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Memo

To Board of Education

From Jacqueline Minor, General Counsel

Board Meeting Date May 28, 2014

Subject **Approval of New Board Policy 5145.13 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OUSD Staff Responsibilities and Obligations**

Action Requested **Approval of New Board Policy 5145.13 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OUSD Staff Responsibilities and Obligations**

Background The proposed policy seeks to track and reduce student contacts with and arrests by law enforcement in order to reduce reliance on police for disciplinary and/or minor offenses, while at the same time paralleling the District’s commitment to the Voluntary Resolution Plan. This includes reducing minority student contact with law enforcement, while at the same time ensuring the safety of schools.

Discussion This policy is the result of multiple collaborative meetings and communications with ACLU, the Black Organizing Project and Public Counsel to establish a voluntary internal policy aimed at tracking and reducing student contacts with law enforcement. This particular policy is specifically applicable to OUSD non-police personnel, although it has provisions applicable to (and that reiterate the proposed companion policy directed at) OSPD.

Recommendation Approval of new Board Policy 5145.13 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OUSD Staff Responsibilities and Obligations

Fiscal Impact N/A.

Attachments Proposed Board Policy 5145.13

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.

Whenever a student is subject to any police interview, the principal or other school official must attempt to contact the student's parent/guardian, unless the child is a suspected victim of child abuse. This requirement does not restrict and is not a bar to a police officer's legal authority to interrogate a student.

The principal's/school official's efforts to contact parents 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 known or provided.

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