

New Horizon School for the Performing Arts
K-6th Public Charter School established in 1996
446 E. Broadway Rd. Mesa, AZ 85204
480 655-7444 fax: 480 655-8220
Adopted: January 24, 2025

JH ©

**STUDENT INTERROGATIONS,
SEARCHES, AND ARRESTS**

For the purpose of this policy, the following definitions apply:

"District" means the New Horizon School for the Performing Arts District and off-campus sites where District sponsored events are taking place. "Parent" means parent having custody of the student or court-appointed guardian. "Law Enforcement Officer" means a federal, state, county, or local law enforcement officer who is authorized by law to maintain the public order, investigate commission of criminal offenses, serve subpoenas or warrants, and make arrests. For purposes of this policy, the term "Law Enforcement Officer" shall include, but not limited to, a peace officer certified by the Arizona Peace Officer Standards and Training Board, state or federal probation or parole officers, an immigration enforcement agent (such as an U.S. Immigration & Customs Enforcement agent), a representative of an immigration enforcement agency, or federal, state or local law enforcement officer acting on behalf of an immigration enforcement agency, as well as constables and U.S. Marshals.

Interviews

School officials may question students regarding matters incident to school without limitation. The parent will be contacted if a student interviewed is then subject to discipline for a serious offense. A student may decline at any time to be interviewed by the School Resource Officer (SRO) or another peace officer.

When child abuse or abandonment of a student is alleged.

If a child protective services worker or peace officer enters the campus requesting to interview a student attending the school, the school administrator shall be notified. Access to interview shall be granted when the child to be interviewed is the subject of or is the sibling of or is living with the child who is the subject of an abuse or abandonment investigation. The personnel of the School shall cooperate with the investigating child protective services worker or peace officer. If a student is taken into temporary custody in accordance with A.R.S. [8-821](#), the child protective services worker or peace officer may be reminded to notify the student's parent of the custody, pursuant to A.R.S. [8- 823](#). The child protective services worker or peace officer shall be requested to establish proper identification and complete and sign a "Form for Signature of Interviewing Officer." Six (6) hours following the relinquishment of custody by the school, school personnel may respond to inquiries about the temporary custody of the child and may, if considered necessary, call the parent.

When the school or District administration ask that a law enforcement investigate a matter and no issue of student population safety is presented.

If a law enforcement officer wants to interview a student attending a District school, upon request of the school or District administration, about possible criminal activity (not otherwise covered in this policy and not with respect to immigration status), the school administrator shall be notified and

access to the student given. If the Law Enforcement officer directs that parent(s) are not to be contacted because the interview is related to criminal activity of the parent (s) or family members, the parent (s) will be contacted and will be asked if they grant permission for the student to be interviewed. If the parent consents the parent(s) will be requested to be present or to authorize the interview in their absence within the school day of the request. When an attempt was made to contact the parent(s) and the parent(s) could not be reached or did not consent to the interview, the law enforcement officer will be requested to contact the parent(s) and make arrangements to question the student at another time and place.

If the law enforcement officer request to interview a student about immigration status, the procedures concerning the Arrest, taking a Student into Custody, Service of a Warrant or Subpoena, or Interviewing a Student Regarding Immigration Status outlined in this policy shall apply.

Safety of the student population is of concern. When a peace officer is present on the campus to interview students at the request of school authorities due to concerns for the safety of the students in the school population, parent contact shall only be made if a student is taken into custody or following the determination that the student may be subject to discipline for a serious offense. The SRO, present at the request of the school for the continued maintenance of safety and order, may interview students as necessary regarding school related issues as determined by school officials and parents will be contacted if the student is to be taken into custody or if the student is subject to discipline for a serious offense.

Reporting of Serious Crimes or Offenses

Staff members are to report any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury and any conduct that poses a threat of death or serious physical injury to employees, students or others on school property. All such reports shall be documented and communicated to the Superintendent who shall be responsible for reporting to local law enforcement. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to Policy JICK as required in A.R.S. [15-341\(A\)\(36\)](#).

The District is to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described above, subject to the requirements of federal law.

Searches

School officials have the right to search and seize property, including school property temporarily assigned to students, when there is reason to believe that some material or matter detrimental to health, safety, and welfare of the student(s) exists. Disrobing of a student is overly intrusive for purposes of most student searches and is improper without express concurrence from School District counsel.

Items provided by the District for storage (e.g., lockers, desks) or personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, et cetera, may be inspected at any time with or without reason, or with or without notice, by school personnel.

Arrest

Taking a Student into Custody, Service of a Warrant or Subpoena, or Interviewing a Student Regarding Immigration Status.

The following procedures apply if a law enforcement officer notifies a District campus or the District administration that a Law Enforcement officer wants to enter a District campus to serve a warrant or subpoena on a student, take a student into custody, interview a student about immigration status of the student or the relatives or parents of the student, or arrest a student:

- A. The District campus will immediately notify the Superintendent's office. In this regard, District personnel and security officers working with the District have a duty to inform the Superintendent immediately of any such attempt to enter a District campus for the purposes outlined in this policy.
- B. The law enforcement officer will be denied entry to the District campus until the Superintendent has formally approved the law enforcement officer's request for access.
- C. The District will require any law enforcement officer described above to consult with District legal counsel and/or the Superintendent or the Superintendent's designee before it will permit the law enforcement officer to enter onto a District campus.
- D. The District will require evidence of a properly issued warrant to the extent a warrant is required by law.
- E. The District will also require the law enforcement officer to establish proper identification, complete, and sign a form for signature of an arresting officer or interviewing officer.
- F. If the District is required by law to allow entry to a District campus, the law enforcement officer will be accompanied at all times by a District administrator designated by the Superintendent.
- G. If the Superintendent or designee approves entry of a law enforcement officer onto a District campus, the school staff shall cooperate with the officer in locating the child within the school.
- H. School officials may respond to parental inquiries about the arrest or may, if necessary, explain the relinquishment of custody by the school and the location of the student, if know, upon contact by the parent.

