

FOR YOUR INFORMATION

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Deputy Superintendent, Operations

BULLETIN NO. 38 (Rev.)
January 3, 1994

SUBJECT: MANDATED REPORTING OF CERTAIN STUDENT BEHAVIOR

- I. Background
- II. Notification Regarding Certain Student Behavior
- III. Procedures for Notifying Teachers Regarding Certain Student Behavior
- IV. Transfers and Assignments
- V. Expulsions and Reinstatements
- VI. Juvenile Court Notices to Superintendent and Principal

This revision replaces the bulletin of the same number issued on October 5, 1990, Office of the Deputy Superintendent, Operations. The content has been updated to include changes in law brought about by Senate Bill 1130 and provisions in the District/UTLA collective bargaining agreement.

I. BACKGROUND

This bulletin provides District personnel with information regarding State mandates and District policy and procedures related to the reporting of certain student conduct. Effective immediately, these legal- and Board-mandates and procedures apply to all students and schools within the District.

II. NOTIFICATION REGARDING CERTAIN STUDENT BEHAVIOR

- A. Education Code (E.C.) Section 49079 requires that any teacher of a student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of E.C. Section 48900 (Attachment A) be so informed.
- B. The information provided shall be based on any records that the District maintains in its ordinary course of business, or receives from a law enforcement agency, regarding such students.
- C. The information shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.
- D. Information encompassing all such incidents during the previous three years shall be maintained by the principal and provided to teachers.

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- E. Any District employee who knowingly fails to provide information regarding a pupil described under E.C. Section 49079 is guilty of a misdemeanor.

III. PROCEDURES FOR NOTIFYING TEACHERS REGARDING CERTAIN STUDENT BEHAVIOR

- A. Each school principal shall establish an E.C. 49079 file for all available confidential information regarding each student, at that school, described under E.C. Section 49079. District-maintained records include the following:

1. Student expulsions, opportunity transfers, school suspensions, and classroom suspensions.
2. Arrest reports or Juvenile Court notices.
3. Any other records/documents the school maintains and which are available for review by District employees.

- B. Students who are described in E.C. Section 49079 shall be identified by school personnel. Once identified, documentation must be included in the school's E.C. 49079 file, which may be composed of any or all of the following documents or copies thereof:

1. Student Information System (SIS) lists,
2. Pupil Accounting Reports (PAR) or other formal District documents,
3. A completed Attachment B form,
4. Law enforcement or Juvenile Court notices.

- C. At the time of classroom assignment(s), the appropriate teacher(s) shall be notified regarding any student who is described in E.C. Section 49079 (see Attachment C). Each teacher thus informed is advised of the opportunity to review the student's file as well as of the confidentiality of the information.

IV. TRANSFERS AND ASSIGNMENTS

When a student described in E.C. Section 49079 is transferred (including Opportunity Transfers) or assigned to another school within the District:

- A. The sending school issues a Pupil Accounting Report (PAR).
1. Complete Section 1.

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2. Note "Education Code 49079" in "Additional Comments" portion of Section 2.

3. Complete applicable portions of Section 4.

B. Within five school days of the student's enrollment, the receiving school shall request, from the sending school, copies of the information regarding the E.C. Section 49079 file regarding that student.

V. EXPULSIONS AND REINSTATEMENTS

Any District office responsible for assigning expelled or reinstated students must immediately notify the principal of the school/program of assignment.

A. A Pupil Accounting Report (PAR) is prepared for and forwarded to the principal of the school of assignment.

1. Complete Section 1.

2. Note "Education Code 49079" in "Additional Comments" portion of Section 2.

3. Check "expulsion" under Section 4 and circle the reason for expulsion or expulsion recommendation.

4. Circle no. 21 under Section 4, if a reinstatement.

B. Within five school days of the student's enrollment, the receiving school shall request, from the student's previous school of attendance, copies of the information regarding the E.C. Section 49079 file regarding that student.

C. Neither the student expulsion information nor the copy of the PAR is to be kept with the student's permanent cumulative records.

VI. JUVENILE COURT NOTICES TO SUPERINTENDENT AND PRINCIPAL

WELFARE AND INSTITUTIONS CODE (W.I.C.) Section 827 mandates that the Juvenile Court submit to the superintendent of the district of attendance written notice whenever a minor who is enrolled in any of grades K through 12 has been found by the court to have committed any of certain specified offenses (Attachments D and E).

A. It is required that the information furnished be expeditiously transmitted to any administrator, counselor, or teacher with direct supervisory or disciplinary responsibility over the minor, who is deemed to need the information in order to work with the student in an appropriate fashion, to avoid being needlessly vulnerable, or to

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- B. Any information received under this law shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor, or administrator. Any intentional violation of the confidentiality provisions of this law is a misdemeanor.
- C. Information received from the court under W.I.C. Section 827 shall be maintained in the school's E.C. 49079 file (see Section III. A.), but the court's form must be destroyed by school authorities 12 months after its receipt from the court or 12 months after the minor returns to public school, whichever occurs last.

