

STUDENTS

SUBJECT: Questioning and Apprehension

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

At the law officer's discretion and with the student's approval, the site administrator or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the site administrator or designee shall first ascertain the reason for such action. Upon releasing the student, the site administrator or designee shall immediately attempt to inform the student's 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.

(cf. 5142 - Safety)

Subpoenas

Although subpoenas may legally be served at school, the County Office of Education 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 authorities

48906 Release of minor pupil 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
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)