

Students

ROLES AND RESPONSIBILITIES OF SCHOOL ADMINISTRATORS AND LAW ENFORCEMENT RELATIVE TO STUDENT BEHAVIOR

Definitions

“School administrators” as used in this regulation means site and District-level administrators with responsibility for monitoring and supervising student conduct.

“Security staff” as used in this regulation means campus supervisors, yard duty supervisors, school security specialists.

“Law enforcement” as used in this regulation means the District’s law enforcement organization and partners, including District School Resource Officers (SRO), Sacramento County Sheriff’s Deputies, Cities of Elk Grove and Sacramento Police Officers, Sacramento County Probation Officers, and other law enforcement agencies with jurisdiction within the Elk Grove Unified School District.

Role of Administrators and Law Enforcement in Student Interactions and School Discipline

School administrators and District security staff shall work together, when appropriate, with law enforcement in a productive and cooperative manner.

School 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 such behavior and implementation of appropriate supports and/or consequences, which may include, but are not limited to, counseling, referrals, positive behavioral social and emotional supports and interventions, restorative practices, suspensions, expulsions and other alternative means of correction.

School security staff, excluding law enforcement, oversee and monitor safety and well-being of property, students, faculty and staff for a District site; enforce applicable sections of the Education Code, the District’s Student Conduct Code and individual school rules; and assist in the maintenance of an orderly and safe campus through timely access and availability.

Law enforcement have the responsibility, as defined under the Penal Code and other applicable laws, for the investigation and determination of whether an unlawful act occurred. A component of this responsibility is the determination of whether law enforcement action is warranted, which may include, but is not limited to, a verbal or written warning, written citation, temporary detainment or arrest.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 4319.3 – Personnel)

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(cf. 5131.4 – Campus Disturbances)
(cf. 5142 – Safety)
(cf. 6114 – Emergencies and Disaster Preparedness Plan)

Investigation Responsibilities

The District recognizes that police and administrators may work in complement with their respective trainings, qualification, and areas of expertise to investigate student behavior and misconduct. Investigation includes, but is not limited to, searches or handling of the item or offense in question. In the interest of effective investigation, school safety, and staff safety, the District delineates certain responsibilities to school administrators when investigating student behavior and misconduct, and which generally should not involve law enforcement.

As a general rule, school administrators, and not law enforcement, should conduct investigations into student behavior within the jurisdiction of the District's schools, including the questioning of student and other witnesses. In those instances where the responsibility for investigating student behavior is that of school administrators, school administrators shall not have law enforcement present during student interviews unless necessary to ensure the safety of students, staff or other persons. Note: Law enforcement will not be involved with the interview.

(cf. 5145.11 – Questioning and Apprehension)
(cf. 5145.12 – Search and Seizure)
(cf. 4157 – Employee Safety)

Law Enforcement Involvement in the Student Disciplinary Process

School administrators, consistent with this regulation and related Board Policy, shall comply with the following standards for law enforcement involvement in the student discipline process:

A. Mandatory Notification and Involvement of Law Enforcement

School administrators shall notify and involve law enforcement of the following categories of student behavior, and as directed with regard to timing:

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 and/or AR 5131.7. (Education Code 48902; Penal Code 626.10)
2. Acts which may constitute assault with a deadly weapon, as defined by Penal Code section 245, before suspension or expulsion of the student. (Education Code 48902; Penal Code 245)
3. Acts which may constitute assault by any means likely to produce great bodily injury,

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before suspension or expulsion of the student. (Education Code 48902; Penal Code 245)

4. Unlawful possession, use, sale, otherwise furnishing, or being under the influence of, a controlled substance, alcoholic beverage, or an intoxicant of any kind, within one schoolday after suspension or expulsion of any student for such acts. (Education Code 48900(c), 48902, 48915(c)(3))
5. Unlawfully offering, arranging to sell, or negotiating to sell a controlled substance, 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 controlled substance, alcoholic beverage, or intoxicant, within one schoolday after suspension or expulsion of any student for such acts. (Education Code 48900(d), 48902)
6. Committing or attempting to commit sexual assault or battery as defined in Penal Code section 243.4, within a reasonable period of time, not to exceed five schooldays, after determining the student committed the act. (Education Code 48900(n); 48915(c)(4))
7. Possession of an explosive, within a reasonable period of time, not to exceed five schooldays, after determining the student committed the act. (Education Code 48902, 48915(c)(5))
8. Committing or attempting to commit robbery or extortion. (Education Code 48900(e), 48915(a)(1)(D))
9. Making a terroristic threat. (Education Code 48900.7)
10. Possessing, selling, or otherwise furnishing a firearm, within a reasonable period of time, not to exceed five schooldays, after determining the student committed the act. (Education Code 48915(c)(1), 48902; Penal Code 626.9)
11. Causing, attempting to cause, threatening to cause, or participating in an act of, hate violence, as defined in Education Code 233(e). (Education Code 233, 48900.3; Penal Code 422.6, 422.7, or 422.75)

