

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5145.13

Students

Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OUSD Staff Responsibilities and Obligations.

The Oakland Unified School District (“OUSD”) is committed to:

- Improving outcomes for black students as one of its foremost priorities;
- Prioritizing alternative, non-punitive approaches to addressing difficult student behaviors that help improve student behavior and create a safer school climate;
- Using law enforcement only as a last resort in relation to student conduct and only for incidents for which law enforcement is necessary to address a serious threat to school safety;
- Avoiding the unnecessary criminalization of OUSD students for whom arrest and juvenile court involvement creates serious potential long-term consequences; and
- Providing district employees with information concerning the role that Oakland Schools Police Department (“OSPD”) officers are expected to play in the discipline process, focusing in particular on guidelines for when it is appropriate and when it is not appropriate to refer a student to an OSPD officer.

To the extent that disparities exist for referrals to, contacts with, and arrests or citations of students for any student subgroup, OUSD staff shall develop and implement school-focused, District-wide interventions that focus on providing the greatest amount of support to schools showing the greatest disparities in contacts and arrests and share information about these interventions with the Board of Education on a bi-annual basis.

1. STUDENT DISCIPLINE: REDUCING LAW ENFORCEMENT CONTACT AND ARRESTS

OUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. No OSPD officer or school security officer shall act as a school disciplinarian. Disciplining students is the responsibility of non-OSPD/non-school security officer staff at the school sites.

OSPD officers should not be requested to interview students or collect evidence for only OUSD disciplinary purposes, including for expulsion matters.

Effective the 2014/2015 school year, OUSD administrators shall prioritize and document alternatives to police involvement, such as the use of restorative justice practices, and use law enforcement only as a last resort in relation to student conduct and only for incidents for which law enforcement is necessary to address a serious threat to school safety. (*See,*

e.g., OUSD's Restorative Justice Webpages located at the following Internet address: <http://www.ousd.k12.ca.us/Page/1048>.)

2. OFFICER ENTRY ON SCHOOL CAMPUSES

Absent exigent circumstances, OSPD officers should notify school officials (e.g., the principal or assistant principal) of their presence and/or purpose when they enter a school campus.

3. ARREST OR QUESTIONING OF A STUDENT

OUSD shall abide by Education Code Section 48906, which requires that a school official must make immediate parental/guardian notification upon police arrest of a student, excepting when the child is taken into custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code. OUSD policy requires that a school official must immediately attempt to inform a parent/guardian of that student's arrest. (See OUSD Board Policy 5145.6, 5145.11; Administrative Regulation 5145.11.)

Before summoning law enforcement for the commission of low-level school-based offenses, such as possession of alcohol or marijuana or physical altercations, OUSD staff should exhaust all other alternatives, such as issuing a warning, admonishing and counseling, and referring to restorative justice or mediation. OUSD shall develop a matrix for and track the use of such alternatives.

A school official must take immediate steps to contact a parent/guardian to get oral consent to permit any police interrogation of the minor, unless the child is a suspected victim of child abuse. If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the peace officer for questioning until the parent or guardian is present.

Efforts to contact parents by OUSD officials must include calling all numbers listed on an emergency contact card, including work numbers, pager numbers, and any numbers supplied by the student, as well as email addresses.

Absent extenuating circumstances, police will avoid interviewing and apprehending students at a school for non-school-related issues. Extenuating circumstances shall include, but not be limited to, officers entering school premises in "hot pursuit" of a suspect, or ongoing investigation of a serious nature or felony, or for child abuse investigation, or in response to an emergency, or crime being committed on school property.

4. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE

A private location out of sight and hearing of other students should be arranged for the

arrest of a student, where practicable, that will help avoid invasion of the student's privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus.

5. TRAINING ON AND DISTRIBUTION OF POLICY

Within 3 months of this policy's adoption, OUSD shall ensure that it is distributed to all school staff and OSPD shall ensure that it is distributed to all OSPD school police officers and that training about how to implement this policy is provided at least once per year.

OUSD shall also ensure that this policy is distributed to all of its school sites.

5/28/14