

LAW ENFORCEMENT ON CAMPUS

During law enforcement interactions on school premises the Board supports the constitutional rights of students and staff and prohibits unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student or staff member based on actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression; or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

It is the spirit of this policy to direct District administrators, staff, and law enforcement officers to promote the non-criminalization of youth, and to prioritize administrative and socio-emotional remedies over arrest for school misconduct and lesser/minor offenses.

On campus interviews regarding off campus incidents

When any law enforcement officer requests an on campus interview with a student or staff member regarding an incident that occurred on or off campus, the principal or the assistant principal shall request and be provided with the officer's identity, and a briefing of the circumstances that necessitate the interview(s).

The principal or assistant principal shall accommodate the interview in a way that causes the least possible disruption for the student or staff member and provides appropriate privacy.

The principal or assistant principal shall provide accommodations to support students with IEP's, 504 Plans, and English Learner students who are interviewed.

Except in cases of child abuse, neglect, imminent danger, or immediate threat the interview will not be conducted during instructional time.

The principal or assistant principal or a school staff member with specific training in the rights of students during law enforcement interviews shall be present during the student's interview. State law provides for the protection of identity of victims for certain crimes like domestic violence, sexual assault and others. If the victim does not want a staff member present for such an interview, it is their choice under Penal Code Section 293 and Government Code Section 6254.

Students being interviewed by law enforcement may request to the principal or assistant principal that a person of the same gender or gender identity or a staff member familiar to them be present during their interview.

The principal or assistant principal or a person of the staff members choosing shall be present during an interview of a staff member by law enforcement. State law provides for the protection of identity of victims for certain crimes like domestic violence, sexual assault and others. If the victim does not want a staff member present for such an interview, it is their choice under Penal Code Section 293 and Government Code 6254.

Except in cases of child abuse, neglect, imminent danger, or immediate threat the principal or assistant principal shall notify the student's parent/guardian as soon as the law enforcement officer begins interviewing the student on school premises.

If a minor student is taken into the custody of law enforcement they will receive their Miranda rights advisement and the principal or assistant principal shall immediately notify the parent/guardian or responsible relative regarding the student's arrest and the place to which he/she is being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906).

Students interviewed by law enforcement on school premises shall be referred for counseling and/or wellness services on the same day to address any specific needs identified through the interview process.

Each school site shall maintain a school record of law enforcement interviews of students and staff regarding off campus incidents. Student interviews will be documented in the District's student information system.

School Resource Officers

The mission of the School Resource Officer (SRO) program is to maintain a safe campus environment and develop a positive relationship between students and law enforcement.

The SRO shall meet regularly with students, parents, teachers, staff, the principal and assistant principals to discuss issues of school safety, community concern, and student wellbeing.

SRO programs must recognize through their required law enforcement training for the position, the importance of non-criminalization of youth, as well as the value of prioritizing prevention, intervention, and socio-emotional service-based remedies over arrest.

Absent a real and immediate threat to a student, teacher, staff member, or the general public SRO's will defer to school officials to handle school misconduct and petty offenses through prevention, intervention, and socio-emotional service based-remedies over arrest, the SRO shall not become involved in school discipline issues.

Absent a real and immediate threat to a student, teacher, staff member, or the general public the principal and their designee shall not request the SRO be present to participate in the interview of a student related to non-criminal matters.

Absent a real and immediate threat to a student, teacher, staff member, or the general public an SRO shall conduct or participate in a search of a student's person, possessions, or locker only when there is probable cause that the search will turn up evidence that the student is committing a criminal offense. Any search conducted by the SRO will be documented per the procedures of their agency.

The SRO shall not ask the principal or their designee to conduct a search to circumvent the rights of students. Except in cases of child abuse, neglect, imminent danger, or immediate threat the principal or assistant principal or SRO shall notify the student's parent/guardian as soon as the SRO begins interviewing the student related to a criminal offense.

If a minor student is taken into the custody of the SRO due to a criminal offense they will receive their Miranda rights advisement and the principal or designee or SRO shall immediately notify the parent/guardian or responsible relative regarding the students arrest and the place to which he/she is being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906).

Students interviewed by law enforcement on school premises shall be referred for counseling and/or wellness services on the same day to address any specific needs identified through the interview process.

Each school site shall maintain a school record of law enforcement interviews of students and staff regarding on campus incidents. Student interviews will be documented in the District's student information system.

SRO Training

Every SRO shall attend a 40-hour Peace Officers Standards and Training (POST) approved Basic School Resource Officer course within their first year of service through their agency. Each law enforcement agency will provide documentation and confirmation of this training when requested by the District.

Annually, every SRO shall attend regularly scheduled District safety meetings. District safety meetings will include periodic professional development provided by the District on topics including, but not limited to: Child and Adolescent development and psychology; Positive Behavior Intervention and Support; Conflict Resolution; Peer Mediation; and cultural competency. District safety meetings will have sign in sheets to verify training and the sign in sheets will be available in the Student Support Services office upon request.

Annually, through regularly scheduled District safety meetings, the District shall provide each SRO training in restorative practices to address student discipline issues. District safety meetings will have sign in sheets to verify training and the sign in sheets will be available in the Student Support Services office upon request.

Annually, through regularly scheduled District safety meetings, the District shall update every SRO on the needs of students with IEP's, 504 plans, as well as students who are foster youth, homeless youth, LGBTQ+ youth, as well as the cultural components and language needs of communities served by the District. District safety meetings will have sign in sheets to verify training and the sign in sheets will be available in the Student Support Services office upon request.

Notifications

Annually the District will notify students, parents, and families of the purpose of the SRO program as well as student rights when interacting with law enforcement. This notification will be conducted through parent/student handbooks in both English and Spanish.

Additionally, during the Fall Back to School Night and Spring Open House, each school site hosting the SRO program will conduct an informational community meeting in both English, Spanish, and Mixteco regarding the purpose of the program as well as student rights when interacting with law enforcement.

Annually, the District shall provide notification of this policy to every SRO at the beginning of their assignment. The District shall be responsible for maintaining records of this notice.

It shall be the responsibility of the principal and/or the assistant principal to ensure that law enforcement officers coming on to a school site are fully aware of this policy.

District Training

Annually the District will provide information on “Know Your Rights/Student Rights” for staff and students through the District student/parent/staff handbook in order to better inform students, parents, and staff of their rights during law enforcement interviews.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should serve subpoenas at the home of the student whenever possible. When served at school, the principal or assistant principal shall take reasonable steps to protect the student's privacy rights and to minimize loss of instructional 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 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 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)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://oag.ca.gov>

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