Regulation of the Chancellor

Category:	STUDENTS	Number:	A-412
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		Issued:	11/8/06

SUMMARY OF CHANGES

This regulation supersedes A-412 dated September 13, 2005.

It sets forth the reporting and notification requirements that school officials must follow when a school-related incident or crime occurs. It also establishes the school's responsibilities when the police or other investigatory agency seeks to question students and staff and when the police arrest a student.

Changes:

- Procedures for granting medical exemptions to the cell phone policy have been added.

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Subject: SECURITY IN THE SCHOOLS | Page: 1 of 9
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ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-412 dated September 13, 2005. This regulation sets forth the responsibilities of school staff for maintaining safety and security in the schools. It also establishes the procedures that must be followed when a school-related crime or incident occurs.

I. SECURITY IN THE SCHOOLS

A. Public schools should provide a safe and secure environment for students, staff, and parents. The maintenance of order and security in and around public schools is essential to creating learning environments in which students can meet high academic standards, educators can teach to those standards, and parents can be assured that the children are guaranteed their right to learn.

B. The maintenance of safety and good order is the collective responsibility of all school staff, the New York City Police Department, the Department of Education's Division of Student Safety and Prevention Services, parents, and students.

C. The principals and school safety agents (SSAs) shall consult and work cooperatively with each other on matters pertaining to school security. Toward that end, they shall promptly notify each other of incidents that occur on school property.

D. Compliance with the procedures set forth in this regulation is mandatory. Failure to comply with these procedures may result in disciplinary action including dismissal from employment.

II. NOTIFICATION AND REPORTING REQUIREMENTS FOR SCHOOL-RELATED CRIMES AND INCIDENTS

The following sets forth the notification and reporting requirements that must be followed when a school-related crime or incident has been committed. School-related crimes and incidents are those which occur on or near school property (e.g., in front of the building, or which occur off school property but which have a nexus to the school, e.g., involving students or staff from the same school).

In addition to the notification requirements set forth below where a serious school-related criminal, non-criminal, and/or medical incident occurs which may have public health and safety implications or is newsworthy (e.g., shootings,

bomb scares, bus accidents, attempted suicides), the superintendent's designee must contact the Department of Education's Emergency Information Center (EIC) at (718) 935-3210. (Please refer to Chancellor's Special Circular No. 7, dated January 7, 1999.)

A. Notification Requirements for School-Related Crimes

The following notification requirements must be adhered to regardless of the source of the information and notwithstanding requests for confidentiality. Certified social workers, psychologists and SAPIS should contact the Office of Legal Services with questions regarding confidentiality and privileged information.

1. Crime Committed by Students

In all cases where a school safety agent (SSA) or Department of Education employee (DOE) has been provided with information or an allegation that a school-related crime which poses a danger to students, staff, or the school community has been committed by a student, he/she shall immediately take the following steps:

a. If the incident creates an immediate safety emergency, the SSA/DOE must immediately notify the police and then advise the principal/designee;

b. In all other situations that do not pose an immediate safety threat, the SSA/DOE must notify the principal/designee of the incident. The principal/designee must, in turn, notify the police and the SSA. Nothing herein precludes the SSA from also notifying the police;

c. In addition to (a) and (b) above, the principal/designee must also immediately notify the parent* and appropriate superintendent.

2. Crime Committed by Department of Education Employee

In all cases where a SSA/DOE has been provided with information or an allegation that a school-related crime has been committed by a Department of Education employee or person connected with school programs or services, such as volunteers, he/she shall immediately take the following steps:

* The term "parent," whenever used in this regulation, shall mean the student's parent(s) or guardian(s) or any person or agency in a parental or custodial relationship to the student.

a. If the incident creates an immediate safety emergency, the SSA/DOE must immediately notify the police and then advise the principal/designee;

b. In all other situations that do not pose an immediate safety threat, the SSA/DOE must notify the principal/designee of the incident. The principal/designee shall, in turn, notify the police, the superintendent, the SSA and the Special Commissioner of Investigation for the New York City School District ("SCOI") at (212) 510-1400 (and the Office of Special Investigations where the allegations involve corporal punishment);

c. If a student is the victim of the suspected criminal activity, the principal/designee must also notify the parent.

3. Sexual Misconduct Committed by Department of Education Employees

Every employee and officer of the Department of Education has an affirmative obligation to report immediately to his/her principal/supervisor and the SCOI any information concerning sexual misconduct involving students by Department of Education officers, employees, or others connected with school programs or services, such as volunteers. This obligation extends to sexual misconduct on and off school premises. The principal/supervisor must contact the student's parent. THE PRINCIPAL/OFFICE HEAD/ SUPERINTENDENT SHALL NOT GATHER ANY INFORMATION OR CONDUCT AN INVESTIGATION OF THE ALLEGATIONS. Where the alleged misconduct constitutes a crime, the principal/supervisor must notify the police.

