



Regulation of the Chancellor

Number: **A-412**

Subject: **SECURITY IN THE SCHOOLS**

Category: **STUDENTS**

Issued: **December 21, 2023**

SUMMARY OF CHANGES

This regulation supersedes A-412 dated November 8, 2006.

The overall order of the regulation has been reorganized for clarity and ease of understanding.

The substance of the regulation has been modified as follows:

Section I

- Definition of parent contains a cross-reference to A-101. (I.A.1)
- School staff is defined as pedagogical and non-pedagogical DOE staff working in a school. (I.A.3)
- Expands the expectation for safe and positive school environments that are free of violence and provide for psychological and physical safety. (I.A.2)
- Emphasizes that all staff, students, parents, and SSAs, are responsible for a safe school environment. (I.A.3)
- Clarified when off-school property behavior can be considered a school-related incident.
- Describes how to handle instances when a student expresses safety concerns in connection with parental notification requirements. (I.A.6)
- Imposes responsibility on principal to ensure that all school staff are familiar with the requirements of the regulation. (I.A.7)
- Clarifies role of SSAs and principal responsibility to work with SSAs and make efforts to integrate them in the school community. (I.B) Refers to Memorandum of Understanding between DOE, City and NYPD. (I.B.1)
- Adds hyperlink to Memorandum of Understanding and adds reference with hyperlink to applicable Patrol Guidance Procedures (I.B.1)
- Removes language requiring SSA to prepare School Safety Incident Reports for non-criminal incidents.
- Clarifies SSA functions to include visitor control, patrol, emergency response, searches of students, metal detection/scanning. (I.B.4)
- Provides that SSAs are not to be called on to address non-criminal, minor student misconduct but can be asked for help with interventions, as needed. (I.B.5)
- Adds list of non-criminal, minor student misconduct for which DOE staff are primarily responsible for addressing. (I.B.5)
- Deleted proposed paragraph 3 discussing school meetings and renumbered the rest of this section.
- Adds requirement that school buildings establish (1) school-day BRT to coordinate response to emergency, and (2) an after-school BRT for DOE sponsored after school

programs in collaboration with CBOs must exist too, where applicable. Identifies required members of BRT. (I.C)

Section II

- Added “alleged” to criminal incident to clarify such incidents are alleged at the time of reporting, notification or contacting NYPD or questioning students or potential witnesses (III and throughout)
- Adds details to the steps to be followed if individual requires immediate medical attention for physical injury or illness, including calling 911, contacting parent, what happens if parent does not want child transported. (II.A, D)
- Clarifies that principal/designee must proceed to the scene at once and contact parent if individual is a student. (II.B)

Section III

- Updated language (III.A) to require EIC to be contacted when a non-criminal or medical incident occurs which may have public health and/or safety implications or is newsworthy.
- Sets forth that OORS is the official incident reporting system for all school-related incidents. (III.B.1)
- Implements and describes requirement to submit OORS reports for all school related incidents, what to include in OORS report, and how to request an update to incident code. (III.B.2)
- Removed footnote requiring completion of a Comprehensive Injury Report, which is now part of OORS reporting.
- Emphasizes that questions about confidentiality and privilege information should be referred to Senior Field Counsel (III)
- Updates requirements for when principal/designee must call Emergency Information Center (when NYPD is called or comes to the school or as otherwise directed by OSYD) and what to do if incident occurs outside EIC regular hours. (III.A.1, 3)
- Explains role of EIC in initiating an OORS report. (III.A.2)
- Includes requirement to submit witness statements. (III.B.3)

Section IV

- Adds requirement to notify Borough Safety Director, in addition to the parent and superintendent, if NYPD is contacted in connection with a crime allegedly committed by student. (IV.A.1)
- Includes reminder to notify EIC if NYPD is called in connection with crime committed by student. (IV.A.1)
- Added language to clarify the types of crime that need to be reported to the principal and NYPD. (IV.A.1)
- Language was added explaining that the principal should contact Senior Field Counsel if the principal is unsure if behavior is a crime, necessitating a call to NYPD. (IV.A.1.b)
- Includes reminder to notify EIC if NYPD is called in connected with crime committed by a student (IV.A.1)
- Changed language from safety threat to safety emergency in describing when NYPD may be contacted before contacting the principal/designee.

