

A safe and secure learning and working environment has been and remains a major goal and organizational priority of the Board of Trustees. A safe and secure environment, free from fear, threat and intimidation, is most conducive to the teaching/learning process and the work setting. The process of creating a safe and secure environment is a collaborative one with roles for students, for parents, for certificated and classified staff members, and for public agencies and community-based organizations.

The Board of Trustees affirms the goal of a safe and secure environment and directs the superintendent to implement procedures to achieve this goal.

Teacher Notification

Pursuant to Education Code Section 49079, the school district shall inform a student's teacher of any 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) (smoking) of Education Code Section 48900 during the three (3) previous school years. Pursuant to Welfare and Institutions Code Section 827, similar notification shall be given on any student who has committed certain acts enumerated in Section 827. Information regarding the student must be shared in a timely manner, but no later than seven (7) school days after the information is received. This information shall be based upon any records that the school district maintains in its ordinary course of business.

Records

Records maintained in the ordinary course of business include written notifications from the juvenile court, from law enforcement agencies and from the probation department. Records also include inter- and intradistrict transfer forms, readmittance letters, student cumulative files of continuing students or student files received from schools and school districts of the student's previous enrollment, and written and computerized discipline files.

New Students

The principal or designee is responsible to review the records of incoming students. Staff members who process student enrollment records or who review files for initial student placement should be alert to notations regarding student discipline history and inform the principal or designee immediately, so a complete review can be done by the principal or designee. If a student meets the criteria outlined in Education Code 49079, the principal or principal's designee shall inform the student's teacher in a timely manner that protects student privacy rights. In all cases, notification shall occur within seven (7) school days of the information being received. It is the legal obligation of the parent or guardian to notify school officials of the student's expulsion from another school district at the time of enrollment in the Anaheim Union High School District as required by Education Code Section 48915(b).

Continuing Students

There are a variety of indicators that notify teachers of students described in the criteria of Education Code Section 49079. Student disciplinary history is maintained in both written and computerized form which result in on-campus suspension or off-campus suspension, and are noted on the school's daily absence list. A request for grades (grade check) for a Local School Placement Committee (LSPC) meeting or for an expulsion packet serves as another form of notification. More complete information is available from written or electronic records or from the principal or designee. Further, when reports from the juvenile court or probation officers are received on continuing students, the information shall be shared with the appropriate staff members as described below.

Probation/Juvenile Court Information

The Welfare and Institutions Code Section 827(b)(2) states, in part, that written notice that a minor enrolled in a public school (K-12) has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven (7) days, to the superintendent of the school district of attendance. Section 827 (b)(2) continues that written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case and that this notice shall be expeditiously transmitted by the superintendent or designee to the principal of the school of attendance.

Pursuant to Education Code 48909, when a petition is requested in juvenile court or a complaint is filed in any court alleging that a minor of compulsory school attendance age or any pupil currently enrolled in a public school in a grade to and including grade 12 is a person who (a) has used, sold, or possessed narcotics or other hallucinogenic drugs or substances; (b) has inhaled or breathed the fumes of, or ingested any hazardous substance classified as such in Section 108125 of the Health and Safety Code; or (c) has committed felonious assault, homicide, or rape, the district attorney may, within 48 hours, provide written notice to the superintendent of the school district of attendance, notwithstanding the provisions of Section 827 of the Welfare and Institutions Code, and to the pupil's parent or guardian.

Duties of Staff

It is the legal obligation of the superintendent or designee to notify the principal of the student's school of attendance. Further, it is the legal obligation of the school principal or designee to notify the appropriate staff member(s), directly supervising or reporting on the behavior or progress of the student, whom the principal believes needs 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 by a teacher, counselor or administrator shall be received in confidence for the limited purpose of rehabilitating the student and protecting students and staff, and shall not be further disseminated by a teacher, counselor, or administrator except insofar as communication with the student, the parents or guardians, law enforcement personnel, and the student's probation officer is necessary to facilitate the student's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). Conversely, "No school district employee shall be civilly or criminally liable for providing information unless it is proven that the information was false and that the employee knew that the information was false or was made with a reckless disregard for the truth or falsity of the information provided (Education Code Section 49079)." Finally, an employee of the district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a) of Section 49070 is guilty of a misdemeanor which is punishable by confinement in the county jail for a period not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

Reporting Period/Record Retention

District and school student discipline records shall be maintained as long as the student remains in the school district. Records for students who graduate or leave the district shall be handled in the manner prescribed by AUHSD Board Policy 5703. Records of the juvenile court, probation department, or law enforcement agency shall be kept in accordance with guidelines or directives from those agencies. If a student is removed from public school as a result of the court's finding described in Welfare and Institutions Code 827 (b), the district superintendent or designee shall defer transmittal of the information received from the court until the student is returned to school. If a student is returned to a school district other than the one from which the student came, the parole or probation officer having jurisdiction over the student shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance (Welfare and Institutions Code Section 827 (b)(3)).

Legal References:

Education Code

- 48915 Reasons for Expulsion
- 48900 Suspension and Expulsion
- 48909 Notification of Superintendent by Law Enforcement
- 49079 Providing Information to Teacher for Students Engaged in Acts Described in EC 48900

Welfare and Institution Code

- 827 Juvenile Records; Notice to Schools

Health and Safety Code

- 108125 Hazardous Substance

Cross Reference:

AUHSD Board Policy

- 5703 Care of District Records

Board of Trustees

January 1995

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CONFIDENTIAL

ANAHEIM UNION HIGH SCHOOL DISTRICT

DATE: _____

TO: _____
Principal

RE: _____
Student's Name

FROM: _____
Safe Schools

DOB: _____
Student's date of birth

SUBJECT: Notification of Serious Offense (Check all that apply)

____ Per Section 827(b) of the Welfare and Institutions Code, you are hereby advised that the above-named minor was found by a court of competent jurisdiction to have committed the following offense:

____ Per Education Code 48909 you are hereby advised that the above-named minor is subject to a petition or complaint filed in any court for allegedly committing the following offense:

____ Per Anaheim Union High School District policy 8707-R, you are hereby advised that the above-named minor was expelled on _____ for committing the following offense:

____ Student was readmitted by the Board of Trustees on _____.

Any information received by a teacher, counselor, or administrator under this subdivision 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. An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). (Welfare and Institutions Code, Section 827(b)(2)).

Any information received from the juvenile court shall be destroyed by school authorities 12 months after its receipt from the district or court or 12 months after the minor returns to public school, whichever occurs last.

Any information received from the district shall be retained for 3 school years or until the student graduates from the district, whichever occurs last.