4. Medical Emergency

a. If an individual requires immediate medical attention, the SSA/DOE must call 911 to dispatch EMS/Fire Department. SSA/DOE must then contact the principal/designee who must proceed to the scene at once with a trained health professional (e.g., health aide, nurse, physician's assistant);

b. If the individual requiring medical attention is a student, the principal/designee must contact the student's parent;

c. If the student must be removed to the hospital and the parent has not arrived, a member of the school staff must accompany the student to the hospital. If the parent does not arrive by the end of

the staff member's school day, the staff member must contact the principal/designee.

5. Child Abuse

a. In all cases where school staff have a reasonable suspicion that a student is a victim of child abuse, maltreatment, or neglect by a parent, a person responsible for the child's care, or a person regularly or continually found in the child's household, school staff must immediately report the suspicion to the principal or his/her designee. The principal/designee must immediately report the suspicion to the New York Central State Register for Child Abuse and Maltreatment (800) 635-1522. The principal and staff member must ensure that a written report has been made in accordance with Chancellor's Regulation A-750. If a Child Protective Service worker has not responded by 3:00 p.m. and it is determined that the child's life and/or safety is in imminent danger if returned home, the principal/designee must call 911 for emergency police assistance, after consulting with the superintendent/designee. (See Chancellor's Regulation A-750 for further details.)

b. In all cases where school staff suspects that a student is a victim of child abuse by a person other than an individual specified in paragraph (a) above, they shall immediately notify the principal/designee. The principal/designee shall contact the student's parent and the police.

B. Notification Requirements for School-Related Incidents

The following procedures must be followed if a SSA/DOE employee learns of or witnesses a school-related non-criminal incident, accident or medical emergency which may require school disciplinary or other follow-up action and/or central/superintendent notification:

1. If an individual requires immediate medical attention, the SSA/DOE shall follow the same procedures set forth in II.4 above;

2. The SSA/DOE must notify the principal/designee;

3. The principal/designee must determine what, if any, disciplinary or other follow-up action shall be taken and then contact the superintendent and the parent, where a student is involved;

4. If the incident involves corporal punishment, the principal must notify the Office of Special Investigations.

C. Written Reporting Requirements

The complete and accurate reporting of school-related crimes and incidents and injuries which result from such incidents are necessary steps in maintaining safety and order in the schools.

1. Incident Reports

The principal/designee is required to file an incident report for all school-related crimes and incidents within 24 hours of the incident.*

a. Incident reports shall be prepared and signed by the principal/designee. The incident should be described in sufficient detail to provide a full, factual description of what transpired;

b. The principal/designee must seek to obtain signed handwritten statements from the parties involved and from witnesses, specifying the time, date, and place of the occurrence with an account detailing the nature and sequence of events.

2. The NYPD School Safety Incident Reports

a. The SSA shall prepare a NYPD School Safety Incident Report, which will include student names for the following: felonies, misdemeanors and incidents involving weapons, controlled substances, and gang related activities of a criminal nature. If the SSA was not directly involved or aware of an incident in any of these categories, then the principal must provide the SSA with a verbal description of the incident including student names;

b. The SSA shall prepare a NYPD School Safety Incident Report, which will not include student names for incidents involving the following: non-criminal possession of fireworks, non-criminal trespassing, loitering, disorderly conduct, and harassment. If the SSA was not directly involved or aware of an incident in any of these categories, then the principal must provide the SSA with a verbal description of the incident excluding student names;

c. The SSA must forward a copy of the report to the School Safety Division Operation Center through appropriate channels.

*The principal is required to file a Comprehensive Injury Report for all injuries involving students, staff members, and other individuals occurring on or about Department of Education premises or at school sponsored events in accordance with Chancellor's Regulation A-730.

III. ARRESTS OF STUDENTS

A. If an incident requires an immediate arrest, the SSA must place the student under arrest and notify the principal.

B. If the incident does not require an immediate arrest or other immediate action, the SSA and/or NYPD must, to the fullest extent practicable, consult with the principal/designee prior to placing the student under arrest or issuing any form of criminal process.

C. When a student is arrested, the principal must immediately notify the parent. If the parent cannot be reached, the principal must request of the arresting officer that a member of the school staff accompany the student to the precinct. If such permission is denied, a member of the staff (who must not be a SSA) must follow immediately to the place where the student is taken. The staff member who accompanies or follows the student to the precinct must be someone who was not involved in the incident resulting in the arrest. The staff member must remain with the student for a reasonable time or until he/she is no longer needed.

