

BOARD POLICY

Placentia-Yorba Linda Unified School District

Students

5145.11 - BP

INTERVIEW AND REMOVAL OF STUDENTS

The Governing Board 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 seek to interview and question students on school premises regarding possible criminal activities and may remove them when appropriate.

Consistent with this policy, the Superintendent or designee shall make best efforts to 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 removal of students. Absent extenuating circumstances, law enforcement officers will avoid interviewing students at school for non-school related issues. Extenuating circumstances include officers entering school premises in "hot pursuit" of a suspect; an ongoing investigation of a serious nature or felony; suspected child abuse or neglect investigations; kidnapping or abduction investigations conducted by designated peace officers or federal law enforcement officers in accordance with Education Code section 49076.5 where the officer has a lawful warrant or court order authorizing the interview, response to an emergency at the school, or response to a crime committed on school property.

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 purpose and legal authority under which the interview is to be conducted. The principal may seek clarification and/or additional information regarding the purpose and legal authority for the requested interview to take place on school grounds. The principal or designee shall ensure District protocols regarding law enforcement interviews of students on campus are followed.

If an interview is permitted consistent with this policy, 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.

It is the responsibility of the law enforcement officer to meet any legal requirements from a law enforcement perspective relating to advising a student of constitutional or statutory rights.

Administrators may ask to be present during the interview, but permission is granted at the police officer's discretion. In cases of suspected child abuse or neglect, the child may request a school staff member to be present during the interview.

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

Except as noted below, 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. If the minor student is taken into custody as a victim of suspected abuse or neglect, it is the law enforcement officer's responsibility to notify the parent or legal guardian. The school shall provide the law enforcement officer who takes custody of a victim of suspected abuse or neglect with the name, address, and phone number for the parents/legal guardians.

Subpoenas

Although criminal 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. 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. Schools are not authorized to accept service of a subpoena on behalf of a student and are not legally obligated to make a student available to be served on campus unless the student and parent or legal guardian authorize service. The school shall not disclose the home address of the student without a subpoena, lawful court order, or written authorization of the parent or legal guardian, or the school's determination, based on available information, that an emergency requires this disclosure to protect the health or safety of the student or others.

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)

49076 Access to records by persons without parental consent or under judicial order

49076.5 Peace officer access to pupil's transfer records; pupil kidnapping; requirements; criminal or civil liability.

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

Policy adopted: 3/12/79

Policy revised: 12/13/82

Policy revised: 11/8/16