

VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 5145.11**

ADOPTED: 02/24/97

CLASSIFICATION: Students

REVISED:

**SUBJECT: Release, Removal and Interviewing of Students
by the Police During School Hours**

In instances in which students become involved with law enforcement officers, either as suspects or as possible witnesses or as suspected victims of child abuse, the following procedures shall be observed:

1. The police officer shall:
 - a. Identify himself/herself
 - b. Verify his/her official capacity and authority.
 - c. Indicate to the staff in charge his/her intended purpose (to interview, apprehend or to remove the student from school).
 - d. Assume responsibility for notifying student of his/her rights against self-incrimination and advise the student of other rights as required by law.
 - e. Notify staff in charge when a student is being taken from school.
 - f. Indicate where student is being taken if he/she is to be removed from school.
 - g. Take responsibility to notify parent when student is removed from school under any circumstances. (This is a joint responsibility. The law requires that both police and school authorities notify parents when a child is removed from school.)
 - h. Honor a school official's request to be present during any contact with student unless an overriding reason exists for not allowing same.
2. The principal shall:
 - a. Cooperate with the request of a peace officer or representative from County Protective Services to interview a child who is a suspect, a possible witness, or a possible victim of child abuse.

- b. Respect the request of a police officer or representative from County Protective Services to interview a child who is a suspect, a possible witness, or a possible victim of child abuse.
 - c. Release a student to a peace officer when student is placed under arrest. (An arrest warrant may not be necessary for a peace officer to arrest a student.)
 - d. Release student to a peace officer so that he/she may better aid the police in identifying suspects, providing evidence, or in any way aiding the investigation. This is, by law, considered an emergency situation if "the immediate assistance of a child is required by the police in an apprehension or in the detection of a criminal."
 - e. Notify child's parent as soon as possible that the interview has taken place and with whom.
 - f. When a child is removed from school by a peace officer, the principal must inform the parent as soon as possible and indicate who took the student and the place to which the student is reportedly being taken. (This is a joint responsibility. The law requires that both the police and school authorities notify parents when a child is removed from school.)
 - g. However, if the child has been taken into custody as a victim of suspected child abuse, the principal shall provide the peace officer with the address and telephone number of the child's parent or guardian, and the peace officer shall take immediate steps to notify the parent, unless the peace officer determines there are grounds not to notify the parent, as specified in Education Code § 48906.
 - h. Notify the office of the Superintendent when a police interview or student removal takes place.
3. The principal may:
- a. Request to be present or to have a certificated representative present during any interview.
 - b. Clarify the legality of the peace officer refusing this request.

SERVING OF SUBPOENAS

While police officers have the legal right to serve a subpoena at school, the serving officials should be urged to serve subpoenas at the home of the student whenever possible. Subpoenas served according to Education Code 48918 shall also be served at the home of the student whenever possible.

STUDENT RECORDS

School officials should be mindful of the fact that even though law enforcement officers do have the conditional right to interview a student, or to take him/her into custody, the same officers do not have the right to access any student's record without either a court order or parental permission. (See Administrative Regulation 5125.)

SCHOOL AND CLASSROOM INTERFERENCE

In all situations involving questioning and/or apprehension of a student, the principal shall take all steps reasonable to ensure a minimum of embarrassment, loss of class time for the student and interruption of the instructional program. The Board urges the discretion, good judgment, and common sense be used when taking a student out of a class.

Legal Reference:

EDUCATION CODE

48906	Notification of parent/guardian of release of student to peace officer
48918(i)	Subpoena power in expulsions