(cf. 5131.4 – Campus Disturbances)

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.7 – Weapons and Dangerous Instruments)

12. In addition to items #1-11 above, school administrators shall notify and involve law enforcement in the investigation of incidents or allegations regarding any substance which causes harm when brought into contact with the skin (e.g., fentanyl, other dangerous certain chemicals, etc.).

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When a school administrator provides notification to law enforcement of any of the student behaviors listed in items #1-12 above, school administrators shall immediately or as soon as is reasonably possible provide notice by telephone to the student's parent/guardian and separately to the School Director that the site administrator has so notified law enforcement and the behavior for which law enforcement has been notified. The school administrator shall follow-up telephonic notice to the student's parent/guardian and School Director with written notice, including by way of email, to the student's parent/guardian and School Director. In addition to notification of a student's parent/guardian and the School Director, school administrators shall document in the District's student information system the justification and reason for law enforcement notification and involvement, and how and when the student's parent/guardian was notified under this regulation as directed above. The documentation shall include information specific to the factors that led to the determination of law enforcement notification and/or involvement.

(cf. 5125 – Student Records)

Notwithstanding and independent from any mandatory notice to law enforcement in relation to controlled substances noted in #1-12 above, depending upon the student behavior at issue, and the amount and/or type of controlled substance at issue, arrest or other law enforcement action may not be required under the law. Moreover, for purposes of student discipline by the District, school officials may consider use of appropriate alternative means of correction to address behaviors relating to controlled substances.

(cf. 5144 – Discipline)

(cf. 5144.1 – Suspension And Expulsion/Due Process)

(cf. 6164.11 – Drugs, Tobacco, Alcohol)

B. Other Notification and Involvement of Law Enforcement Based Upon Immediacy, Seriousness and Severity of Threat, Harm or Injury

Nothing in this regulation is intended to impede school administrators from notifying and involving law enforcement if circumstances present an imminent and credible threat of harm or injury to students, staff or other persons. To this end, on a case-by-case basis school administrators may notify law enforcement of certain forms of student behavior based upon the immediacy, seriousness and severity of threat, harm or injury to students, staff, other persons or property, in the following instances:

1. Where there is an imminent and credible threat of harm, injury or violence to students, staff or other persons. (Education Code 48900(a)(1), 48900.7)
2. Where a student causes, attempts to cause, or threatens to cause physical injury to another person. (Education Code 48900(a)(1), (a)(2))

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In addition to #1-2 above, a school administrator may notify law enforcement of any of the behaviors listed in items #3-8 below, based upon the particular immediacy, seriousness and severity of threat, harm or injury to students, staff, other persons or property presented by the circumstances and student behavior, but the school administrator must first consult and obtain approval to contact law enforcement from the Superintendent or designee, including but not limited to the School Director:

3. Harassing, threatening, or intimidating a student who is a complaining witness in a disciplinary proceeding. (Education Code 48900(o))
4. Aiding or abetting the infliction of physical harm or violence. (Education Code 48900(t))
5. Hate violence. (Education Code 223, 48900.3; Penal Code 422.6, 422.7, 422.75)
6. Harassment, threats, or intimidation. (Education Code 48900.4)
7. Possession of an imitation firearm. (Education Code 48900(m))
8. Stole school or private property, or caused damage to school or private property at a value which exceeds \$5,000.00. (Education Code 48900(f) and (g))

(cf. 5145.3 – Nondiscrimination/Harassment/Intimidation/Bullying)

When a school administrator provides notification to law enforcement of any of the student behaviors listed in items #1-8 above, school administrators shall immediately or as soon as is reasonably possible provide notice by telephone to the student's parent/guardian and separately to the School Director that the site administrator has so notified law enforcement and the behavior for which law enforcement has been notified. The school administrator shall follow-up telephonic notice to the student's parent/guardian and School Director with written notice, including by way of email, to the student's parent/guardian and School Director. In addition to notification of a student's parent/guardian and the School Director, school administrators shall document in the District's student information system the justification and reason for law enforcement notification and involvement, and how and when the student's parent/guardian was notified under this regulation as directed above. The documentation shall include information specific to the factors that led to the determination of law enforcement notification and/or involvement.

