



**CITY SCHOOL DISTRICT OF ALBANY
ADMINISTRATIVE REGULATIONS
AND PROCEDURES FOR
SEARCHES BY SCHOOL PERSONNEL**

In accordance with City School District of Albany Board of Education Policy number 5200R, governing searches and seizures of persons and property, conducted by school personnel on school property, the following guidelines and procedures shall apply to searches authorized by said policy:

I. Individual Student Searches:

- A. Searches of individual students shall only occur when school officials have a reasonable suspicion that such a search will yield evidence that a particular student or students possesses contraband as defined by the school policy.
1. A "Reasonable Suspicion" may be based on direct observations of the student by school officials (such as seeing a bulge in clothing, hearing the sound of a metallic thud, smelling the aroma of marijuana, or metal detector activation).
 2. "Reasonable Suspicion" may also be based on information provided to school officials by others (including other school students and staff) indicating that the student has contraband in his or her possession.
 3. All information which comes from any informant shall be verified. Neither a mere hunch nor a generalized suspicion shall be a sufficient basis for searching an individual student. Any school official undertaking to search an individual student shall articulate an objective basis for his or her "reasonable suspicion" before conducting a search of an individual student.
 4. In connection with metal detector searches, students' personal items or belongings (e.g., outerwear, bookbags) may be subjected to physical examination only when the screening process indicates the presence of a metal object therein by metal detector activation.
- B. Once a school official has determined that a student should be searched for contraband based upon a reasonable suspicion, the following guidelines apply:
1. If the school official reasonably suspects that a student has a weapon in his

or her possession, a simple "pat-down" search should be applied first.

2. If there is reason to suspect that a student has drugs on his or her person, the search necessitated by such suspicion may require a more thorough pat-down, or the emptying of pockets and the removal of coats, jackets, shoes, and/or socks.
 3. **All searches shall be conducted with respect toward the student.** If the school officials conducting the search determine removal of any other items of clothing is necessary in order to facilitate a more thorough search, the school officials should contact School Counsel before proceeding with such a search. Under no circumstances are school officials authorized by this policy to conduct strip searches or body-cavity searches.
 4. Except in extraordinarily urgent circumstances, individualized searches may be conducted only by a school official of the same sex as the student being searched in the presence of another same-sex school official, acting as a witness outside the view of any person not directly involved in the search.
 5. Whenever possible, the search should be conducted by an official trained in proper search techniques, with the ability to recognize and search for contraband in a manner that minimizes the possibility of injury.
- C. If a student is found to be in possession of contraband, consistent with the Code of Conduct, a discipline report must be prepared. A copy of the report must be given to the student's parent(s) or legal guardian(s). Please refer to the Code of Conduct to determine the appropriate disciplinary measures to be taken against a student found in possession of contraband. If a weapon is discovered, both the Director of Security and the police department must be notified immediately and the weapon must be held by the school official who discovers it until the weapon is turned over to the Director of Security or law enforcement officials.

II. Locker and Desk searches

- A. Mass locker and/or desk searches (any search of multiple lockers or desks not based on individualized suspicion, i.e., searching banks of lockers or all the desks in a particular classroom or on a particular floor of a school) and individual locker

and/or desk searches may be conducted by school officials at any time for any reason, without notice, without student consent, and without a search warrant.

- B. The students' personal items within the desk or locker, such as purses, bookbags and jackets, may not be searched without reasonable suspicion that a search of such items will turn up evidence of wrongdoing on the part of an individual student.
- C. The following guidelines shall apply to individual or mass locker and desk searches:
 - 1. Locker and desk searches may be performed when no students are present, such as before school is opened, after school or on weekends.
 - 2. Locker and desk searches may include the use of trained (e.g. drug-sniffing or weapons sniffing) dogs.
 - 3. Students should be advised through student handbooks or by other written materials provided to them that their lockers and/or desks are subject to search at any time.
 - 4. Locker and desk searches may be conducted by school officials, with or without the assistance of security personnel.