- Discusses procedures in the event of non-criminal student misconduct. (IV.A.2). For non-criminal student misconduct, language is clarified that the notification to principal is in order that the school may take appropriate action. (IV.A.2.b)
- Provides that 911 may not be employed as a disciplinary reason to non-criminal student behavior. (IV.A.2)
- Clarifies that reporting requirement for criminal conduct or sexual misconduct involving DOE students applies to any adult who has committed a school related crime or who has engaged in sexual misconduct with a DOE student; makes clear that when SCI is called, the principal/designee must not investigate the allegation. (IV.B.1)
- Adds reference to procedures for other misconduct by DOE employees and non-DOE employees working in schools. (IV.B.2)

Section V

- Adds provision that, where appropriate, principal/designee may consult with a precinct supervisor and Borough Safety Director before a student is arrested unless an immediate arrest is required. (V.A) Clarified that such contact should occur unless there is imminent danger, and an immediate arrest is required.
- Adds language preferring that arrests of students for non-school related crimes take place off campus when doing so will not compromise safety and remove reference to when possible. If on-campus arrest is requested, the principal must confer with Borough Safety Director. (V.C)
- Adds provision to effectuate arrest of student in private location if possible; not to use metal handcuffs on students under age 12 whenever possible or without the approval of SSD; use the minimum amount of restraint needed. (V.E)

Section VI

- Questioning for school-related crimes must be conducted by NYPD/investigatory agency. (VI.B)
- Clarifies that if parent wants to be present for questioning, questioning must wait for parent arrival, and that questioning may not take place if parent objects. (VI.B.1)
- Before a student may be questioned, principal/designee must attempt to reach the parent. If parent cannot be reached, and NYPD claims continued threat of imminent danger, Senior Field Counsel or Office of General Counsel must be consulted before interview can proceed. (VI.B.1) Clarified that imminent danger applies to a student who is a suspect and exigent circumstances applies to students who aren't suspects.
- Adds that if NYPD/investigative agencies are questioning, in the absence of the parent, a student with disabilities that impact their ability to comprehend or communicate, the school designee must be someone who can support the student. (VI.B.1.c, VI.B.2, VI.B.4)
- Adds reminder of obligation to provide an interpreter for students who have difficulty communicating in English (VI.B.1.c)
- Changed student suspect to student accused of an alleged crime (VI.B1.d and throughout)
- Adds new provision describing when Miranda warnings must be provided (VI.B.1.d, VI.B.2.d)

- Adds that parent must be contacted to obtain consent if SCI wants to interview a student. (VI.B.4)
- Suggests to contact Senior Field Counsel if agency other than NYPD wants to question staff. (VI.C.1)
- Adds preference that interviews about non-school related crimes should be conducted outside of school hours. (VI.B.2)
- Adds details about how to handle claims of exigent circumstances or threat of continued danger if NYPD or investigative agency want to interview staff during school hours about a non-school crime. (VI.B.2)
- Refers to [Chancellor's Regulation A-750](#) for complete information about making reports of allegations of child abuse, maltreatment or neglect, and removes incomplete details from this regulation. (VI.B.3)

Section VII

- Updates procedures by clarifying that no contraband may remain in care of school, and that all contraband must be confiscated and vouchered by NYPD/SSA and taken to precinct. (VII.A, B)
- Sets forth procedures to follow with respect to prohibited non-contraband items that pose a danger to the school community, including contacting parent, disposing of item if parent hasn't retrieved it after 30 school days. (VII.C)
- Removes discussion of cell phones.

Section VIII

- Updates how to handle requests for information from student records by referring to [A-820](#). (VIII.A)



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ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-412 dated November 8, 2006. It sets forth the responsibilities of school staff for maintaining safety and security in the schools. It also sets forth the procedures that must be followed when an alleged school-related crime or incident occurs as well as protocols for vouchering contraband.

I. MAINTAINING A SAFE, SECURE AND POSITIVE SCHOOL ENVIRONMENT

A. General Principles and Policy

1. 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 their children are learning in a safe setting. The term "parent," whenever used in this Regulation, means a student's parent(s) or guardian(s) or any person in a parental or custodial relationship to the student or such other meaning as contained in Chancellor's Regulation A-101.
2. The New York City Department of Education (DOE) is committed to ensuring that all schools provide a safe, secure, and positive school environment for all students, staff, and parents. A safe and positive school environment must be free from violence, weapons, drugs and other threats to physical safety and health; provide for the emotional and psychological safety of the school population; be grounded in trusting relationships and open communication between adults and students; treat students equitably; and promote open discussion where diversity and differences are respected, and conflict is appropriately addressed.
3. Establishing safe and secure school environments is the collective responsibility of the DOE, all school staff members, students, parents, School Safety Agents (SSAs) and the New York City Police Department's (NYPD) School Safety Division (SSD). The term school staff member/school staff, whenever

used in this Regulation, refers to all DOE pedagogical and non-pedagogical employees working in a school.

