

QUESTIONING OF STUDENTS BY LAW ENFORCEMENT

The Board of Trustees 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.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.3](#) - District Police/Security Department)

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

(cf. [5145.12](#) - Search and Seizure)

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

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

When any law enforcement official 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 accommodate the interview in a way that causes the least possible disruption for the student and school, gives the student appropriate privacy, and models exemplary cooperation with law enforcement authorities.

At the law enforcement 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 law enforcement 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](#))

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Subpoenas

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:

EDUCATION CODE

[44807](#) Duty concerning conduct of pupils

[48264](#) Arrest of truants

[48265](#) Delivery of truant

[48902](#) Notice to law enforcement authorities

[48906](#) Release of minor pupil to peace officers; notice to parent, guardian

[48909](#) Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

[416.60](#) Service of summons or complaint to a minor

PENAL CODE

[830-832.17](#) Peace officers

[1328](#) Service of subpoena

WELFARE AND INSTITUTIONS CODE

[627](#) Custody of minor

CODE OF REGULATIONS, TITLE 5

[303](#) Duty to remain at school

COURT DECISIONS

People v. Lessie, (2010) 47 Cal. 4th 1152

Greene v. Camreta, (2009, 9th Cir.) 588 F.3d 1011

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)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://caag.state.ca.us>

Adopted: 11/24/81

Code References Revised: 10/90

Revised: September 14, 2004