

Police Assistance And Student Referral Policy

BP 5145.10

Students

The Governing Board is committed to an educational environment that is welcoming to all students, responsive to their educational, social, and emotional needs, and safe for all students, staff, parents/guardians and other community members. The Board believes that its commitment is best served by an operational structure where the District's school administrators, site staff, and SUSD PD maintain a relationship of mutual respect and cooperation, utilizing consistent and cohesive problem-solving strategies directed at promoting positive student outcomes.

The Governing Board believes that it is the role of District school administrators to investigate and assign, when appropriate, behavioral consequences to students in the educational environment while ensuring such interactions are consistent with Board policy and Administrative regulation.

As reflected in the graduated responses to student conduct included in the Student Behavior Intervention and Discipline Matrix, the Governing Board expects that law enforcement will not be involved in disciplinary infractions that are more appropriately the responsibility of school administrators and teachers. SUSD PD officers should only be involved when there is a major threat to school safety, or when there is school-based criminal conduct that cannot safely and appropriately be handled by school site administrators, or when law enforcement must be notified of the student's conduct pursuant to Education Code 48902.

(cf. 5144 – Discipline)

Requesting Police Assistance

Police assistance may only be requested when the safety of students, staff or others are at risk, or when a student's behavior may also be criminal conduct that is not low-level disciplinary conduct as defined in AR 5145.10, or behavior designated in the Student Behavior Intervention and Discipline Matrix as conduct not subject to a referral to law enforcement.

Nothing in this Policy shall prohibit an employee from calling 911 when their safety or the safety of others is at serious risk.

Referring Students to Law Enforcement

Students may be referred to law enforcement for possible criminal investigation or other remediation. Students may only be referred to law enforcement by school site administrators. Once referred, SUSD PD shall retain the discretion on if and how to respond based on the particulars of the incident.

Students experiencing a mental health crisis, absent exigent circumstances, shall be considered for referral to appropriate school-based mental health services and supports prior to being referred to law enforcement. Referrals to law enforcement shall be in compliance with disability discrimination laws, including the Americans with Disabilities Act. Once referred, students with disabilities, including students with mental health disabilities, except as provided for below, shall not be cited or booked by SUSD PD for conduct that directly results from their disability.

SUSD PD when determining whether to book or cite a student with a disability for conduct of a serious nature as defined in Education Code 48915 (a)(1) and (c), shall in addition to considering the alleged criminal violation(s) committed by the student, shall make such determination in compliance with state and federal disability discrimination laws. Officers shall also for students with a disability be guided by the totality of the circumstances including:

1. Whether referral to the formal diversion program or other supports and interventions is both appropriate and can address the conduct
2. The age of the student
3. The specific disability of the student
4. The intent of the student
5. Any other mitigating circumstances

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48263.6 Chronic truant

48264 Arrest of truants

48900 et seq. Grounds for student discipline

48902 Notice to law authorities

48915- Expulsion; Particular circumstances

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.-17 Peace officers

11165.6 Child abuse or neglect

1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

305 Temporary custody

601 Minor “out of control”

625.6 Right to consult with legal counsel

627 Custody of minor

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

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 Cal. 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. Atty. Gen. 93 (1959)

Management Resources:

WEB SITES

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