

**Introduced by Senator Morrow**

February 22, 2000

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An act to amend Sections 48201, 48902, and 49079 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1628, as introduced, Morrow. School safety: crime reporting: suspension and expulsion of pupils.

(1) Existing law requires the principal of a school or the principal's designee to notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of a pupil to be suspended or expelled that may violate penal prohibitions against assault with a deadly weapon or force likely to produce great bodily injury. Existing law also requires the reporting of any acts of a suspended or expelled pupil that involve possessing, using, selling or otherwise furnishing, or being under the influence of a controlled substance, alcoholic beverage, or intoxicant; or offering, arranging, or negotiating the sale of a controlled substance, alcoholic beverage, or intoxicant and then selling, delivering, or otherwise furnishing another liquid, substance, or material and representing the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. Existing law also requires the reporting of any acts of a pupil that may involve the possession or sale of narcotics or a controlled substance, the possession in a school zone, as defined, of a firearm, or the possession on school grounds of certain other weapons.

This bill would require the principal or the principal's designee to report immediately or as soon as practicably possible by telephone or by any other means to local law enforcement authorities, and where appropriate, to the school police, any acts of a pupil that may constitute certain enumerated crimes, and would make failure to so report a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. This reporting requirement would also impose a state-mandated local program.

(2) Existing law requires the parent, guardian, or other person having control or charge of any minor between the ages of 6 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current school term, to enroll the minor in a public full-time day school of the city, city and county, or school district to which the minor is removed.

This bill would require a school district into which a pupil is transferring to request that the school district in which the pupil was last enrolled provide any records regarding acts committed by the transferring pupil that resulted in the pupil's suspension from school or expulsion from the school district. The bill would require the school district into which the pupil is transferring to inform any teacher of the pupil that the pupil was suspended from school or expelled from the school district in which the pupil was last enrolled and the act which resulted in that action. By requiring a school district to take these actions, the bill would impose a state-mandated local program. The bill would make a school district, or school district officer or employee, civilly and criminally immune for providing information in compliance with this act unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or that the information was provided with a reckless disregard for its truth or falsity. The bill would make an officer or employee of a school district who knowingly fails to provide information as required guilty of a misdemeanor, thereby imposing a state-mandated local program. The bill would require that information received by a teacher be received in



confidence and would prohibit the teacher from further disseminating the information.

(3) Existing law requires a school district to inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, certain acts for which the pupil may be suspended or expelled that the pupil engaged in, or is reasonably suspected to have engaged in, those acts.

This bill would add sexual harrassment, hate violence, terroristic threats, and certain acts of harrassment, threats, or intimidation to those for which a school district is required to provide information, thereby imposing a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48201 of the Education Code is  
2 amended to read:

3 48201. (a) Except for pupils exempt from  
4 compulsory school attendance under Section 48231, any  
5 parent, guardian, or other person having control or  
6 charge of any minor between the ages of 6 and 16 years  
7 who removes the minor from any city, city and county, or



1 school district before the completion of the current school  
2 term, shall enroll the minor in a public full-time day  
3 school of the city, city and county, or school district to  
4 which the minor is removed.

5 *(b) (1) Upon a pupil's transfer from one school  
6 district to another, the school district into which the pupil  
7 is transferring shall request that the school district in  
8 which the pupil was last enrolled provide any records that  
9 the district maintains in its ordinary course of business or  
10 receives from a law enforcement agency regarding acts  
11 committed by the transferring pupil that resulted in the  
12 pupil's suspension from school or expulsion from the  
13 school district. Upon receipt of this information, the  
14 receiving school district shall inform any teacher of the  
15 pupil that the pupil was suspended from school or  
16 expelled from the school district and shall inform the  
17 teacher of the act that resulted in that action.*

18 *(2) A school district, or school district officer or  
19 employee, is not civilly or criminally liable for providing  
20 information under this subdivision unless it is proven that  
21 the information was false and that the district or district  
22 officer or employee knew that the information was false,  
23 or the information was provided with a reckless disregard  
24 for its truth or falsity.*

25 *(3) An officer or employee of a school district who  
26 knowingly fails to provide information about a pupil who  
27 has engaged in, or who is reasonably suspected to have  
28 engaged in, the acts referred to in subdivision (a), any of  
29 the subdivisions, except subdivision (h) of Section 48900  
30 or in Section 48900.2, 48900.3, 48900.4, or 48900.7, is guilty  
31 of a misdemeanor, which is punishable by imprisonment  
32 in a county jail for a period not to exceed six months, or  
33 by a fine not to exceed one thousand dollars (\$1,000), or  
34 both that imprisonment and fine.*

35 *(4) Any information received by a teacher pursuant to  
36 this subdivision shall be received in confidence for the  
37 limited purpose for which it was provided and shall not  
38 be further disseminated by the teacher.*

39 SEC. 2. Section 48902 of the Education Code is  
40 amended to read:



1 48902. (a) The principal of a school or the principal's  
2 designee shall, ~~prior to the suspension or expulsion of any~~  
3 ~~pupil, notify the appropriate law enforcement authorities~~  
4 ~~of the county or city in which the school is situated, of any~~  
5 ~~acts of the student~~ *report immediately or as soon as*  
6 *practicably possible by telephone or by any other means*  
7 *to local law enforcement authorities of the county or city*  
8 *in which the school is situated and, where appropriate, to*  
9 *the school police, of any acts of the pupil which may*  
10 *violate Section 245 of the Penal Code.*

