

Students - Welfare

Questioning and Apprehension at School by Law Enforcement Officers

The Board of Education believes that the safety of District students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

This policy applies only to questioning of students by law enforcement and does not apply to questioning by school resource officers in connection with school discipline issues. In addition, this policy does not apply to the interviewing of suspected child abuse victims by child protective agency representatives not accompanied by law enforcement; see AR 5141.4 - Child Abuse Prevention and Reporting. For searches of students and/or their belongings, see BP/AR 5145.12 - Search and Seizure.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students. The principal or designee shall maintain records of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Any nonemergency multiagency operation on a school campus involving the District and one or more police agencies, including immigration agencies, will require prior approval of the

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Superintendent or Superintendent designee and the police chief(s) of any participating law enforcement agencies.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference: Education Code, Sections 44807; 48265; 48265; 48902; 48906; 48909  
Code of Civil Procedure, Section 416.60  
Penal Code, Sections 830-832.17; 1328  
Welfare and Institutions Code, Section 627  
Code of Regulations, Title 5, Section 303  
Court Decisions: Camreta v. Greene, (2011) 131 S.Ct. 2020; People v. Lessie, (2010) 47 Cal. 4th 1152; In re William V., (2003) 111 Cal.App.4th 1464  
Attorney General Opinions: 54 Ops.Cal.Atty.Gen. 96 (1971);  
34 Ops.Cal.Atty.Gen. 93 (1959)

Policy Adopted: 06/04/1985  
Policy Revised: 01/14/2003; 03/04/2003; 11/20/2012; 04/11/2017; 02/04/2020

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