4. This Regulation sets forth the procedures that must be followed whenever a school-related incident occurs. For purposes of this Regulation a school-related incident is a health or safety incident which occurs on school property, before, during or after school hours; while traveling on vehicles funded by the DOE; on-line; at all school sponsored events; or off school property which has a nexus to the school, and the incident may affect the health, safety, or welfare of students, staff and/or the school community. School-related incidents include but are not limited to alleged criminal incidents, non-criminal incidents which may require follow up action by the school or DOE, accidents and medical emergencies.
5. Principals/designees and school staff must continue to follow the required notification, reporting and investigative procedures, the time frames for such procedures and the requirements for taking appropriate follow up action set forth below and in applicable Chancellor's Regulations regarding incidents of misconduct by students and by DOE employees and non-DOE employees working in schools.
6. In instances where this Regulation requires parent notification, if the student informs the principal/designee of safety concerns about parental notification, the principal/designee should consult with their Senior Field Counsel to determine how to sensitively communicate with the parent, with appropriate support for the student and consideration of privacy and safety concerns.
7. Principals are responsible for ensuring that all school staff are familiar with the procedures set forth in this Regulation.
8. Compliance with the procedures set forth in this regulation is mandatory. Failure to comply with these procedures may result in disciplinary action including termination.

B. School Safety Agents and NYPD

1. SSAs are an integral part of a school community and are responsible for providing school security in furtherance and support of the DOE's educational mission and in accordance with the current [Memorandum of Understanding](#) among DOE, NYPD and the City of New York and applicable [NYPD Patrol Guide Procedures \(215-13, 215-17\)](#)
2. Principals and SSAs must consult and work cooperatively with each other on matters pertaining to school security, school climate, and the day-to-day operation of the schools.
3. SSAs security functions include, but are not limited to, visitor control, school building patrol, emergency response, searches of students and metal detection scanning. For additional requirements and information, see

[Chancellor's Regulation A-432](#) regarding searches of students and the DOE's [District Wide Code of Conduct](#).

4. DOE staff are primarily responsible for addressing and responding to non-criminal student misconduct. Such misconduct may include, but is not limited to, behaving in a manner which disrupts the educational process (e.g., making excessive noise); failing to wear the required uniform; cutting classes; lateness for school or class; unexcused absence from school; engaging in verbally rude or disrespectful behavior; wearing clothing, headgear or other items that are unsafe or disruptive to the educational process; smoking and/or the use of electronic cigarettes and/or possession of matches or lighters; gambling; using school computers, fax machines, telephones, and/or electronic equipment or devices without appropriate authorization; lying to, giving false information to, or otherwise misleading school personnel; and misusing property belonging to others. School staff should not call upon SSAs or NYPD (including the School Safety Division) to address or respond to non-criminal, minor student misconduct where school staff can safely address such misconduct. Where appropriate, school staff may request the assistance of an SSA to support the staff member in implementing school-based interventions and supports (e.g., escorting student to dean's office).

C. Building Response Team

1. Each school building must establish a Building Response Team (BRT) to coordinate the school's or campus' response to an emergency that occurs in or around the school until the first responders arrive.
2. The BRT must, at a minimum, include a BRT Leader, Emergency Officer, Incident Assessor, Special Needs Coordinator, Assembly Point Coordinator and Recorder.
3. Each building must also establish an after-school BRT for DOE sponsored after-school programs in collaboration with Community-Based Organization(s) (CBO), where applicable.

II. SCHOOL-RELATED INCIDENTS REQUIRING EMERGENCY MEDICAL ASSISTANCE

- A. Whenever an individual requires immediate medical attention for a physical injury or illness, the responding school staff member/SSA must 1) immediately call 911 to dispatch EMS/Fire Department; 2) immediately thereafter notify the main office/main desk or other designated point of contact to arrange for a trained health professional (e.g., health aide, nurse, physician, nurse practitioner, or physician's assistant), if available, to respond; and 3) then notify the principal/designee. Refer to [Chancellor's Regulation A-411](#) regarding students in behavioral crisis and crisis de-escalation and [Chancellor's Regulation A-755](#) for the procedures regarding suicide prevention and the appropriate use of 911 with respect thereto.