11 (b) The principal of a school or the principal's  
12 designee shall, within one schoolday after suspension or  
13 expulsion of any pupil, notify, by telephone or any other  
14 appropriate method chosen by the school, the  
15 appropriate law enforcement authority of the county or  
16 the school district in which the school is situated of any  
17 acts of the ~~students~~ *pupils* which may violate subdivision  
18 (c) or (d) of Section 48900 ~~of the Education Code.~~

19 (c) Notwithstanding subdivision (b), the principal of  
20 a school or the principal's designee shall notify the  
21 appropriate law enforcement authorities of the county or  
22 city in which the school is located of any acts of a ~~student~~  
23 *pupil* that may involve the possession or sale of narcotics  
24 or of a controlled substance or a violation of Section 626.9  
25 or 626.10 of the Penal Code.

26 (d) *The principal of a school or the principal's*  
27 *designee shall report immediately or as soon as*  
28 *practicably possible by telephone or by any other means*  
29 *to local law enforcement authorities of the county or city*  
30 *in which the school is situated and, where appropriate, to*  
31 *the school police upon learning that an offense*  
32 *enumerated in paragraphs (1) to (19), inclusive, and (21)*  
33 *to (28), inclusive, of subdivision (b) of Section 707 of the*  
34 *Welfare and Institutions Code may have been committed*  
35 *on a school campus.*

36 (e) A principal, the principal's designee, or any other  
37 person reporting a known or suspected act described in  
38 subdivision (a) or (b) is not civilly or criminally liable as  
39 a result of making any report authorized by this article  
40 unless it can be proven that a false report was made and



1 that the person knew the report was false or the report  
2 was made with reckless disregard for the truth or falsity  
3 of the report.

4 ~~(e)~~

5 (f) The willful failure to make any report required by  
6 this section is an infraction punishable by a fine to be paid  
7 by the principal or principal's designee who is responsible  
8 for the failure of not more than five hundred dollars  
9 (\$500).

10 (g) *The willful failure to make an immediate report as*  
11 *required by subdivision (a) or (d) is a misdemeanor*  
12 *punishable by a fine not to exceed one thousand dollars*  
13 *(\$1,000).*

14 SEC. 3. Section 49079 of the Education Code is  
15 amended to read:

16 49079. (a) A school district shall inform the teacher of  
17 each pupil who has engaged in, or is reasonably suspected  
18 to have engaged in, any of the acts described in any of the  
19 subdivisions, except subdivision (h); of Section 48900 or  
20 in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the  
21 pupil engaged in, or is reasonably suspected to have  
22 engaged in, those acts. The district shall provide the  
23 information to the teacher based upon any records that  
24 the district maintains in its ordinary course of business, or  
25 receives from a law enforcement agency, regarding a  
26 pupil described in this section.

27 (b) A school district, or school district officer or  
28 employee, is not civilly or criminally liable for providing  
29 information under this section unless it is proven that the  
30 information was false and that the district or district  
31 officer or employee knew that the information was false,  
32 or ~~was made~~ *the information was provided* with a  
33 reckless disregard for the truth or falsity ~~of the~~  
34 ~~information provided.~~

35 (c) An officer or employee of a school district who  
36 knowingly fails to provide information about a pupil who  
37 has engaged in, or who is reasonably suspected to have  
38 engaged in, the acts referred to in subdivision (a), is  
39 guilty of a misdemeanor, which is punishable by  
40 ~~confinement~~ *imprisonment* in ~~the~~ a county jail for a



1 period not to exceed six months, or by a fine not to exceed  
2 one thousand dollars (\$1,000), or both *that imprisonment*  
3 *or fine*.

4 (d) For the 1994–95 school year, the information  
5 provided shall be from the previous two school years. For  
6 the 1996–97 school year and each school year thereafter,  
7 the information provided shall be from the previous three  
8 school years.

9 (e) Any information received by a teacher pursuant to  
10 this section shall be received in confidence for the limited  
11 purpose for which it was provided and shall not be further  
12 disseminated by the teacher.

13 SEC. 4. No reimbursement is required by this act  
14 pursuant to Section 6 of Article XIII B of the California  
15 Constitution for certain costs that may be incurred by a  
16 local agency or school district because in that regard this  
17 act creates a new crime or infraction, eliminates a crime  
18 or infraction, or changes the penalty for a crime or  
19 infraction, within the meaning of Section 17556 of the  
20 Government Code, or changes the definition of a crime  
21 within the meaning of Section 6 of Article XIII B of the  
22 California Constitution.

23 However, notwithstanding Section 17610 of the  
24 Government Code, if the Commission on State Mandates  
25 determines that this act contains other costs mandated by  
26 the state, reimbursement to local agencies and school  
27 districts for those costs shall be made pursuant to Part 7  
28 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the  
30 claim for reimbursement does not exceed one million  
31 dollars (\$1,000,000), reimbursement shall be made from  
32 the State Mandates Claims Fund.

