

1973 S.C. Op. Atty. Gen. 280 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3608, 1973 WL 21063

Office of the Attorney General

State of South Carolina

Opinion No. 3608

August 27, 1973

***1 1. School authorities may deny a law enforcement officer permission to question a pupil during regular school hours.**

2. School authorities may not prohibit during regular school hours the arrest of a pupil made pursuant to a warrant.

Superintendent

District Four Schools

You have requested that we advise you concerning our conclusions as to the following questions:

‘1. Does a principal of a school have the authority to refuse a policeman permission to question a child during the regular school hours without the permission of the parents or legal guardian?’

‘2. If a policeman approaches a principal with a warrant for the arrest of a student during the regular school hours, would the principal be required to release the student in the custody of the policeman?’

School authorities, to a limited extent at least, stand in *loco parentis* to pupils under their charge and may exercise such powers of control as may be reasonably necessary to enable them to accomplish the purposes of education. 68 Am. Jur. *Schools* § 256 at 584. Where law enforcement authorities seek to question a pupil during school hours, therefore, a principal may lawfully deny those authorities permission to interrogate the pupil if such interrogation would interfere with the purposes of the child's education.

In answer to your second inquiry, where a law enforcement officer comes to a school during regular school hours armed with an arrest warrant, school authorities may not prevent the officer from immediately taking into custody any pupil named therein as the person to be arrested. There is no statute of which we are aware that would prohibit the lawful arrest of a person simply because he is a student in attendance at a school. Unlike legislators [S. C. CONST. Art. 111 § 14 (1895)] and certain other designated persons [*see e.g.*, CODE OF LAWS OF SOUTH CAROLINA § 17-256 (1962)] pupils do not enjoy immunity from arrest.

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