

STUDENTS - DANGEROUS

Principals have a duty to inform teachers of dangerous students in their classes.

Suspension and Expulsion Offenses

A. District students (Education Code § 49079)

1. The administration must inform the teacher(s) of each student who has engaged in, or is reasonably suspected to have engaged in, any act for which a student can be suspended or expelled (except possession or use of tobacco).
2. This does not include rumors of misconduct, but does include any offense which is documented in some written form, either by the school district or by a law enforcement agency, in the ordinary course of business.
3. This is not limited to offenses which result in suspension or expulsion. The district need not have sufficient evidence to prove the offense, just a reasonable suspicion that the student engaged in the prohibited act.
4. The information provided shall be from the previous three school years.

B. Transfer students (Education Code § 48201)

1. When the district receives a transfer student, it must request from his/her prior district any records regarding acts committed by the student that resulted in his/her suspension or expulsion from the prior district.
2. The receiving district must then inform the teacher(s) of the student that the student was suspended or expelled from his/her previous school, including the specific act(s) that resulted in the suspension or expulsion.
3. This requirement is limited to offenses which did result in suspension or expulsion by the previous school or district. (Reasonable suspicion that the student engaged in a prohibited act does not apply to transfer students since the receiving district has no basis for such suspicion.)

C. Confidentiality

1. Any such information received by a teacher shall be received in confidence for the limited purpose for which it was provided, and shall not be further disseminated by the teacher.
2. Consider ways to effectively provide this information to teachers without compromising its confidentiality or risking unintended disclosure.

D. Immunity

1. A school district or its employee is not civilly or criminally liable for providing this information unless it is proven that the information was false, and that the employee knew (or should have known) that the information was false, or the information was provided with a reckless disregard for its truth or falsity.

E. Criminal prosecution for failure to inform

1. A school district employee who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, acts for which a student can be suspended or expelled, is guilty of a misdemeanor.
2. The penalty for this crime is six months in jail, and/or a fine of up to \$1,000.

Crimes

- A. When a minor enrolled in any of grades K through 12 of a public school has been found by a court to have committed a specified crime, written notice must be provided by the court, within seven days, to the superintendent of the school district where the minor is enrolled.
1. This requirement applies if the student has been found to have committed:
 - a. any felony
 - b. any misdemeanor involving the following: alcohol drugs, tobacco products, carrying of weapons, P.C. § 290 sex offense, assault or battery, larceny, vandalism graffiti, curfew, gambling
 2. The written notice shall include only the offense found to have been committed by the student, and the disposition of the case.
- B. Upon receipt of this notice, the superintendent shall transmit it to the principal of the school the student attends. It then becomes the duty of the principal to expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the student.
1. The principal shall also disseminate the information to any teacher or administrator 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.
 2. The duty to inform specified staff of this information applies whether or not the crime committed had any connection to school.
 3. If the student has been removed from school as a result of the crime, the superintendent shall defer transmittal of the information received from the court until the student is returned to school. If the student is returned to a different district, the superintendent shall forward the notice to the superintendent of that district.
 4. The information received from the court shall be kept in a separate confidential file and shall be transferred to subsequent schools of attendance. The information shall be maintained until the student graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. At that time the confidential record shall be destroyed.
- C. Confidentiality
1. Any such information received by a teacher, counselor, or administrator shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated except insofar as communication with the student, his parents, law enforcement personnel and the student's probation officer is necessary.
 2. An intentional violation of this confidentiality requirement is a misdemeanor punishable by a fine not to exceed \$500.
- D. Immunity
1. No liability shall attach to any person who transmits or fails to transmit any notice or information required by this law, except for an intentional violation of the confidentiality provisions, as noted above.