

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 identity, 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.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

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.

(cf. 5142 - Safety)

Subpoenas

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: (see next page)

QUESTIONING AND APPREHENSION (continued)

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*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

54 *Ops. Cal. Atty. Gen.* 96 (1971)

34 *Ops. Cal. Atty. Gen.* 93 (1959)

32 *Ops. Cal. Atty. Gen.* 96 (1958)

QUESTIONING AND APPREHENSION

Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

SEARCH AND SEIZURE

The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property or their lockers by school officials.

(cf. 5145.11 - Questioning and Apprehension)

School officials may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff shall use a metal detector when searching an individual for weapons.

The parent/guardian of a student subjected to an individualized search shall be notified by the district as soon after the search as possible.

Student Lockers

Because lockers are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with students standing by their lockers or desks. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

Legal Reference: (see next page)

SEARCH AND SEIZURE (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35294-35294.5 School safety plans

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

COURT DECISIONS

O'Connor v. Ortega, (1987) 107 S.Ct. 1492

New Jersey v. T.L.O., (1985) 469 U.S. 325

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

75 Ops.Cal.Atty.Gen. 155 (1992)

SEARCH AND SEIZURE

Individual Searches

In determining whether reasonable suspicion exists, school officials shall consider:

1. The student's age and previous behavior patterns
2. The prevalence and seriousness in the school of the problem to which the search was directed
3. The urgency requiring the search without delay
4. The substantive value and reliability of the information used as a justification for the search
5. The location of the student at the time of the incident which gave rise to reasonable suspicion

Searches shall be made in the presence of a least one other district employee. Employees will not conduct strip searches or body cavity searches.

NONDISCRIMINATION/HARASSMENT

District programs and activities shall be free from discrimination, including harassment, with respect to ethnic group, religion, gender, color, race, national origin and physical or mental disability.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 6164.6 - Identification and Education under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance)

(cf. 6145.2 - Athletic Competition)

(cf. 6162.5 - Student Assessment)

The schools may provide girls and boys with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any student who feels that he/she is being harassed should immediately contact the principal or designee. If a situation involving harassment is not promptly remedied by the principal or designee, a complaint can be filed in accordance with administrative regulations. The Superintendent or designee shall determine which complaint procedure is appropriate.

NONDISCRIMINATION/HARASSMENT (continued)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex, especially:*

221.5 *Prohibited sex discrimination*

221.7 *School-sponsored athletic programs; prohibited sex discrimination*

48900.3 *Suspension or expulsion for act of hate violence*

48900.4 *Suspension or expulsion for threats or harassment*

48904 *Liability of parent/guardian for willful student misconduct*

48907 *Student exercise of free expression*

48950 *Freedom of speech*

49020-49023 *Athletic programs*

51006-51007 *Equitable access to technological education programs*

51500 *Prohibited instruction or activity*

51501 *Prohibited means of instruction*

60044 *Prohibited instructional materials*

CIVIL CODE

1714.1 *Liability of parents/guardians for willful misconduct of minor*

CODE OF REGULATIONS, TITLE 5

4621 *District policies and procedures*

4622 *Notice requirements*

UNITED STATES CODE, TITLE 42

2000d & 2000e *et seq. Title VI & VII. Civil Rights Act of 1964 as amended*

2000h-2 *et seq. Title IX, 1972 Education Act Amendments*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a *Prohibition of discrimination on basis of race, color or national origin*

106.8 *Designation of responsible employee*

106.9 *Notification of nondiscrimination on basis of sex*

Policy
adopted: April 1999
revised: February 8, 2000

PALERMO UNION SCHOOL DISTRICT
Palermo, California

PARENTAL NOTIFICATIONS

The Governing Board recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5124 - Communication with Parents/Guardians)
(cf. 6020 - Parent Involvement)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference:

