

BOARD POLICY 5800 Removing Pupils from School During School Hours

WHEREAS, the Attorney General of California and the County Counsel of the Los Angeles County have rendered opinions regarding the power of Peace Officers to interview and remove pupils from school during school hours: (Att. Gen. No. 59/203) (CCO – HWW#1, 3/31/59), and

WHEREAS, the Attorney General and the County Counsel have rendered opinions regarding the liability of school districts for the release of pupils to Peace Officers, (Att. Gen. No. 59/203) (CCO – HWW #2, 8/28/59), and

WHEREAS, these opinions indicate a need for the adoption of standard procedures regarding the handling of requests by Peace Officers, to interview or remove pupils from school during school hours,

NOW, THEREFORE, BE IT RESOLVED:

that the policies regarding Peace Officers interviewing or removing pupils from the El Camino College School District during school hours shall be as follows:

1. Permission to Interview or Remove Pupils from School

No person other than a school employee shall be allowed to interview or remove a pupil from school during school hours without the prior permission of the Vice President – Student Personnel or certificated person delegated this responsibility in the absence of the Vice President.

2. Interviewing Pupils during School Hours

Upon the presentation of proper identification to the Vice President – Student Personnel, or his appointee, duly authorized representatives of law enforcement agencies shall be allowed to interview pupils in the presence of the Vice President – Student Personnel, or other certificated person, so delegated, in those cases in which an interview during out-of-school hours is impossible, impractical or would unduly interfere with the enforcement of law.

Law enforcement personnel entitled to interview pupils on school premises under the above conditions shall include:

- a. Police officers of the city or cities within the school district;
- b. The Sheriff of Los Angeles County or his deputies;
- c. The Probation Officer of Los Angeles County or his deputies;
- d. The District Attorney or his deputies;
- e. Investigators for the Domestic Relations Court;
- f. Parole Officers of the United States or the State of California;

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- g. Officers of the California Highway Patrol;
- h. Agents of the Federal Bureau of Investigation;
- i. Health Officers of the City, Cities or County in which the school is located;

Special and Honorary Officers, Honorary Deputy Sheriffs, etc. and members of the press, although carrying identification cards issued by law enforcement agencies, shall not be permitted to interview pupils at school except that members of the press may interview pupils in connection with school activities in the presence of and with the approval of the Vice President – Student Personnel, or a duly authorized employee of the school district responsible for the release of public information.

Information regarding the identification of other persons not specifically mentioned above who may be allowed to interview pupils during school hours must be secured from the Superintendent of the district.

3. Removing Pupils from School During School Hours

No pupil shall be taken from school during school hours by any person other than a school employee with the following exceptions:

- a. by a parent or guardian when properly identified; (In cases in which the parents have been divorced a minor may be released only to the parent having legal custody.)
- b. by another person upon the written request, properly verified, of the parent or guardian;
- c. by properly identified representatives of law enforcement agencies;
 - I. making an arrest under Section 836 of the California Penal Code;
 - II. presenting a warrant for the arrest of the pupil;
 - III. taking the pupil into custody under Section 729 of the California Welfare and Institutions Code;
- d. by properly identified representatives of law enforcement agencies when not making an arrest or taking the pupil into custody as stated above under the following conditions:
 - I. with the express permission of the parent obtained prior to the release of the pupil;
 - II. “in cases of emergency when the parents cannot be reached;”
 - III. in cases of emergency when “...the rights of one of the parties involved would be seriously impaired by upholding that of the parent...”

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When a peace officer is seeking to remove a minor from school during school hours the interpretation of what constitutes an “emergency” is the responsibility of the Vice President – Student Personnel.

While it is the duty of the peace officer to notify the parents or guardian of the person taken into custody or placed in detention (Sub-section h, Section 729 of the Welfare and Institutions Code) it is still the responsibility of the Vice President – Student Personnel to confirm this notification with the parent or guardian of the minor.

If a conflict of opinion should arise between a law enforcement representative and the Vice President – Student Personnel, regarding the interpretation of this resolution or the rights of the individuals involved, the Vice President should immediately consult the Superintendent. If the conflict cannot be clarified in this manner the Superintendent should seek to resolve the differences with the supervising officer of the law enforcement representative involved.

Previous Board Policy Number: 5144

El Camino College
Adopted: 1/25/60
Amended: 5/10/65
Renumbered: 5/16/05