

**Cambridge Public Schools
Administrative Guidelines and Procedures**

STUDENT SEARCHES AND QUESTIONING

In accordance with the Cambridge School Committee Policy on Interrogations and Searches and the *Rights and Responsibilities Handbook*, the Cambridge Public Schools (“CPS”) has developed the following guidelines and procedures regarding the search and questioning of its students.

Under the Fourth Amendment to the United States Constitution, students are protected from unreasonable searches and seizures conducted by public school officials and teachers. While students have a legitimate expectation of privacy, a search will be considered valid if there is a reasonable suspicion at its inception that the search will discover evidence of a violation of a school rule or the laws, and if the scope of the search was reasonable.

Definitions

Search refers to a physical search of a student’s property or person, including but not limited to: a student’s backpack, purse, bags, or pockets. A search may also include a light pat-down of the student. Since lockers and desks are school property, the inspection of lockers and/or desks do not qualify as a “search” for the purposes of these guidelines and procedures. CPS and the school retain the right to inspect students’ lockers and desks at their discretion and may conduct announced and unannounced locker and/or desk inspections periodically to ensure compliance with district and school rules.

Questioning refers to a formal inquiry of a student regarding academic, disciplinary, or any other school-related matter.

Emergency contact refers to an individual designated by the parent/guardian/caregiver to respond to instances involving disciplinary issues, including questioning or searches. Every academic year, parents/guardians/caregivers will be asked to designate an emergency contact who shall act for the parent/guardian/caregiver with respect to disciplinary issues, including questioning or searches, to the extent authorized by the parent/guardian/caregiver.

Independent investigation refers to an investigation of a serious threat to the safety of CPS students and/or employees that is ongoing and not merely the result of an isolated incident. The investigation must involve one or more schools within the district.

Student Rights

All students will be informed by means of the *Rights and Responsibilities Handbook* and the *Cambridge Rindge and Latin School Student Handbook* of their rights and responsibilities in connection with questioning and searches, as follow:

- Students may be questioned under the direction of the principal or designee, Dean of Curriculum and Program, or Dean of Students with respect to academic, disciplinary, or other school-related matters at any time.
- Students may be searched under the direction of the principal or designee, Dean of Curriculum and Program, or Dean of Students when the student consents to the search or when there is a reasonable suspicion that the search will lead to evidence of a violation of a school rule or any law.
- When members of the Safety and Security Department are involved in the search or questioning of any student in grades K-8, an adult from the school of the same sex as the student and a representative of the school administration must be present during any such search or questioning, except in emergencies. During any search of a student at the high school level by a member of the Safety and Security Department, an adult from the school of the same sex as the student and a representative of the school administration must be present, except in emergencies. There is no such requirement during questioning.

Procedure

1. Authorization

- *For grades K-8*, the principal or designee, or an assistant principal, must authorize student searches and questioning by school security or other non-school based personnel.
- *At the high school level*, the principal or designee, an assistant principal, or a dean must authorize student searches by school security.

2. Requests for Security Staff

At all grade levels, the principal or designee, an assistant principal, or a dean may request, whenever reasonably possible, which security staff person is to be dispatched to the school.

3. Presence of School Administration

- *For grades K-8*, the principal or designee, or an assistant principal, must be present during searches *and* questioning of students conducted by school security or other non-school based personnel.
- *At the high school level*, the principal or designee, an assistant principal, or a dean must be present during searches *but not* questioning of students conducted by school security or other non-school based personnel.

4. Sex of the Individual Conducting the Search

- *For grades K-8*, an individual of the same gender as the student, whenever reasonably possible, must be present for the questioning of such a student by school security. Any search of a student by school security must be conducted by an individual of the same sex as the student.
- *At the high school level*, any search of a student by school security must be conducted by an individual of the same sex as the student.

5. Notification of Searches to Parents/Guardians/Caregivers

- *For grades K-8*, the principal or designee, or an assistant principal, must notify the parent/guardian/caregiver of a student prior to a search of the student conducted by school security. If prior notice is not successful, the parent/guardian/caregiver will be notified as soon as possible thereafter, and a letter will be sent the same day.
- *At the high school level*, the principal or designee, an assistant principal, or a dean must immediately notify the parent/guardian/caregiver of a student after school security has conducted a search of the student, and a letter will be sent the same day.

6. Notification of Questioning to Parents/Guardians/Caregivers or Emergency Contacts

- *For grades K-8*, the principal or designee, or an assistant principal, must notify the parent/guardian/caregiver of a student or designated emergency contact prior to any questioning of the student by school security. If prior notice is not successful, the parent/guardian/caregiver will be notified as soon as possible thereafter, and a letter will be sent the same day.
- *At the high school level*, parent/guardian/caregiver notification is not required when school security is questioning a student.

7. Notification to the Superintendent and Chief Operating Officer

At all grade levels, the Superintendent of Schools and Chief Operating Officer must be notified as soon as reasonably possible after any student searches by school security. Further, the School Committee shall receive monthly summary reports relative to searches by security, in addition to other reports currently provided.

Independent Investigations

All independent investigations involving more than one school in the district must be authorized by the Superintendent of Schools or Chief Operating Officer. When an independent investigation only involves one school, though it may involve more than small learning community within the high school, and independent investigation must only be approved by the principal.

Policy references: JIH

Last updated: May 15, 2018