

**QUESTIONING AND APPREHENSION**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer’s identify, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, 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 principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal 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.

Although subpoenas may legally be served at school, the Board 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

**QUESTIONING AND APPREHENSION (Continued)**

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)