



CITY SCHOOL DISTRICT OF ALBANY RANDOM SEARCH POLICY

I. INTRODUCTION AND STATEMENT OF PURPOSE

The Board of Education of the City School District of Albany recognizes that a safe educational environment in the schools is an important factor in a student's ability to learn. Unfortunately, weapons and drugs in the schools, on school grounds and in the surrounding neighborhoods present a danger to that environment, and the ability of students to learn has been affected. Through this policy, the board hopes to foster a safe educational environment for all students and to help promote the safety and welfare of students, staff and visitors alike by authorizing school officials to conduct searches of students and their personal effects, to conduct metal detector screenings of students, to search and inspect property owned or leased by the board, including but not limited to the desks and lockers assigned to students, and to seize any contraband that is revealed through such searches.

The board recognizes that the Fourth Amendment of the United States Constitution prohibits unreasonable searches and seizures. However, while students attending the Albany city schools are protected by the Fourth Amendment (through the Fourteenth Amendment), the school setting has been recognized as special, and school officials possess broad authority to maintain a safe and orderly environment.

This policy shall authorize several different types of searches that may be required in the school setting. The reasonableness of any search shall be determined by the context within which the search takes place, balancing the need for the search against the intrusion that it entails. The intrusiveness of any search shall be reasonably related to the scope of search and the evidence being sought. The general types of searches and/or seizures authorized by this policy and the guidelines applicable to each type of search and/or seizure are described below.

If there is any doubt as to whether a particular search or seizure should be conducted, school officials should contact the School Counsel before proceeding. Any employee who willfully violates this policy may be subject to discipline.

II. DEFINITIONS:

As used in this policy:

- a. The term "school officials" means the principals of schools and the security personnel employed by the Board of Education, as well as any assistant principal(s), disciplinarian(s), teacher(s) and school security supervisor(s) who are designated by a school principal to assist in the search procedures authorized by this policy. This term does not include officers or employees of the Albany City Police Department or the Albany County Sheriff, and this policy does not authorize any such officers or members or any volunteers to conduct searches. Whenever possible, the search should be conducted by an official trained in proper search techniques.

- b. The term "Contraband" means any weapon as defined by the City School District of Albany Code of Conduct, illegal drugs, and any other item that students are banned from possessing on school property by any applicable State or Federal law, City Ordinance, Rules, Regulations and Policies of the Board of Education, or any individual school's written rules, regulations and policies.
- c. "Metal detector activation" means the signal which alerts when a walk-through or hand-held metal detecting device responds, by alarm or other signal, when such devices are set to a level determined by the school security staff.

III. SEARCH AND SEIZURE GUIDELINES

A. Individualized student searches.

1. School officials are authorized to search individual students and their personal effects (including but not limited to clothing, backpacks, book bags, purses, vehicles parked on property owned or leased by the Board of Education, and similar items), when the school official has a reasonable suspicion that such a search will reveal evidence that the student has contraband in his or her possession.
2. An individualized search should be no more intrusive than is necessary.
3. School officials shall assist law enforcement officials, including the police department and the District Attorney, in the prosecution of any person found with contraband in school or on school property, the possession of which constitutes a crime.
4. School officials shall properly and timely document any searches in accordance with the district's Code of Conduct as well as applicable state laws and regulations.

B. Desk or locker searches.

1. Desks and lockers are the property of the board, not the student who is permitted to use them during school hours, and remain at all times under the control of the board.
2. Students are expected to assume full responsibility for the security of the locker and/or desk assigned to them.
3. Locker and desk searches may include the use of trained (e.g. drug-sniffing or weapons sniffing) dogs.

C. Automobile Searches

1. Parking on school property is a privilege, and not a right. Any vehicle parked on school property shall be subject to “plain view” inspection by school officials at any time.
2. Vehicles parked on school property may be thoroughly searched if reasonable cause exists to believe that contraband will be found therein.

D. Metal Detector Screenings.

1. Schools in the City School District of Albany may be equipped with walk-through metal detectors, and/or hand-held "wand" metal detectors. The board may obtain portable walk-through units or hand-held "wand" units that are available for use in the schools or other buildings on request. School officials may utilize metal detectors to search students' book bags, purses and other personal belongings in appropriate circumstances. For purposes of this policy, a "metal-detector screening" means the use of metal detectors (walk-through units or hand-held "wand" units) on the students entering a school facility or their belongings on a given date.
2. The following types of metal-detector screenings authorized by this policy:
 - a. **Unscheduled Random Screenings:** Random metal-detector screenings are an effective and necessary means of detecting and deterring the possession of weapons, and preventing its consequences, principally student violence, from occurring on school premises. Random screenings are screenings that are not conducted on a regularly scheduled basis, and are not necessitated by particularized safety concerns or special events.

The superintendent or his/her designee or school officials may authorize metal-detector screenings on randomly chosen days during a specified period of the day, using school personnel to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wands)

- b. **"As Needed" Screenings:** The superintendent or his/her designee or school officials may authorize metal-detector screenings on days chosen to address particular safety concerns (such as recent violence in the neighborhood) or on days on which special events (such as athletic competitions) are held, using school personnel to operate the metal detectors available to the school (any combination of walk-through units and/or hand-held wands).

- c. **Daily Random Screenings:** The superintendent or his/her designee or school officials may authorize daily metal-detector screenings, using school personnel to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wands). Daily random searches shall involve searches of a randomly selected segment of the entire student body attending a particular school or schools.
3. Metal detector activation by anyone subject to a search under this section may constitute reasonable suspicion to justify a more intrusive individualized search pursuant to Section III (A) of this Policy.
4. If metal detector activation results in the discovery of contraband, such activation and discovery shall be timely documented in accordance with the district's Code of Conduct as well as applicable state laws and regulations.

IV. Regulations and Guidelines

The superintendent of schools is hereby directed, in consultation with School District Counsel and security personnel, to develop administrative regulations, guidelines and procedures to effectuate this policy.