstances; making certain stylistic changes; and generally
6 relating to authorizing a county board of education to authorize a certain
7 teacher to make searches of students on school-sponsored trips.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 7-308
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Education**

16 7-308.

17 (a) ~~(h)~~ A principal, assistant principal, or school security guard of a public
18 school may make a reasonable search of a student on the school premises ~~for on a~~
19 school-sponsored trip} if [he] THE SEARCHER has a reasonable belief that the
20 student has in [his] THE STUDENT'S possession an item, the possession of which is a

1 criminal offense under the laws of this State or a violation of any other State law or a
2 rule or regulation of the county board.

3 (2) ~~The search shall be made in the presence of a third party.~~

4 (B) (1) ~~A PRINCIPAL, ASSISTANT PRINCIPAL, SCHOOL SECURITY GUARD OF A
5 PUBLIC SCHOOL, OR A TEACHER OF A PUBLIC SCHOOL, WHO IS DESIGNATED IN
6 WRITING BY THE PRINCIPAL AND WHO HAS RECEIVED TRAINING TO CONDUCT
7 SEARCHES COMMENSURATE WITH THE TRAINING RECEIVED BY PRINCIPALS, MAY
8 SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY
9 BOARD MAY AUTHORIZE A TEACHER OF A PUBLIC SCHOOL TO MAKE A REASONABLE
10 SEARCH OF A STUDENT ON A SCHOOL-SPONSORED TRIP IF THE SEARCHER TEACHER
11 HAS A REASONABLE BELIEF THAT THE STUDENT HAS IN THE STUDENT'S
12 POSSESSION AN ITEM, THE POSSESSION OF WHICH IS A CRIMINAL OFFENSE UNDER
13 THE LAWS OF THIS STATE OR A VIOLATION OF ANY OTHER STATE LAW OR A RULE OR
14 REGULATION OF THE COUNTY BOARD.~~

15 (2) TO QUALIFY TO CONDUCT A SEARCH UNDER THIS SUBSECTION, A
16 TEACHER SHALL BE DESIGNATED IN WRITING BY A PRINCIPAL AND RECEIVE
17 TRAINING TO CONDUCT A SEARCH COMMENSURATE WITH THE TRAINING RECEIVED
18 BY A PRINCIPAL.

19 (2) ~~THE (C) A SEARCH UNDER SUBSECTION (A) OR (B) OF THIS SECTION~~
20 ~~SHALL BE MADE IN THE PRESENCE OF A THIRD PARTY.~~

21 [(b)] ~~(C)~~ (D) (1) A principal, assistant principal, or school security guard of
22 a public school may make a search of the physical plant of the school and its
23 appurtenances including the lockers of students.

24 (2) The right of the school official to search the locker shall be announced
25 or published previously in the school.

26 [(c)] ~~(D)~~ (E) The Department shall adopt rules and regulations relating to
27 the searches permitted under this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2004.