

Police Assistance And Student Referrals**AR 5145.10****Students**

School site administrators have the responsibility under the Education Code and District policy for the investigation of student behavior under the jurisdiction of the District. A component of this responsibility is the determination of the proper school response for addressing student behavior and for implementing appropriate supports and/or consequences, which may include, but are not limited to, parent-teacher contact, counseling, referrals for services and evaluation by a school psychologist, social worker or child welfare attendance personnel, case management, after-school programs to address specific behavioral issues, student study and guidance teams to develop intervention plans, positive behavioral social and emotional interventions and supports, restorative practices, other alternative means of correction, suspensions, and expulsions. The range of appropriate responses to student conduct is included in the Student Behavior Intervention and Discipline Matrix ("Matrix") attached as an exhibit to Board Policy 5144.

Campus security monitors and safety assistants shall have the responsibility to oversee and monitor the security and safety of students, staff and property at school sites and enforce applicable sections of the Education Code and the Student Code of Conduct.

The District's Police Department is responsible for addressing major threats to school safety or school-based criminal conduct by students that cannot be safely and appropriately handled by school site administrators.

Nothing in this Regulation is intended to impede school administrators or any other District employee from contacting law enforcement if their safety or the safety of others is at serious risk.

Investigation Responsibilities

The District recognizes that police, site administrators, and campus security monitors and safety assistants, may work in complement with their respective trainings, qualifications, and areas of expertise to investigate student behavior and misconduct. Unless there is reasonable suspicion that a crime has or will be committed that cannot be safely and appropriately handled by the school's administrative staff, school administrators, and not law enforcement, shall conduct investigations into student behavior arising within the jurisdiction of the District's schools, including the questioning of students and other witnesses. In those instances where the

responsibility for investigating student behavior is the responsibility of school administrators, law enforcement officers shall not be present during student interviews conducted by staff unless necessary to ensure the safety of students, staff or other persons.

(cf. 5415.11 - Questioning and Apprehension)

Law Enforcement Involvement and Non-Involvement in the Student Disciplinary Process

School site administrators, consistent with this Regulation and related Board Policy, and with the Matrix, shall comply with the following standards for law enforcement involvement and non-involvement in the student disciplinary process.

As defined in Board Policy 5145.10, a “referral” or “refers” to law enforcement means when a site administrator determines that the behavior of the student merits forwarding the student on to SUSD PD for possible criminal investigation or other remediation as determined by law enforcement. Police officers should be involved only when there is a major threat to school safety, or when there is school-based criminal conduct that cannot be safely and appropriately handled by the school’s administrative staff, or when the school site administrator is mandated to notify law enforcement under Education Code section 48902.

School site administrators in non-exigent circumstances, shall whenever practicable, review any documentation of prior interventions and supports before referring to SUSD PD a student who the site administrator knows or perceives to have a disability, including a mental health disability, or who knows the student has an IEP or a Section 504 plan. Any such review shall include the student’s cumulative file and when applicable, the district’s “Protocol for Referrals Relating to Students Who Exhibit Mental Needs or Who are Experiencing a Mental Health Crisis”.

Sections A-D below are intended to distinguish between disciplinary infractions that are safely and appropriately handled by school site staff versus major threats to safety or serious school-based criminal conduct that cannot be safely and appropriately handled by school site staff when following the District’s disciplinary procedures.

A. Student Behavior for Which a Referral Shall **Not** be Made by Site Administrators to Law Enforcement

Board Policy 5145.10 provides that law enforcement shall not be involved in low-level disciplinary conduct because such conduct is more appropriately the responsibility of school site administrators and teachers. However, nothing in this Regulation shall prohibit an employee from calling 911 when their safety or the safety of others is at serious risk.

Students involved in the following low-level, disciplinary conduct, shall not be referred to law enforcement for possible criminal investigation or other remediation:

1. Defiance (Education Code 48900 (k))
2. Disruption, including disorderly conduct (Education Code 48900(k);)
3. Disruption, including disturbing the peace (Education Code 48900(k))
4. Trespassing (Education Code 48900(k))
5. Loitering (Education Code 48900(k))
6. Using Profanity (Education Code 48900(i))
7. Verbal altercations unless threat of serious bodily injury or involves threat of hate violence (Education Code 48900(a)(1), 48900.3))
8. Fights with no injuries unless more than two combatants are involved (however, fights with no injuries shall be guided by the totality of the circumstances including the age of the students) (Education Code 48900(a)(1))

