

**INTERROGATIONS AND SEARCHES**

**5.31**

I. Search of Property

The Henry County Board of Education fully recognizes the implications of constitutional law in the area of student privacy. The Board is equally aware that such tangible personal property items as student desks, student lockers, and related properties are and remain the property of the Board.

The Board is charged with maintenance of such property and thus authorizes inspection for any maintenance-related reasons. With respect to opening of lockers or desks for other reasons, the following shall apply through the Henry County School System.

Desks, lockers and other equipment at school belong to the school board and, although assigned to particular students for use, may be entered and searched by school officials whenever said school officials have reasonable belief that some object, item, article, substance or other material is contained therein which is illegal, harmful to the safety of the student himself or the student body as a whole, or significantly disruptive of or dangerous to the overall discipline of the school.

Vehicles driven by students and parked on school property are subject to search with or without the consent of students.

Any items which are specifically prohibited by law, by Board policy, or by fair and reasonable local school regulations may be impounded by school officials. Such prohibited items shall include, but not be limited to the following:

- Any weapons;
- Drugs of any sort;
- Alcoholic beverages;
- Pornographic or otherwise obscene material; or
- Any other object, controlled substance or material which would be a violation or evidence of a violation of federal or state law, of Board policy, or of the local school's fair and reasonable regulations.

If possible, the student or students shall be contacted prior to any search of a desk or locker assigned to such student, and the desk or locker shall be opened in his/her presence. A witness from the professional staff shall be present during the inspection at all times when students cannot be contacted.

## **CHAPTER 5.00 - STUDENTS**

The content of this policy shall be communicated to all students and staff at the beginning of each year.

### **II. Search of a Student's Person**

The Board authorizes teachers and administrative personnel who have reasonable belief that a student(s) is in possession of weapons, illegal drugs or other items harmful to the student or students or to the welfare of the student body to search the person of said student(s) under the following conditions:

- Any such action shall not be taken unless there is a reasonable belief of violation of law or policy which can be substantiated if necessary;
- Any such action shall not be deliberately intended to embarrass, harass, or intimidate the student(s);
- Parents/Guardians shall be notified, in writing, of all such searches of a student's person. A copy of said notice shall be retained by the principal.

The search of a student's person shall be with the knowledge, and under the supervision, of the principal or his/her designee.

Any search of a student's person shall be done privately by a teacher or administrator of the same sex as the student to be searched. At least one witness who is an administrator or teacher, also of the same sex as said student, shall be present throughout the search. A record of the search shall be made. One copy shall be filed in the principal's office. One copy shall be sent to the Superintendent of Education. Students shall be given a receipt for all items impounded.

Reasonable belief of a violation of law or policy may be based upon information from such sources as faculty members, reliable students, a law enforcement officer, visual evidence or any of these factors.

### **III. Detection of Illegal Drugs**

The Board authorizes law enforcement agencies to make periodic, unannounced visits to any of its schools for the purpose of detecting the presence of illegal drugs. Such visits are unannounced to any one except the Superintendent and building Principal.

## **CHAPTER 5.00 - STUDENTS**

### **IV. Interrogation**

A student enrolled in the Henry County School System shall not be interrogated by any non-school authority without the knowledge of the school principal or the assistant principal. When law enforcement officers make it known that they wish to talk to a student while under the supervision of the school, the student will be informed by the principal or assistant principal that the student has three choices:

- He/she may converse by telephone with his/her parent/guardian.
- He/she may decline to talk to the officers until his/her parent/guardian is present.
- He/she may talk with the officers either in or outside the presence of a school official.

No student shall be removed from the school without a warrant or petition being officially served.

#### **REFERENCE(S):**

**CODE OF ALABAMA  
16-8-8, 16-1-14, AAC §290-3-1-.06**

#### **HISTORY:**

**ADOPTED: OCTOBER 11, 2007  
REVISED: JULY 18, 2013; \_\_\_\_\_  
FORMERLY: JCAB, JCAC, JCA**