

Da Vinci Schools

Board Policy

LAW ENFORCEMENT OFFICERS AND DEPARTMENT OF CHILDREN AND FAMILY SERVICES WORKERS ON CAMPUS

The Da Vinci Schools' Board of Education believes that the safety of district students and staff is essential to support student learning. In accordance with standards specified in law, school site and central office staff will cooperate with law enforcement officers and Department of Children and Family Services workers who in the course of their duty seek information regarding individuals who have allegedly violated the law, those who have witnessed a violation, or those who may be victims of a crime.

The Chief Executive Officer or designee shall collaborate with local law enforcement agencies and children and family services workers to enable them to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students in accordance with all applicable state and federal laws.

When a law enforcement officer or children and family services worker states his/her intent to interview a student in connection with an alleged violation of the law, the principal or designee shall verify the credentials of the agent, his/her official capacity, the legal authority under which the interview is to be conducted, and provide an area suitable for the interview.

Whenever possible, the principal or designee will be present while the children and family services worker or law enforcement officer is interviewing the student (unless the student is 18 years of age or older and requests to speak with the officer alone) and take appropriate steps as soon as reasonably possible to notify the parent, guardian, or responsible relative of any student participating in such an interview, unless the safety of the child is at stake due to allegations of suspected child abuse (Education Code 48906).

If the student is released to a children and family services worker and/or law enforcement officer for the purpose of removing the student from school, the principal or designee shall take immediate steps to notify the parent, guardian, or responsible relative unless the safety of the child is at stake due to allegations of suspected child abuse (Education Code 48906).

Legal Reference:

Education Code

44807 Duty concerning conduct of pupils

48264 Arrest or temporary custody of truants

48265 Delivery of truant to person having control of minor, or to school

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

PENAL CODE

830-832.17 Peace officers

1328 Service of a subpoena

WELFARE AND INSTITUTIONS CODE

627 Custody of a 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 Ca. 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.Att.Gen 93 (1959)

Management Resources:

WEBSITES

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

EXHIBIT A.: Removal of Students from School or Interview of Students During School Hours
by Police Officers or Department of Children and Family Services Staff Form

Da Vinci Schools Board Approved and Adopted on November 20, 2019

Da Vinci Schools: L.A. County Board Approved and Adopted on November 26, 2019



REMOVAL OF STUDENTS FROM SCHOOL

OR INTERVIEW OF STUDENTS DURING SCHOOL HOURS

BY POLICE OFFICERS OR DEPARTMENT OF CHILDREN AND FAMILY SERVICES STAFF

Date: _____ Time: _____ Staff Assisting: _____

Student: _____ Grade: _____ School: _____

In accordance with the laws of the State of California and the rules and regulations of the Da Vinci Schools, the student here listed was:

_____ 1. Interviewed at _____ (school) during school hours by a police officer or the Department of Children and Family Services Worker.

_____ 2. Remove from _____ (school) during school hours by a police officer making an arrest or taking a child into custody.

_____ 3. Date: _____ Time: _____

_____ 4. Name of Agency: _____

_____ 5. Name of Representative: _____

Title: _____ Badge/I.D.Number: _____

Contact Address: _____

Email: _____ Phone: _____

_____ 6. Basis for action (check one)

_____ Section 836 – Penal Code (arrest without warrant)

_____ Warrant for arrest

_____ Section 625 Welfare and Institutions Code (without warrant)

_____ With express permission of parents/guardians

_____ In case of emergency: no parents/guardians can be reached

_____ In case of emergency when rights of one the persons involved might otherwise be seriously impaired (County Counsel HWW #2-1959)

Disposition of student:

Taken to: _____

Nature of interview: _____

Signatures:

Authorized Agent: _____

Principal or Designee: _____

Parent Notification by School Administrator (circle one) Yes No

Parent Notification by Agent: _____