

Questioning And Apprehension

Interviewing

Law enforcement officers have a right to interview students on school premises, as suspects or witnesses. When such an interview is requested, the principal or designee shall carefully ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer is not acting pursuant to a valid search warrant, the principal or designee may request that he/she conduct the interview outside of school hours. If the officer expresses the need to interview the student immediately, the principal or designee should seek to accommodate the questioning in a way that will avoid disrupting the school process and also serve the best interests of the student. If, after reasonable discussion, the law officer and the principal or designee continue to disagree, the principal or designee may consult with the Superintendent or with legal counsel.

Except in cases of child abuse or neglect, the principal or designee shall immediately attempt to notify the student's parent/guardian after a law enforcement officer interviews the student on school premises.

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

Interviewing Victim at School

Whenever a representative of a child protective agency deems it necessary, a suspected victim of child abuse may be interviewed during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. A representative of the child protective agency will inform the school of that right prior to the interview.

Removal From School - Law Enforcement

The Governing Board authorizes site administrators to release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest or to remove a student from school premises if the officer or school administrator has reason to believe that the student has violated the law. The principal or designee shall immediately attempt to 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 child abuse.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the principal must give the telephone number and address of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility to immediately notify the parent/guardian. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

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

(cf. 5142 - Safety)

Subpoenas

Although police officers have the legal right to serve a subpoena at school, the district believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible.

In all situations, every possible step should be taken to minimize disruption to the school's program, students and staff.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of students

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor student to peace officers; notice to parent, guardian or relative

48909 Narcotics and other hallucinogenic drugs (re arrest)

PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

11164 et seq. Child abuse and neglect reporting act

WELFARE & INSTITUTIONS CODE

305 conditions allowing temporary custody without warrant/

625 Temporary custody; peace officer; warrant

627 Notice to parent or guardian; right to make telephone calls

828.3 Crimes against property, students or personnel; information sharing

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

People v. Burton (1971) 6 Cal. 3d 375

In re Donaldson (1969) 269 Cal. App. 2d 509

Baines v. Brady (1953) 122 Cal. App. 2d 957, 960

In the matter of Paul P., 85 Daily Journal D.A.R. 2594

32 Ops. Cal. Atty. Gen. 46 (1958)

34 Ops. Cal. Atty. Gen. 93 (1959)

54 Ops. Cal. Atty. Gen. 96 (1971)

Policy FRESNO UNIFIED SCHOOL DISTRICT

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