III. Automobile Searches

- A. The exterior of any automobile parked on school property may be inspected by any school official at any time for any reason. School officials may conduct a “plain view” search of any automobile by peering into the windows of the car and observing anything in plain view.
- B. Students parked on school property may be required to open their vehicles for a full inspection and search only if the school official seeking to conduct such an inspection shall have reasonable suspicion to believe that he or she will find contraband inside the vehicle.

IV. Metal Detector Searches

- A. The following guidelines apply to all metal-detector screenings:

1. Schools should also include information about their metal-detector programs in their student handbook, if any, distributed to students at the beginning of each year or term.
2. Separate personnel must be available for male and female students to be screened with hand-held wands; male school staff should be assigned to screen male students, and female school staff should be assigned to screen female students.
3. There shall be adequate space near the metal detectors to maintain order among the students waiting to be screened, but the area shall be arranged and appropriately staffed in a way that prevents students from bypassing the search procedure.
4. All entrances not used for the metal-detector screenings should be locked so as to prevent entry from the outside, but must remain operable from the inside to comply with the Fire and Building Codes. School personnel shall be posted near locked doors to prevent screened students from assisting others in circumventing the screening process.
5. Tables must be placed adjacent to metal detectors, and shall have ample containers to accommodate the personal metal possessions of students being screened.
6. Prior to a student's screening, he or she shall be instructed to place any metal items in their possession into a container, and to place any other personal items (coats, backpacks, purses, etc.) on the table for scanning with a hand-held wand. The personal items may be subjected to physical examination only when the screening process or other basis for reasonable suspicion indicate the presence of a metal object, or contraband therein.
7. If the alarm sounds when the wand is passed along the student's body, the student should be patted down and retested with the hand-held wand. If the alarm sounds again, the student should be escorted to a place of privacy where a more thorough search of his or her person may be conducted in accordance with Section I, above. If questions arise as to the type of search that the school officials should conduct, the school officials must contact School Counsel. Under no circumstances, may a strip search or body cavity search be conducted.

8. If a weapon is discovered, the Director of Security and the police department must be notified immediately and the weapon must be held by the school official who discovers it until the weapon is turned over to the Director of Security or law enforcement officials.
- B. The following procedures shall apply to random searches of less than the entire student body. In the case of random searches, the building administrators of each building are authorized to employ the following procedures set forth below in determining which students will be subjected to metal detector screenings, in order to ensure that the selection criteria is truly random.
1. Each morning that a random search will be conducted, the principal (or principal's designee) shall designate a random search methodology, which shall indicate the students to be searched. For example, selecting a number, which shall indicate the position in line of the student to be searched; all students entering the building during a particular period of time; or the north house one day, south house on another. The methodology chosen shall be approved in advance by the superintendent of schools and/or the School Counsel **in order to ensure, to the extent possible, that the methodology is fair towards all students.**
 2. If the principal (or designee) decides to conduct a search of less than the entire student body, the methodology selected shall be strictly adhered to by the school officials conducting the search **to ensure, to the extent possible, the fair treatment of all students.**
 3. If the principal (or designee) does not intend to utilize the selected methodology, but still plans to conduct a metal detector search, the school officials conducting the search must search ALL students entering the building.
 4. Students should be asked to line up as if they were going to pass through the metal detectors.
 5. The officials conducting the search should only allow the students who meet the random methodology criteria to be screened. For example only those students whose position in line corresponds to the number assigned by principal or his/her designee should be screened. (If the number 6 is assigned, the first 5 students should be excused and every sixth student should be screened.)

6. School officials conducting the search should ask the students to be screened to form two single file lines, one for boys and one for girls. These searches should be conducted with a hand-held scanning device, by a person of the same sex.
- C. The superintendent of schools is authorized to order random searches in the various school buildings at his/her discretion in accordance with district policy and the procedures set forth in these regulations.