- B. The principal/designee must proceed to the scene at once and contact the parent if the person requiring assistance is a student. If the student informs the principal/designee of safety concerns about parental notification, the principal/designee should consult with their Senior Field Counsel to determine how to sensitively communicate with the parent, with appropriate support for the student and consideration of privacy and safety concerns.
- C. First aid must be provided as appropriate in accordance with [Chancellor's Regulation A-701](#) to address an individual's immediate medical needs until professional medical services/medical transportation is provided.
- D. If the individual requiring medical assistance is a student and the parent requests that their child not be transported to the hospital, the on-scene 911 responders will determine whether the parent's request may be honored in accordance with policies and procedures of the Fire Department of New York (FDNY) for Refusal of Medical Assistance and advise the parent.
- E. If the individual requiring medical assistance is a student and the parent cannot be reached or has not arrived at the school, it is the responsibility of the on-scene 911 responders to determine whether the student will be transported to the hospital.
- F. In all situations where the on-scene 911 responders determine that a student must be transported to the hospital and the parent has not arrived in school, a member of the school staff must accompany the student to the hospital or, if directed by the 911 responders, follow the student. If the parent does not arrive at the hospital by the end of the staff member's school day, the staff member must contact the principal/designee.

III. REPORTING AND DOCUMENTING SCHOOL-RELATED INCIDENTS

The complete and accurate reporting and documenting of school-related incidents, including alleged criminal and non-criminal incidents, injuries which result from such incidents, and incidents requiring emergency medical care, is essential to maintaining safety and order in the schools. The following sets forth the requirements for reporting and documenting such incidents.

These requirements must be adhered to regardless of the source of the information and notwithstanding requests for confidentiality. Questions regarding confidentiality and privileged information must be referred to the school's Senior Field Counsel. See [Chancellor's Regulation D-180](#) for information regarding the incident reporting procedures for organizations using school-buildings during non-school hours.

A. Department of Education's Emergency Information Center (EIC)

1. The principal/designee must notify the Emergency Information Center whenever NYPD is called or responds to a school-related incident or a non-criminal and/or medical incident occurs which may have public health and/or safety implications or is newsworthy, e.g., shootings, bomb scares, bus accidents, attempted suicides. In addition, the Office of Safety and Youth

Development (OSYD) will annually advise schools before the beginning of the school year which other types of school-related incidents require notification to EIC.

2. When EIC receives a report, EIC will initiate the Online Occurrence Report (OORS report) in the Online Occurrence Reporting System (OORS). EIC will provide the school with a control number. Within one school day, the principal/designee must review, update if applicable, and submit the OORS report.
3. If the principal/designee becomes aware of a school-related incident which must be reported to EIC outside of EIC's regular hours of operation (i.e. after school on weekdays when school is in session and during the weekend or holidays when school is not in session), the principal/designee must immediately report the incident to the Borough Safety Director and send an email to EIC regarding the incident, using a template developed by OSYD.

B. Online Occurrence Reporting System (OORS)

1. The DOE Online Occurrence Reporting System (OORS) is the official incident reporting system for all school-related incidents.
2. The principal/designee must create and submit an OORS report for all school-related incidents using the applicable incident code within one school day of the principal/designee becoming aware of the incident. The report should include, among other things, a full, factual description of the incident but not include details of discipline, whether proposed or taken. The principal/designee must update the OORS report as necessary to reflect additional new information related to the incident within one school day of receiving the new information. If the principal/designee wants to update an incident code, they must submit a request to osyddata@schools.nyc.gov for consideration.
3. As part of the investigation, the involved parties and other relevant witnesses must be interviewed and asked to prepare witness statements in accordance with applicable regulations. Witness statements must be submitted into OORS.
4. The principal/designee must enter into OORS all interventions and supports offered to the parties and witnesses and all disciplinary responses taken with respect to a student found to have engaged in prohibited conduct.
5. All individuals designated to enter information into OORS should be trained on the policies and procedures for making OORS reports.