EDUCATION CODE

- 221.5 *Prohibited sex discrimination*
- 231.5 *Sexual harassment policy*
- 262.3 *Appeals; information re: availability of civil remedies*
- 310 *Structured English Immersion Program*
- 17288 *Pupils: school buildings*
- 32243 *School with significant risk factors for lead*
- 32255-32255.6 *Right to refuse harmful or destructive use of animals*
- 32390 *Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian*
- 35183 *School dress codes; uniforms*
- 35256 *School accountability report card*
- 35291 *Rules*
- 35291.5 *Rules and procedures on school discipline*
- 37616 *Consultation*
- 39831.5 *School bus rider rules and information*
- 44808.5 *Permission to leave school grounds*
- 46010.1 *Notice re: excuse to obtain confidential medical services*
- 46014 *Regulations regarding absences for religious purposes*
- 46600-46611 *Interdistrict attendance agreements especially:*
- 46601 *Failure to approve interdistrict attendance*
- 48000 *Minimum age of admission*
- 48070.5 *Promotion or retention of students*
- 48205 *Absence for personal reasons*
- 48206.3 *Pupils with temporary disabilities; individual instruction; definitions*
- 48207 *Pupils with temporary disabilities in hospitals outside of school district*
- 48208 *Students with temporary disabilities in qualifying hospitals*
- 48209.9 *Application deadline; notice of acceptance or rejection*
- 48213 *Notice to parent or guardian*
- 48216 *Immunization*
- 48260.5 *Notice to parent re truancy*
- 48263 *Referral to SARB or probation department*
- 48432.5 *Involuntary transfers of pupils*
- 48637.1 *Notice of intended assignment*
- 48900.1 *Attendance of parent or guardian for portion of school day*
- 48904 *Liability of parent/guardian for willful pupil misconduct*
- 48904.3 *Withholding grades, diplomas, or transcripts*
- 48906 *Notification of release of pupil to peace officer*
- 48911 *Notification in case of suspension*
- 48912 *Closed sessions; consideration of suspension*
- 48915.1 *Expelled individuals: enrollment in another district*
- 48915.5 *Expulsion of special education student*
- 48916 *Readmission procedures*
- 48918 *Rules governing expulsion procedures*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)*EDUCATION CODE (continued)

- 48980 Required notification at beginning of term
- 48981 Time and means of notification
- 48982 Signature; return to school; effect of signature
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49063 Notification of parents of their rights
- 49067 Regulations regarding pupil's achievement
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of records
- 49073 Release of directory information
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49091.14 Prospectus
- 49302 Parental consent
- 49332 Notifications of retention of object by school personnel; release
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for pupil
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49456 Report to parent
- 49472 Medical and hospital services for pupils
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 51201.5 Instruction on AIDS and AIDS prevention
- 51240 Excuse from instruction due to religious beliefs
- 51513 Personal beliefs
- 51550 Sex education courses
- 51554 Parent notification; sex education courses
- 51555 Parent notification in grades K-6; sex education courses
- 51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation
- 51870.5 Internet access policy
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice
- 52164.3 Notice of reassessment of language skills
- 52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program
- 52244 Advanced Placement Program
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies re: written notification rights
- 56321 Special education: proposed assessment plan

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

56329 *Written notice of right to findings; independent assessment*

56341 *Individualized education program team*

56343.5 *IEP meetings*

56346 *Parental notice and consent to special education program*

56507 *State hearing; use of attorney*

58501 *Alternative schools: notice required prior to establishment*

60641 *Standardized Testing and Reporting Program*

60850 *High School Exit Exam*

HEALTH AND SAFETY CODE

120365 *Immunizations*

120370 *Immunizations*

120375 *Immunizations*

120440 *Sharing immunization information*

124085 *Certificate of receipt; health screening and evaluation services; waiver by parent/guardian*

124100 *School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds*

PENAL CODE

627.5 *Hearing request following denial or revocation of registration*

WELFARE AND INSTITUTIONS CODE

18976.5 *Parental notice; right of refusal to participate*

CODE OF REGULATIONS, TITLE 5

863 *Standardized Testing and Reporting Program*

3052 *Behavioral intervention*

3831 *General standards (Gifted and Talented Program)*

4306 *Reclassification*

4622 *Notice requirements and recipients*

4631 *Responsibilities of the local agency*

11303 *Education for English language learners*

11523 *Notice of proficiency examinations (HS)*

UNITED STATES CODE, TITLE 20

1232g *Family Educational and Privacy Rights Act*

1415 *Procedural Safeguards*

1681-1688 *Title IX, discrimination based on sex or blindness*

6319 *Title I programs, parent involvement*

UNITED STATES CODE, TITLE 42

2001d -2001d-7, *Title VI, Civil Rights Act of 1964*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 *Student records, annual notification*

99.34 *Student records, disclosure to other educational agencies*

104.36 *Procedural safeguards*

106.9 *Dissemination of policy, nondiscrimination on basis of sex*

300.345 *Parent participation*

300.502 *Independent educational evaluation*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

300.503 *Prior written notice*

300.505 *Parental consent*

300.507 *Parent notice due process hearing*

300.523 *Manifestation determination review*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 *Management plans*