**Purpose and Intent of Policy
JIH Regarding Immigration
Enforcement Actions**

The New Horizon School for the Performing Arts has its mission to provide a first-class education to *ALL* students. Our District is proud to provide a safe and welcoming environment to *ALL* students in our District. Our District embraces and celebrates its diversity of students, families and communities. We are committed to supporting the educational opportunities of *ALL* students. We will provide a welcoming learning environment to *ALL* students regardless of any student's history or immigration status.

It is the Advisory Board's desire to make sure *ALL* students and families have readily available access to information about their legal rights as immigrants and to encourage the Superintendent to implement procedures and administrative supports to carry out the purpose of this policy as it relates to any attempted immigration enforcement actions on campus.

Adopted: January 24, 2025

REGULATION

STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS

On-Campus Questioning

Personnel who may be authorized by law to question students on campus include:

- A. Law enforcement personnel.**
- B. Department of Economic Security/Child Protective Services authorized agents/caseworkers.**
- C. Those possessing court orders or demonstrable proof of authorization by law.**

Questioning

Law enforcement personnel:

A. Law enforcement personnel may question a student on campus, without consent by the parent/guardian, if probable cause exists to believe the student committed an act that violates the laws of the state of Arizona. Said questioning may be conducted if:

- 1. There is an arrest or search warrant naming the student;**
- 2. The law enforcement official has probable cause to believe that the student has committed a crime;**
- 3. The juvenile court orders the custody or if a warrant is issued for the child's arrest;**
- 4. There are reasonable grounds to believe that the child is the recipient of physical or emotional abuse;**
- 5. There are reasonable grounds to believe that the child has run away from the parents or guardian or other custodian.**

B. If law enforcement officials have no warrant to arrest or search a student and none of the above-listed grounds for taking custody of the student exist, law enforcement officials are subject to general District policy requiring parental notification and consent before a student can be questioned on campus.

C. Law enforcement personnel may not question students who are either victims of or witnesses to potentially criminal situations, other than those involving parental abuse/neglect, unless authorized by parents, or the student if age eighteen (18), emancipated, or living on their own.

Department of Economic Security or Child Protective Services personnel:

Pursuant to A.R.S. [8-823](#), Child Protective Services may take students into protective custody if statutory requirements are met. Further, pursuant to A.R.S. 8-546.01(C)(2), Child Protective Services (CPS) may question a child in school, without written consent by a parent/guardian, if the child initiates contact with CPS, or if the child interviewed is a subject of, the sibling of, or living with the child who is the subject of an abuse or abandonment investigation. If CPS workers seek to question a student who has not contacted CPS and who does not live in a home where abuse is alleged to have occurred as described above, the District must require that written parental consent be obtained pursuant to District policy.

Others:

Unless authorized by law or an order of the court, no other persons may question students in school without consent by the parents, as provided by District policy. If the unauthorized person seeking to question students refuses to leave or otherwise challenges the authority of administrators to exclude said person from the premises, the administrator should follow District policy and report the person in violation of A.R.S. [13-2911](#). Even though the person may be authorized to question the student, such person may not remove the student from school without parental permission.

Removal of Student from School

Law enforcement personnel:

As set out by A.R.S. [8-823](#) and [13-2911](#), law enforcement personnel are authorized to take a student into custody pursuant to a valid arrest warrant or other lawful grant of authority. The administrator should take reasonable steps, as provided in District policy, to verify authority of law enforcement personnel and to notify parents as soon as possible.

Department of Economic Security/ Child Protective Services:

A.R.S. [8-823](#) authorizes the DES/CPS to take a child into protective custody without notice to parents if it is necessary to protect the child from abuse and/or neglect. Administrators should again take steps to ascertain or verify the authority of the person taking the child into protective custody as provided in District policy.

All other persons:

Any person(s) other than law enforcement personnel, Child Protective Services personnel or Department of Economic Security personnel who attempt to take a student from school should be prevented from doing so pursuant to A.R.S. [13-2911](#), and parents should be notified as soon as possible for instructions and/or approval.

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LEGAL REF.:

A.R.S.

[1-215](#)

[8-303](#)

[8-304](#)

[8-802](#)

[8-821](#)

[8-823](#)

[13-3881](#)

[13-3883](#)

[15-153](#)

[15-342](#)

A.G.O.

I04-003

I77-211

I82-094

I88-062

I91-035

FORM

**FOR SIGNATURE OF
ARRESTING OFFICER**

I, _____, a duly sworn peace officer and member of the _____ Department, _____ division, have asked that _____, a student in the New Horizon School for the Performing Arts, be surrendered to me, and pursuant thereto have taken said student into my custody and am assuming full responsibility for the student's arrest.

Date _____ Signature _____

Time _____ Badge Number _____

School Action

Date and time parents notified (if more than one [1] attempt is made, include such information here) _____

Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

**EXHIBIT
STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS**

FORM FOR SIGNATURE OF INTERVIEWING OFFICER,

_____, a duly sworn peace officer and member
of the _____
_____ Department, _____ division, have asked that
_____, a student in the _____
School, be made available for interview.

Date _____ Signature _____

Time _____ Badge Number _____

School Action

Date and time parents notified (if more than one [1] attempt is made, include such
information here) _____

Signature of Administrator

- 1 copy for School Records 1
- copy for Parent Mailing 1
- copy for Police Officer
- 1 copy for Witnessing Administrator