IV. INVESTIGATION BY POLICE OR OTHER AGENCIES

A. Questioning of Students and Staff

1. When the police or other investigatory agencies wish to investigate a school-related crime committed by a student, the principal/designee must permit them to interview school staff or other non-student witnesses and staff, or other non-student victims. These individuals, however, may not be compelled by the principal/designee to submit to such questioning.

2. Where the police or other investigatory agencies wish to question a student in school regarding a school-related crime, the principal/designee must make every reasonable effort to contact the student's parent. If notification is made, the principal/designee or the police/investigatory agency shall consult with the parent about how the parent wishes to proceed. If the parent does not object, the principal/designee must permit the police/investigatory agency to interview the student. The principal/designee should be present during the interview.

3. Where the police/investigatory agency comes to a school to question a student regarding a school-related crime and the student's parent cannot be reached, the principal/designee shall permit the police to speak with the student under the following circumstances:

a. If the parent of a student who is suspected of committing a crime cannot be reached, the police/investigatory agency may not be permitted to question the student unless the officer indicates that there is a continued threat of imminent danger. The principal/designee shall determine whether a threat of imminent danger exists. If he/she is uncertain and absent exigent circumstances, the principal/designee must contact the Office of Legal Services;

b. If a parent of a student who is not a suspect (i.e., victim or witness) cannot be reached, the police/investigatory agency may not be permitted to interview the student unless there are exigent circumstances warranting proceeding with an interview. The principal/designee shall determine whether there are exigent circumstances. If he/she is uncertain and absent exigent circumstances, he/she must contact the Office of Legal Services;

c. In cases where the interview is conducted without parental notification, the principal/designee must be present during the interview. The principal/ designee, however, must not compel a student to submit to such an interview in school.

4. Where the police or other investigatory agencies wish to question a student about a child abuse allegation against a parent, guardian, or custodian, the principal/designee must permit the questioning to take place and must not contact the parent, guardian, or custodian. Where the police or other investigatory agencies wish to question a student about a child abuse allegation against a person continually or regularly found in the same household, the principal, in consultation with the police or agency, shall determine whether the questioning should take place without contacting the parent. In either case, the principal or an individual with whom the child indicates that he/she is comfortable should be present during the interview. In this situation, the child's records may be released to the police or investigatory agencies without obtaining parental consent. (See Chancellor's Regulation A-750.)

5. Where the police or other investigatory agencies wish to question students or staff regarding a crime committed by a student that is unrelated to the school, the principal/designee must request that the police or other investigatory agencies conduct such interviews during nonschool hours. In cases where the police or other investigatory agencies indicate that there are exigent circumstances warranting

proceeding with an interview, the school staff should contact the Office of Legal Services for further advice. If such questioning is permitted, it must be done in a manner which is least disruptive to the school.

V. VOUCHERING AND CONFISCATION OF CONTRABAND (WEAPONS, DRUGS, ETC.)

A. Where the police arrest a student for possession of contraband, the police will take custody of and voucher the item seized.

B. School officials must request a copy of the NYPD voucher (property clerk's invoice).

C. If the police do not take custody of a weapon discovered on school property, the following procedures apply:

1. The principal/designee must voucher the item using a DOE voucher form and envelope. All required information must be included on the form;

2. The principal/designee must immediately notify the DOE's Division of Student Safety and Prevention Services (DSS&PS) who will arrange for the contraband to be picked up by the NYPD's School Safety Division;

3. Weapons must be safely secured until surrendered to the NYPD's School Safety Division for transportation.

4. When the NYPD arrives to pick up the contraband, the principal/designee must turn over the contraband and voucher in a sealed voucher envelope;

5. If a school needs the contraband as evidence in a superintendent's suspension hearing, the principal/designee should contact the DSS&PS who will make the necessary arrangements.

D. Cell phones, ipods, beepers and other communication devices are prohibited on school property. However, a principal may grant permission for a student to bring a cell phone into a school building for medical reasons. (See Attachment A which sets forth the procedures for granting a medical exemption.)

E. If the school confiscates a cell phone, ipod, beeper or other communication device, the principal/designee must immediately contact the student's parent and arrange for the parent to appear in person to pick up the device.

F. The cell phone, ipod, beeper or other communication device should be maintained and secured by the school until the parent appears. If the parent

repeatedly fails to appear to pick it up, the school should dispose of the item.

