

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 130
Judiciary

(Delegate King, *et al.*)

Education, Health, and Environmental Affairs

Searches of Students - School-Sponsored Trips - Teachers

This bill authorizes a local board of education to authorize a public school teacher to make a reasonable search of a student on a school-sponsored trip. The teacher must have a reasonable belief that the student possesses an item in violation of State law or in violation of a rule or regulation of the local board of education. The teacher conducting the search must be designated in writing by the school's principal and must be trained to conduct searches. The search must be made in the presence of a third party.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: The State Board of Education could adopt regulations for student searches by teachers with existing resources.

Local Effect: Any costs associated with training teachers to handle student searches appropriately would be minimal and absorbable within the existing budgets of the local boards of education.

Small Business Effect: None.

Analysis

Current Law: A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on school premises or on a school-sponsored trip. The searcher must have a reasonable belief that the student is carrying an item in violation of State law or in violation of a rule or regulation of the local board of

education. The search must be made in the presence of a third party. Teachers do not have this authority.

Background: Principals, assistant principals, and school security guards do not typically go on school-sponsored trips, and other school personnel are not authorized to conduct student searches. The bill would allow designated teachers to perform searches on field trips with the approval of their local boards of education.

Additional Information

Prior Introductions: A similar bill was introduced at the 2003 session as HB 870. The bill received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2004
mh/hlb Revised - House Third Reader - March 19, 2004

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