IV. NOTIFICATION REQUIREMENTS FOR SCHOOL-RELATED INCIDENTS

The following sets forth the notifications that are required when school-related incidents involving criminal and non-criminal misconduct by a student, DOE employee or non-DOE employee working in a school is alleged to have occurred. These requirements must be adhered to regardless of the source of the information and notwithstanding requests for confidentiality. Questions regarding confidentiality and privileged information must be referred to the school's Senior Field Counsel or the Office of General Counsel.

A. Student Misconduct

1. Crime Committed by Students

- a. In all cases where a school staff member, SSA or other non-DOE employee working in a school (e.g., CBO staff, custodian, witnesses) 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 allegedly been committed by a student, they must:
 - i. immediately notify the principal/ designee;
 - ii. if the incident creates an immediate safety emergency, immediately notify NYPD and then advise the principal/ designee.
- b. The principal/designee must immediately notify the NYPD (unless the NYPD has already been contacted), and the SSA. If the principal/designee is unsure of whether the behavior would constitute a crime, Senior Field Counsel should be consulted.
- c. The principal/designee must make every effort to immediately notify the parent of the accused student and the parent of the alleged victim, where applicable, the superintendent, and Borough Safety Director.
- d. The principal/designee must also contact EIC to initiate an OORS report.
- e. See Section V for procedures concerning arrests of students.

2. Non-Criminal Student Misconduct

- a. School staff are primarily responsible for addressing and responding to school-related non-criminal student misconduct through: the use of appropriate classroom management and de-escalation techniques; implementation of the school's ladder of referral; and imposition of discipline, supports and interventions, in accordance with the Citywide Behavioral Expectations to Support Student Learning (the Discipline Code), and applicable Chancellor's Regulations and DOE policy. In no circumstance should 911 be called or employed in response to non-criminal misconduct as a disciplinary response or disciplinary measure.

iii. contact EIC to initiate an OORS report.

2. Other Misconduct

Principals/designees and school staff must continue to follow the required notification, reporting and investigative procedures, the time frames for such procedures and the requirements for taking appropriate follow up action set forth in applicable Chancellor's Regulations regarding incidents of misconduct by DOE employees and non-DOE employees working in schools and DOE and New York City policy about reporting to SCI. See Chancellor's Regulations A-420, A- 421, and A -830, for example, and [The Special Commissioner – of Investigation For The New York City School District \(nycsci.org\)](http://nycsci.org).

V. ARRESTS OF STUDENTS

- A. NYPD officers and SSAs will, to the fullest extent practical, consult with the principal/designee before placing a student under arrest or issuing any form of criminal process, except where there is imminent danger, and an immediate arrest is required. Where appropriate, the principal/designee may consult with a precinct supervisor.
- B. If an incident requires an immediate arrest and prior consultation is not possible, the NYPD officer/SSA must notify the principal/designee as soon as practicable after placing the student under arrest.
- C. NYPD will arrest students off-school property for non-school related alleged crimes, provided that doing so will not compromise the safety of others. If NYPD seeks to arrest a student on school property for an alleged non-school related crime, the principal/designee must confer with their Borough Safety Director (BSD) for further guidance.
- D. The principal/designee must immediately notify the parent when a student is arrested. The superintendent must also be promptly notified.
- E. Every effort must be made to respect the student's privacy rights when a student is arrested. Absent emergency circumstances, the arresting officer should effectuate an arrest in a semi-private location out of view of staff and other students.
- F. The principal/designee must make every effort to obtain the name and badge/ID number of the arresting NYPD officer and include it in the OORS report.
- G. In accordance with NYPD policy, SSAs and NYPD officers must use the minimum level of restraint necessary when restraining students and whenever possible must not use metal handcuff on students younger than 12 years of age without prior approval of appropriate SSD personnel. When possible, SSAs and NYPD officers should coordinate with the principal/designee to have a student moved to a semi-private location out of view of staff and other students prior to being handcuffed or restrained.
- H. In all situations, if the parent cannot be reached or the NYPD officer leaves with the student before the parent arrives, a member of the school staff (not an SSA) must

accompany the student to the precinct. If permission to accompany the student is denied, the school staff member must immediately travel to the precinct. The person who accompanies or follows the student to the precinct must be someone who was not involved in the incident resulting in the arrest and may not be an SSA. The school staff member must remain with the student for a reasonable time or until he/she is no longer needed.

- I. The SSA shall prepare a NYPD School Safety Incident Report, 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. The SSA must forward a copy of the report to the School Safety Division Operation Center through appropriate channels.