9. Possession of Alcohol and/or Tobacco (Education Code 48900(c), 48900(h))

10. Vandalism if less than \$400 unless vandalism pertains to gang affiliation or hate groups (Education Code 48900(f))

11. Theft if less than \$50 (Education Code 48900(g))

12. Truancy (Education Code 48620)

When a SUSD PD officer is on a school site and witnesses a low-level disciplinary infraction, the officer shall direct the student to the appropriate school staff member for possible discipline. Any student engaged in low-level disciplinary conduct that is also a criminal violation, may be subject to intervention by on-site law enforcement depending on the totality of circumstances including the age of the student and the number of violations the student may have committed during the incident. Students who are truant shall be referred to the Child Welfare and Attendance (“CWA”) office and shall not be issued citations for truancy except in the instance when the student has been referred by CWA to the SUSD PD as a chronic truant.

In addition to the student behaviors listed in Section A, items #1-12 above, students shall not be referred to law enforcement who are considered to be “out-of-control”. “Out-of-control” shall not be used by site administrators as a “catch-all” category for referrals to law enforcement. As such, for any behavior to be determined as “out-of-control” by site administrators, the student must be significantly beyond the control of the person at the school considered to be the custodian of the student. For example, to be considered “out-of-control”, any such behavior must be significant enough to otherwise subject a student between the ages of 12 and 17 to the jurisdiction of the juvenile court. (Welfare & Institutions Code 601(a))

Any referral by a school site staff member to SUSD PD for student behaviors listed in Section A, items #1-12 above, or for being “out-of-control” that does not meet the definition of “out-of-control” established in this Regulation, shall be recorded by the Department and provided to the District for potential remediation.

B. Discretionary Referral by Site Administrators to Law Enforcement

School site administrators on a case-by-case basis shall only refer a student to law enforcement for the behavior listed below, after obtaining written approval by the Superintendent or designee:

1. Verbal altercations if a threat of serious bodily injury has been made or for students in grades 4-12, if a threat of hate violence has been made. (Education Code 48900(c), 48900.3)
2. Knowingly receiving stolen school or private property worth \$50 or more. (Education Code 48900(l))
3. Causing or attempting to cause less than \$400 worth of damage to school or private property if the vandalism pertains to gang affiliation or hate groups. (Education Code 48900(f))
4. Engaging in or attempting to engage in gang initiation/hazing. (Education Code 48900(q))
5. Making terroristic threats against school officials, school property or both. (Education Code 48900.7)
6. Causing, attempting to cause, or threatening to cause physical injury to another person (if threats do not involve weapons), and if force used, attempted, or threatened, was likely to cause great bodily injury (Education Code 48900(a)(1), 48915(b))
7. Mutual combat or one-sided fighting that resulted in minor injuries or if attempted or threatened force was likely to cause great bodily injury, or if a weapon was involved. (Education Code 48900(a)(1), 48915(b))

8. Intoxication. (Education Code 48900(c), 48902(b), 48915(b))
9. Caused or attempted to cause \$400 or more of damage to school or private property. (Education Code 48900(g))
10. Stole or attempted to steal school or private property worth \$50 or more. (Education Code 48900(g))
11. Possessing and/or using marijuana with not intent to sell. (Education Code 48900(c), 48915(b))
12. Possessing an imitation firearm. (Education Code 48915(e))
13. Committing harassment, threats, or intimidation against a student witness (including gang-related behavior). Education Code 48900(o), 48915(e))

When a school administrator following approval by the Superintendent or designee, refers a student to law enforcement for any of the behaviors listed in Section B, items #1-13 above, he/she shall immediately or as soon as is reasonably possible, provide notice by telephone to the student's parent/guardian/caregiver and separately to the Regional Director, that he/she has referred the student to law enforcement and inform them of the behavior supporting the referral. The school administrator shall follow-up the telephone call with a written notice, including by way of email, to the student's parent/guardian/caregiver and to his/her Regional Director. In addition, school administrators shall document in the District's student information system the reason for the referral along with how and when the student's parent/guardian/caregiver was notified.

