

Fresno Unified Board Policy (BP) 5145.11

Questioning And Apprehension By Law Enforcement

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 interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(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 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, their 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 and provides the student appropriate privacy.

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 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 the student is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

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 may 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 subpoenas may legally be served at school on students age 12 or older, the district 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.

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

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

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 re 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

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)

FRESNO UNIFIED SCHOOL DISTRICT

adopted: December 9, 1993 Fresno, California
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