VI. QUESTIONING OF STUDENTS AND STAFF

A. General Principles

1. The following procedures must be followed when the NYPD, SCI, the Administration for Children's Service (ACS) or other investigative agency seek to question a student and/or a staff member in school. The principal/designee should contact their Senior Field Counsel with questions regarding requests to interview staff and/or students.
2. When questioning students or staff is permitted, every effort must be made not to disrupt learning and teaching.

B. Questioning of Students

1. School-Related Crime: Where the NYPD/other investigative agency wants to question a student in school regarding an alleged school-related crime, the principal/designee must make every reasonable effort to contact the student's parent.
 - a. If the parent is reached, the principal/designee and/or the NYPD/investigative agency must consult with the parent about how the parent wishes to proceed. If the parent does not object, the principal/designee must permit the student to be questioned. If the parent wants to be present for any questioning, such questioning must not commence until the parent arrives. If the parent objects, questioning may not take place.
 - b. If the parent cannot be reached, the principal/designee shall not permit the student to be questioned unless the NYPD/investigative agency feels that there is a continued threat of imminent danger in the case of a student being accused of criminal activity or exigent circumstances in the case of student who is not the accused. If the NYPD/investigative agency indicates that there is a continued threat of imminent danger or exigent circumstances, the principal must confer

- with Senior Field Counsel, or Office of General Counsel if Senior Field Counsel cannot be reached.
- c. In all cases where a student is questioned in school by the NYPD/investigative agency in the absence of a parent, the principal/designee must be present during the questioning. If the incident involves the principal/designee, a school staff member other than the principal/designee must be present. The student must be offered the opportunity to select an appropriate available adult DOE staff member to be present during the interview. The student may not be compelled to submit to an interview. For students with disabilities that impact their ability to comprehend or communicate, the designee shall be a staff member who is able to support the student and with whom the student is comfortable. If the student/parent has difficulty communicating in English or requests an interpreter, necessary arrangements shall be made.
 - d. If it is clear that a student is the accused in an alleged crime and questioning may elicit incriminating statements, Miranda Warnings for Juvenile Interrogations for students younger than age 16 and Miranda warnings for students age 16 and older should be read in the presence of the principal/designee or parent/guardian.
2. Non-School Related Crime: Where the NYPD/investigative agency requests to question a student in school regarding non-school related criminal activity, the principal/designee must request that the interview take place during non-school hours and notify the parent.
- a. If the NYPD/ investigative agency indicates that there are exigent circumstances or an imminent threat of danger warranting proceeding with an interview, the principal/designee must attempt to reach the parent. If the parent cannot be reached, the principal/designee must consult with Senior Field Counsel, or Office of General Counsel if Senior Field Counsel is not available, to determine whether there are exigent circumstances or an imminent threat of danger. The student may not be compelled to submit to an interview.
 - b. If the interview takes place in the absence of a parent, the principal/designee must be present during the questioning. The student must be offered the opportunity to select an appropriate available adult DOE staff member to be present during the interview. The student may not be compelled to submit to an interview. For students with disabilities that impact their ability to comprehend or communicate, the designee shall be a staff member who is able to support the student and with whom the student is comfortable.

- c. If it is clear that a student is the accused in a crime and questioning may elicit incriminating statements, Miranda Warnings for Juvenile Interrogations for students younger than age 16 and Miranda warnings for students age 16 and older should be read in the presence of the principal/designee or parent/guardian.
 3. Child Abuse and Maltreatment:
 - a. See [Chancellor's Regulation A-750](#) for details about reporting allegations of child abuse, maltreatment or abuse by a parent, person responsible for the child's care or person regularly found in the child's household.
 - b. When NYPD or ACS requests 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.
 - c. When NYPD or ACS requests 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 NYPD or ACS shall determine whether the questioning should take place without contacting the parent. In either case, the principal, or a person with whom the child is comfortable must be present during the interview, unless the child requests otherwise. For students with disabilities that impact their ability to comprehend or communicate, the designee shall be a staff member who is able to support the student and with whom the student is comfortable. See [Chancellor's Regulation A-750](#) for additional information.
 4. SCI Interview
 - a. Where SCI requests to interview a student, the parent must be contacted to obtain parental consent for the interview.
 - b. If such questioning is permitted, it must be done in a manner which is least disruptive to the school.
- C. Questioning of Staff
 1. School-Related Crime: In all cases where NYPD requests to question school staff or non-DOE staff in school regarding an alleged school-related crime, the principal/designee must permit the interview to take place; however, staff and non-DOE staff may not be compelled to answer. If an investigatory agency other than NYPD requests to question school staff, the principal should contact Senior Field Counsel.
 2. Non-School Related Crime: In all cases where NYPD/investigative agency requests to question staff or non-DOE staff in school regarding a non-school related alleged crime, the principal/designee must request that such