C. Expected Referrals by Site Administrators to Law Enforcement

Site administrators on a case-by-case basis shall refer students to law enforcement for the behavior listed below unless a written finding is made that under the particular circumstances a referral to law enforcement is not necessary or that other means of correction will address the behavior:

1. Possession at or bringing to school grounds, a school activity or event, a weapon or dangerous instrument, as defined in Penal Code section 626.10 (knife, taser, stun gun, or other dangerous object of no reasonable use). (Education Code 48902(c); Penal Code 626.10)
2. Acts which may constitute assault by any means likely to produce great bodily injury. (Education Code 48902(a); Penal Code 245)
3. Unlawful possession or use of a controlled substance. (See Matrix for special circumstances with marijuana). (Education Code 48900(c), 48902(b),(c), 48915(c)(3))
4. Committing or attempting to commit robbery or extortion. (Education Code 48900(e), 48915(a)(1)(D))

When a school administrator refers a student to law enforcement for any of the behaviors listed in Section C, items #1-4 above, he/she shall immediately or as soon as is reasonably possible, provide notice by telephone to the student's parent/guardian/caregiver and separately to the Regional Director, that he/she has referred the student to law enforcement and inform them of the behavior supporting the referral. The school administrator shall follow-up the telephone call with a written notice, including by way of email, to the student's parent/guardian/caregiver and Regional Director. In addition, school administrators shall document in the District's student information system the reason for the referral along with when and how the student's parent/guardian/caregiver was notified.

D. Mandatory Referral by Site Administrators to Law Enforcement

School site administrators shall always make referrals to law enforcement for the following categories of student behavior

1. Unlawfully offering, arranging to sell, or negotiating to sell a controlled substance or otherwise furnishing to a person another liquid, substance, or material, and representing the liquid, substance, or material as a controlled substance. (See Matrix for special circumstances with marijuana). (Education Code 48900(d), 48902(b))
2. Committing or attempting to commit sexual assault or sexual battery as defined in Penal Code section 243.4. (Education Code 48900(n); 48915(c)(4))
3. Possession of an explosive determined to be a destructive device. (Education Code 48902(a), 48915(c)(5))
4. Possessing, selling, or otherwise furnishing a firearm. (Education Code 48915(c)(1), 48902(a); Penal Code 626.9)
5. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (Education Code 233, 48900.3)
6. Brandishing a knife as defined in Education Code 48915(g). (Education Code 48915(c)(2))
7. Committing assault or battery on a school employee. (Education Code 4815(a)(1))
8. Acts which may constitute assault with a deadly weapon, as defined by Penal Code section 245, or acts of threatening to cause physical injury with a weapon. (Education Code 48902(a); Penal Code 245)

When a school administrator refers a student to law enforcement for any of the behaviors listed in Section D, items #1-8 above, he/she shall immediately or as soon as is reasonably possible, provide notice by telephone to the student's parent/guardian/caregiver and separately to the Regional Director, that he/she has referred the student to law enforcement and inform them of the behavior supporting the referral. The school administrator shall follow-up the telephone call with a written notice, including by way of email, to the student's parent/guardian/caregiver and Regional Director. In addition, school administrators shall document in the District's student information system the reason for the referral along with when and how the student's parent/guardian/caregiver was notified.

(cf. 5145.11 – Questioning and Apprehension)

Notice to Law Enforcement as Required per Education Code Section 48902

Student behavior that per this Regulation is not subject in Section D to a mandatory referral to law enforcement by site administrators such as behavior considered as low-level disciplinary conduct in Section A or conduct in Section B and C that requires site administrators to exercise their discretion before making a referral, may otherwise require school site administrators to notify law enforcement of the misconduct. (Education Code 48902(b)) After a student has been suspended, the school site administrator shall notify law enforcement for the conduct listed below:

Alcohol

- a. Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of an alcoholic beverage or an intoxicant of any kind, within one schoolday after suspension or expulsion of a student for any such acts. (Education Code 48900(c), 48902(b))

- b. Unlawfully offering, arranging to sell, or negotiating to sell an alcoholic beverage or an intoxicant of any kind, or otherwise furnishing to a person another liquid, substance, or material, and representing the liquid, substance, or material as a alcoholic beverage, or intoxicant, within one school day after suspension or expulsion of a student for any such acts. (Education Code 48900(d), 48902(b))

Controlled Substances

- a. Unlawfully possessed, used, or been under the influence of a controlled substance or an intoxicant of any kind, within one schoolday after suspension or expulsion of a student for any such acts. (Education Code 48900(c), 48902(b))

Violent Acts

- a. Causing serious physical injury to another person except in self defense
- b. Possession of a knife or other dangerous object of no reasonable use to the student such as a taser, stun gun or BB or pellet gun
- c. Robbery or extortion