

Students

Questioning and Apprehension

A. 1. Before making an elementary school pupil (any student in grades K-8) available to a peace officer who has, without request from the District, asked to question students, the principal of the elementary school, or his or her designee, shall take immediate steps to obtain the oral consent of the parent or guardian of the pupil to permit the questioning.

2. If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the peace officer for questioning until the parent or guardian is present.

3. If school officials are unable, after reasonable efforts, to contact a parent or guardian in order to obtain consent pursuant to this subdivision, a District site representative who is not a suspect may be selected by the pupil to be present during the questioning.

4. In those cases in which school officials are unable to contact the pupil's parent or guardian until after the questioning has been completed, the principal or his or her designee shall immediately notify the parent or guardian that the questioning has occurred and make the staff member selected by the pupil available to inform the parent or guardian about the questioning.

B. 1. Before making a secondary school pupil (any student in grades 9 – 12) available to a peace officer who has, without request from the District, asked to question students, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to request the presence of his or her parent or guardian or a District site representative who is not a suspect during the questioning.

2. If the person selected by the pupil cannot be made available within a reasonable period of time, the principal or his or her designee shall inform the pupil that the pupil may select an alternative member of the school faculty or staff who is not a suspect and who is reasonably available to be present during the questioning.

3. If the pupil exercises his or her right pursuant to this subdivision to have an individual present pursuant to Subsections 1. and 2., the pupil may not be made available to the peace officer for questioning until one such person is present.

C. Sections A and B do not apply if any of the following conditions exist:

Students

Questioning and Apprehension

1. The peace officer is in possession of a warrant or other court order, or the officer reasonably believes that due to exigent circumstances, his or her inability to immediately question the pupil will materially interfere with the ability of the officer to conduct an investigation or would present an immediate risk of serious harm to the pupil or anyone else on or around the campus. The officer shall execute a declaration confirming the issuance of such court order or existence of such exigent circumstances. In the case of an elementary school pupil being questioned pursuant to this paragraph, the principal or his or her designee shall take immediate and continuous steps to notify the parent or guardian by telephone regarding the questioning, and if unsuccessful in doing so before the questioning is completed, shall take immediate steps to notify the parent or guardian regarding the questioning after it has been completed.

2. The minor pupil being questioned is suspected of being a victim of child abuse as defined in Section 11165.6 of the Penal Code, or the minor pupil is being questioned pursuant to Section 305 of the Welfare and Institutions Code, and either the principal or his or her designee or the peace officer has a reasonable belief that the pupil would be endangered by the above-referenced notification requirements.

3. The peace officer's questioning of the pupil concerns the commission of criminal activity by the parent or guardian of the pupil. The principal shall inform the pupil that the pupil has the right to request that a member of the school administration, a school counselor, or a school teacher selected by the pupil be present during the questioning.

4. The pupil is on probation and is being interviewed or otherwise contacted by a probation officer in the normal course of duties of the probation officer.

5. The site administrator, acting on behalf of the District, has contacted the police agency, requesting that an officer be present to assist in an investigative process. In such event, the assisting officer need not execute a declaration regarding the issuance of a court order or the presence of exigent circumstances.

D. Except in unusual circumstances as determined by the peace officer, any questioning of a pupil by a peace officer for any reason other than the ordinary, day-to-day conversation that is to be expected among members of a school community, shall take place in a private location, including, but not limited to, an administrator's office, and may not take place in a classroom or hallway or other areas where pupils or others may be present.

Students

Questioning and Apprehension

E. A school official present during the questioning of a pupil under this section may not disclose matters discussed with the pupil other than to the parent or guardian of the pupil, the attorney for the pupil, other school officials, counsel for the school district, or a court.

F. For the purposes of this section, "questioning" means any communication with a minor pupil during school hours or during any school-related activity or school-sponsored activity by a peace officer, where the pupil is made available to the peace officer either at the request of a peace officer or at the request of a school employee for questioning as a victim, suspect, or witness concerning a suspected violation of school rules that constitutes grounds for expulsion or a suspected commission of a crime.