For assistance, please call Hector Madrigal, Coordinator, Student Discipline Proceedings Unit, at (213) 625-4166.

APPROVED: RUBEN ZACARIAS, Deputy Superintendent

DISTRIBUTION: All Schools and Offices

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ATTACHMENT A

GROUND FORS SUSPENSION AND EXPULSION
California Education Code Section 48900

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

- (a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.

No pupil shall be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which occur at any time, including but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period, whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.

It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities. (Amend. Stats. 1989. Ch. 1306)

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ATTACHMENT B

Confidential Information Regarding Student Behavior

Student Name: _____

Birthdate: _____ School _____ Grade _____

Current law (**Education Code Section 49079a**) requires that any teacher of a student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivisions (h), of E.C. Section 48900 (Attachment A) be so informed.

- **The information shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.**
- This information shall be maintained for a 3-year period.

Date of Offense: _____

Location of Offense: _____

Brief Description of Offense: _____

Principal or Designee

Date

Additional Materials may be attached)

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ATTACHMENT C

CONFIDENTIAL NOTICE REGARDING STUDENT BEHAVIOR

TO: _____ Date _____

Student Name _____

Birthdate _____ School _____ Grade _____

Current law (Education Code Section 49079a) requires that any teacher of a student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of E.C. Section 48900 (Attachment A) be so informed.

- The information provided pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

The information provided pursuant to this agreement shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

YOU ARE ADVISED TO REVIEW THE FILE OF THE STUDENT LISTED ABOVE
LOCATED IN THE OFFICE OF

Please sign and return this form to: _____

Signature _____ Date _____

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ATTACHMENT D

INTER-OFFICE CORRESPONDENCE
Los Angeles Unified School District

TO:

Date

FROM: Hector Madrigal, Coordinator
Student Discipline Proceedings Unit

SUBJECT: CONFIDENTIAL STUDENT REPORT: CRIMES OF VIOLENCE OR NARCOTICS

Welfare and Institutions Code (W.I.C.) Section 827 mandates that the County Juvenile Court submit to the superintendent of the district of attendance written notice whenever a minor who is enrolled in any of grades K through 12 has been found by the Court to have committed any of certain specified offenses.

This law requires that the information thus furnished be expeditiously transmitted to any administrator, counselor, or teacher who has direct supervisory or disciplinary responsibility over the minor and who is deemed to need the information to work with the student in an appropriate fashion, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

Any information received under W.I.C. Section 827 by an administrator, counselor, or teacher shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the administrator, counselor, or teacher. Information received from the court under W.I.C. Section 827 shall be destroyed by school authorities 12 months after its receipt from the court or 12 months after the minor returns to public school, whichever occurs last.

IF THE STUDENT NAMED IS NOT CURRENTLY ENROLLED IN YOUR SCHOOL, PLEASE RETURN THE FORM IMMEDIATELY TO THIS OFFICE, INDICATING NEW SCHOOL OF ENROLLMENT OR "WHEREABOUTS UNKNOWN."

For additional information or clarification regarding this report, please contact Linda Wilson at (213) 625-4166.

Approved: Ruben Zacarias, Deputy Superintendent

Attached is a confidential notice regarding the student(s) named below:

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ATTACHMENT E

EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

JUVENILE COURT
16350 FILBERT STREET
SYLMAR, CALIFORNIA 91342

JAMES H. DEMPSEY
EXECUTIVE OFFICER/
CLERK OF THE SUPERIOR COURT

(818) 364-2108

(Date)

Superintendent.

School District

Dear Superintendent.

In accordance with Section 827(b), Welfare and Institutions Code, State of California, you are hereby notified that:

(Minor's full name)

(Date of birth)

(Case number)

enrolled in _____ High/Junior High/Elementary School of your school district.
was found by a court of competent jurisdiction to have:

- a. Used/sold/possessed narcotics or a controlled substance.
- b. Committed one of the following crimes as listed in Section 707(b), Welfare and Institutions Code, State of California.
 - Murder.
 - Arson of an inhabited building.
 - Robbery while armed with a dangerous or deadly weapon.
 - Rape with force or violence or threat of great bodily harm.
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - Any offense specified in Section 289 of the Penal Code.
 - Kidnapping for ransom.
 - Kidnapping for purpose of robbery.
 - Kidnapping with bodily harm.
 - Assault with intent to murder or attempted murder.
 - Assault with a firearm or destructive device.
 - Assault by any means of force likely to produce great bodily injury.
 - Discharge of a firearm into an inhabited or occupied building.
 - Any offense described in Section 12022.5 of the Penal Code.
 - Any felony offense in which the minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.
 - Any felony offense described in Section 136.1 or 137 of the Penal Code.

**DESTROY THIS RECORD 12 MONTHS AFTER THE MINOR RETURNS TO PUBLIC SCHOOL.
UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR.**

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