(cf. 5125 – Student Records)

After-School or Extracurricular Activities

Law enforcement may be present at District after-school or extracurricular activities, such as athletic events or school dances, to assist in the maintenance of a safe and orderly environment

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for participants. The District expects that law enforcement officers present at such after-school or extracurricular activities only arrest or hold students in custody when an act has been committed which involves alcohol or illegal drugs (including cannabis), or an act which causes or threatens to cause physical harm to students, including, but not limited to, possession of a weapon or dangerous instrument, assault with a deadly weapon, sexual assault or battery, robbery or extortion, making a terroristic threat, or possession of an explosive. Law enforcement are expected to refer any other offenses to school administrators for purposes of school administrators' determination of the proper school-related consequences, including, but not limited, to possible school discipline.

Use of Force or Restraint

The District expects that law enforcement and school administrators shall only use force or restrain a student as a last resort, and when necessary to protect the safety of students, staff, other persons, the officers or school administrators. The District expects that law enforcement avoid removing students from school sites during lunch, passing periods, or other times in which removal occurs during a time period where students are out of the classroom and generally present in common spaces on the school campus.

Access to Student Records and/or Video Recordings

Law enforcement's access to student records is generally governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g; 34 C.F.R Part 99) and Education Code 49076 et seq. Apart from those instances where notification and involvement of law enforcement is mandatory relative to student behavior, or where such notification or involvement is instigated by a school administrator's discretion under this regulation, law enforcement does not have a general right to access or receive student records information from the District regarding students, unless an exception applies under FERPA and the Education Code. To the extent District SROs have access to student records information, such information may only be accessed in relation to their role and partnership with the District as SROs, and not for purposes of law enforcement investigations unrelated to the District, its schools, and District operations.

Notwithstanding the general rules set forth above, upon specific approval and consent by the District, certain SROs, for purposes of their roles as SROs, and not for purposes of law enforcement investigations unrelated to the District, its schools and District operations, the District may permit designated SROs access to the following information and utilities on and through the District's student information system: parent information (name, address, phone number, enrolled students, etc.), student information (name, school, siblings, parents, emergency contact, etc.), the ability to conduct a "person search" (to find names and see basic District information related to them), and the ability to conduct a "phone search" (to find people based on phone numbers).

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(cf. 5125 – Student Records)

Recordings from school video recording systems, including video cameras installed on school buses, are considered student records when such recordings reflect conduct which results in the initiation of disciplinary action against a student, or constitutes evidence that the student engaged in the act which is the subject of disciplinary action.

(cf. 3550.1 – Video Surveillance Equipment on School Campuses)

(cf. 3567.1 – Video Cameras and School Transportation)

Data Reporting

The District shall maintain data specific to when law enforcement are notified regarding school offenses. An annual report will be provided to the Board of Education and available to the public. Such reports shall include student demographic data such as gender, grade level, race/ethnicity, offense charged, and whether the student was removed from school premises.

(cf. 0415 – Educational Equity)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 3515.2 – Disruptions)

(cf. 5131.2 – Bullying)

(cf. 5141.4 – Child Abuse Prevention and Reporting)

(cf. 5144 – Discipline)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5145.3 – Nondiscrimination/Harassment/Intimidation/Bullying)

Questioning and Apprehension By Law Enforcement

District policy and regulations governing the questioning and apprehension of students by law enforcement on school grounds, including notice to parents or guardians in relation to such questioning and apprehension, is governed by Board Policy and Administrative Regulation 5145.11. District policy and regulations governing law enforcement interactions with students in relation to immigration enforcement is governed by Board Policy and Administrative Regulation 5145.13.

(cf. 5145.11 – Questioning and Apprehension of Law Enforcement)

(cf. 5145.13 – Response to Immigration Enforcement)

Regulation
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ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California