VI. RELEASE OF STUDENT INFORMATION

Absent a health or safety emergency, no information from a student's record may be released to third parties, including the NYPD and SSAs, except pursuant to a court order or lawfully issued subpoena or upon the informed written consent of the student's parent or the student if he/she is 18 years of age or older. A health or safety emergency is a situation which presents imminent danger or which requires the immediate need for information in order to avert or diffuse unusual conditions or disruptions. Imminent danger may include an active investigation of a violent crime including, but not limited to, homicide, arson, robbery, sex offenses, weapons possession, or assault, where there are reasonable grounds to believe that a current or former student is a suspect or has information concerning the investigation that is necessary to protect the health or safety of students or others.

VII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone	*Office of School Intervention and Development* NYC Department of Education 52 Chambers Street New York, NY 10007	Fax
212-374-6095		212-374-5598

PROCEDURES FOR GRANTING MEDICAL EXEMPTIONS TO THE CELL PHONE POLICY

A. Submission of Requests

1. Students may be granted permission to bring a cell phone into a school building for medical reasons.
2. In order to obtain a medical exemption, a parent must complete and sign a form containing the following information to be provided by a physician;*
   - A description of the student's medical condition;
   - An explanation of why the student needs to be accommodated with an exemption to the cell phone ban;
   - The length of the accommodation; and
   - The physician's signature (see attached form).
3. Principals will approve such requests except where a form is incomplete or appears to be falsified.
4. Requests for exemption must be submitted on an annual basis.

B. Conditions for Use of Cell Phones

1. Students will be given a special pass once the request is approved. This pass must be displayed when the student enters the school building.
2. Students who are granted an exemption are permitted to bring their cell phones into their school building. However, this exemption does not permit a student to use or carry the cell phone while in school.
3. The cell phone must be turned off and surrendered to school officials upon entrance into the building and returned upon the student's departure from the school.
4. School officials must voucher and store cell phones in a secure location.
5. If the cell phone is used or activated in school, the student may be subject to disciplinary measures as indicated in the NYC Discipline Code.

C. Data Collection

- All requests for medical exemptions must be entered into ATS;
- Principals must enter whether a cell phone exemption request has been granted or denied;
- Principals must also maintain a list of students who have been granted exemptions.

D. Confidentiality

Medical information obtained in connection with cell phone exemption requests must be treated with appropriate confidentiality by school personnel.

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* Students with an IEP or 504 accommodation that provides for medically related services and who are seeking a medical exemption must follow these procedures and submit the required documentation.

SPACE FOR SCHOOL LETTERHEAD

REQUEST FOR PERMISSION TO BRING A CELL PHONE INTO SCHOOL FOR MEDICAL REASONS - 2006-2007 SCHOOL YEAR

Pursuant to Chancellor's Regulation A-412, students may be granted permission to bring a cell phone into a school building for medical reasons. This exemption does not permit a student to use or carry a cell phone while in school. Parents must complete this form and have Section A completed by a physician. The completed form must be submitted to the principal.

Student's Name: Last: _____ First: _____ Middle: _____

Male: _____ Female: _____ D. O. B: _____ I.D. #: _____

School: _____ Class: _____

Check one if applicable: The student has an IEP _____ or a 504 Accommodation _____ that provides for medically related services.

*(***Please note that having an IEP or a 504 accommodation does not automatically allow a student permission to bring a cell phone to school for medical reasons.***)*

A. Physician's Statement for Requested Permission

1. Describe the nature of the medical condition (include diagnosis/condition):

_____

_____

_____

2. Describe why a cell phone is a medical necessity:

_____

_____

_____

3. Indicate the duration of time for which the student will need the cell phone exemption during the school year:

_____

_____

_____

_____	_____
Physician's Name (Print)	Physician's Signature
_____	_____
Date Signed	NYS Registration No.

_____	_____
Physician/Clinic's Address	Zip Code
_____	_____
Physician/Clinic's Telephone No.	Physician/Clinic's Fax No.

By submitting this request, I am asking permission for my child to bring a cell phone into his/her school building for medical reasons. I understand that my child will have to surrender his/her cell phone to school officials upon entrance into the school building and that the cell phone will be returned upon departure. I understand that if the cell phone is used or activated by my child in school, he or she may be subject to disciplinary measures, as indicated in the NYC Discipline Code. The information I have provided in this form is accurate and complete.

Please print parent's name & address below:

_____	_____
Parent's Name	Parent's Signature
_____	_____
Parent's Address	Zip Code
_____	_____
Date Signed	Daytime Telephone Number

To determine whether permission to bring a cell phone into a school building will be granted, this application must be approved by the principal. This request must be submitted annually.

For use by the Principal: ○ Approved ○ Denied

Principal's Signature: _____

Date Signed: _____