

QUESTIONING AND APPREHENSION

Law enforcement officers have a limited right to interview students at a County Office of Education school or on County Office of Education premises, as suspects or witnesses. When such an interview is requested, the program administrator or designee shall carefully ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer is not acting pursuant to a valid search warrant, the program administrator or designee may request that he/she conduct the interview outside of school or program hours. If the officer expresses the need to interview the student immediately, the program administrator or designee should seek to accommodate the questioning in a way that will avoid disrupting the school or program process and also serve the best interests of the student. If, after reasonable discussion, the law officer and the program administrator or designee continue to disagree, the program administrator or designee may consult with the County Superintendent of Schools or with legal counsel.

If a law enforcement officer is given access to a student, the student may request the presence of a school official during questioning.

Except in cases of child abuse or neglect, the program administrator or designee shall attempt to contact the student's parent/guardian and solicit his/her consent when a law enforcement officer requests an interview on school or County Office of Education premises.

Prior to being interviewed by a law enforcement officer, the school administrator shall inform the student about the presence of the officer and the officer's request to interview the student. If the student declines to be interviewed, the school administrator shall not act to compel the cooperation of the student.

Except in circumstances of child abuse, a law enforcement officer shall not remove a student from the school site unless the officer has a proper warrant, court order, parent/guardian permission or there has been a verification of an emergency by the officer to the school official.

*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, 269 Cal. App. 2d 509**Baines v Brady, 122 Cal. App. 2d Supp. 957, 960**In the matter of Paul P., 85 Daily Journal D.A.R. 2594**32 Ops. Cal. Atty. Gen. 46**34 Ops. Cal. Atty. Gen. 93**54 Ops. Cal. Atty. Gen. 96*

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