interviews take place during non-school hours. If NYPD/investigatory agency indicates there are exigent circumstances warranting proceeding with an interview or an imminent threat of danger, the principal/designee must first confer with Senior Field Counsel, or the Office of General Counsel if Senior Field Counsel cannot be reached.

3. **Child Abuse and Maltreatment:** Schools must follow the procedures set forth in [Chancellor's Regulation A-750](#) when ACS requests to interview staff in connection with their investigation of child abuse or maltreatment. In accordance with that Regulation, every staff member is required to cooperate in such investigations without regard for whether the allegations were reported by the school.

VII. VOUCHERING AND CONFISCATION OF CONTRABAND AND OTHER PROHIBITED ITEMS

- A. In addition to the notification and reporting procedures set forth in this Regulation, the following procedures must be followed when contraband or other prohibited items which pose a danger to the school community are discovered. For purposes of this Regulation, contraband means weapons as defined in the DOE's Citywide Behavioral Expectations to Support Student Learning, regardless of whether they are prohibited by law, marijuana and illegal drugs.
- B. The following procedures must be followed whenever contraband is discovered:
 1. All contraband must be confiscated and vouchered by NYPD/SSA and taken to the precinct by NYPD. If contraband is discovered, it must be immediately turned over to an SSA to be vouchered and removed from the school premises.
 2. **Under no circumstances may contraband remain in school or in the care of school staff.** If NYPD/SSA does not voucher contraband or NYPD does not remove contraband, the principal/designee must immediately contact their Borough Safety Director.
 3. Whenever NYPD/SSA vouchers contraband, the principal/designee must obtain the voucher number and enter it into the required OORS report.
- C. The following procedures must be followed when a student is found in possession of prohibited non-contraband items which pose a danger to the school community (e.g., vaping devices, e-cigarettes, alcohol, scissors, nail files):
 1. The school staff member, SSA or NYPD, must give such prohibited non-contraband items to the principal/designee.
 2. The principal/designee must safely secure the item in a locked location (e.g., cabinet, drawer) and notify the parent and ask the parent or another adult designated by the parent to come to school to pick up the item.
 3. Under no circumstances may such items be returned to the student from whom it was confiscated, a sibling or any relative enrolled in a New York City

public school, regardless of age. Such items may only be returned to the parent, or an appropriate adult designated by the parent.

4. Such items may not remain on school property for an extended period. If after repeated attempts to contact the parent, the item is not retrieved, the principal/designee must safely dispose of the item after 30 school days.
 5. The principals/designee must document the following information in the required OORS report: the outreach to the parent and the dates on which such outreach occurred; the name of the person who retrieved the confiscated item, the date on which it was retrieved and, if it was not picked up, the date on which it was disposed.
- D. The principal/designee should photograph any contraband/non-contraband items that are needed in connection with student discipline.
- E. Searches of students by NYPD/SSA that are not conducted through metal detector scanning (e.g., metal detector, handheld device) should be conducted in a separate area designated by the principal/designee, except where there are immediate safety concerns. See [Chancellor's Regulation A-432](#) for additional information regarding searches of students and lockers.

VIII. RELEASE OF STUDENT INFORMATION

- A. 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 as consistent with [Chancellor's Regulation A-820](#). If a request for information or records is made, principals must contact their Senior Field Counsel or the Office of General Counsel for guidance.
- B. In the event a parent requests a copy of an OORS report about an incident in which their child was involved, the school must follow the procedures in [Chancellor's Regulation A -820](#).
- C. Principals/designees must follow the procedures in [Chancellor's Regulation A-750](#) regarding the release of records to ACS, NYPD or other law enforcement agencies investigating child abuse and/or maltreatment.

IX. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Safety and Youth Development
NYC Department of Education
52 Chambers Street
New York, NY 10007
Telephone: 212-374-4220
Fax: 212-374-5751