

#### **4.32 -- SEARCH, SEIZURE, AND INTERROGATIONS - School Board Policy**

The District respects the rights of its students against arbitrary intrusion of their person and property. At the same time, it is the responsibility of school officials to protect the health, safety, and welfare of all students enrolled in the district and to promote an environment conducive to student learning. The superintendent, principals, and their designees have the right to inspect and search school property and equipment. They may also search students and their personal property in which the student has a reasonable expectation of privacy, when there is reasonable suspicion to believe such student or property contains illegal items or other items in violation of Board policy or dangerous to the school community. School administrators have the responsibility to determine at what point the student's right to protection against unreasonable search and seizure conflicts with the official duty to maintain a safe, orderly, and efficient school. School authorities may seize evidence found in the search, and disciplinary action may be taken. Evidence found that appears to violate the law shall be reported to the appropriate authority.

School property shall include, but not be limited to, lockers, desks, and parking lots, as well as personal effects left there by students. The Board of Education is charged with the maintenance of such property items and thus authorizes inspection for maintenance-related reasons. When possible, prior notice will be given, and the student will be allowed to be present along with an adult witness; however, searches may be done at any time with or without notice or the student's consent. A personal search must not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

The Superintendent, principals, and their designees may request the assistance of law enforcement officials to help conduct searches. Such searches may include the use of specially trained dogs.

A school official of the same sex shall conduct personal searches with an adult witness of the same sex present. State Law requires that the Department of Human Services employees, local law enforcement, or agents of the Crimes against Children Division of the Division of Arkansas State Police may interview students without a court order to investigate suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-hour hold" without first obtaining a court order. Other questioning of students by non-school personnel shall be granted only with a court order directing such questioning, with permission from the parents of a student (or if a student is above eighteen (18) years of age, or in response to a subpoena or arrest warrant).

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes against Children Division of the Division of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, to an agent of state social services, or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, a person having lawful control of the student, or person standing in loco parentis notice that the student has been taken into custody by law enforcement personnel or a start to make a reasonable, good faith effort to get a message to the parent to call the principal or designee, and leave both a day and an after-hours telephone number.

Legal Reference: A.C.A. § 6-18-513  
A.C.A. § 12-18-1001, 1005

A.C.A. § 9-13-104      A.C.A. § 12-18-608, 609, 610, 613

Date Adopted: Oct. 2010

Last Revised: July 2019