

STUDENTS

Questioning

Law enforcement officers have the right to interview students on school premises, as suspects or witnesses. When such an interview is requested, the County Office of Education shall ascertain the officer's identity, official capacity, and the authority under which (s)he acts. If the officer needs to interview the student immediately, the administrator or designee shall accommodate the questioning in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal, program administrator or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview. The student should be encouraged to cooperate with law enforcement agencies.

If in the course of the interview it appears necessary to remove the student so that he/she may better aid the law enforcement officer elsewhere, the administrator or designee may release the student from school without first obtaining parental consent upon demand.

If in the course of the interview the law enforcement officer finds it necessary to remove the student from school so as to better aid the investigation, the administrator or designee shall first ascertain the reason for such action. Upon releasing the student, the administrator or designee shall immediately inform the student's parent/guardian, except in cases of suspected parent/guardian child abuse.

Apprehension

When a site program administrator releases a student into the custody of a law enforcement officer, (s)he shall immediately notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except in cases of suspected parent/guardian child abuse.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the County Office of Education shall make the telephone number and address of the student's parent/guardian available to the law enforcement officer. The officer then has the responsibility of immediately notifying the parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

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Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice of law enforcement authorities

48906 Notification of parent, guardian or relative of release of pupil to peace officer

48909 Drug or poison use; assault, homicide or rape; district attorney
notice to superintendent

PENAL CODE

830-832.9 re peace officers

833-851.85 Arrests

1328 Service of subpoenas

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

CASE LAW:

Baines v. Brady 122 Cal. App. 2d Supp. 957, 960 (1953 App. Dept. Sup. Ct. of Fresno County)

In the matter of Paul P., 216 Cal Rptr. 51 (1985 Cal App. 5th Dist.)

32 Ops. Cal. Atty. Gen. 46, Opinion No. 58-38 (July 28, 1958)

34 Ops. Cal. Atty. Gen. 93, Opinion No. 59-203 (August 27, 1959)

54 Ops. Cal. Atty. Gen. 96, Opinion No. 71-28 (June 5, 1971)