

## LAGUNA BEACH UNIFIED SCHOOL DISTRICT

Board Policy No. 5025: NOTIFICATION TO TEACHER OF STUDENTS WHO HAVE ENGAGED IN, OR WHO ARE REASONABLY SUSPECTED OF HAVING ENGAGED IN, ACTIONS WHICH ARE GROUNDS FOR SUSPENSION OR EXPULSION

- A. This Board Policy is adopted pursuant to Education Code section 49079 enacted in 1989, substantially amended in 1993, and amended again in 1995.
- B. The Superintendent or designee shall take reasonable steps to ensure that the teacher of a student is informed in writing if a student has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions of Education Code section 48900, except subdivision (h). Education Code section 48900 lists the grounds for suspension or expulsion of a student in subdivisions (a) through (m). The information provided to the teacher shall be based upon any records that the District maintains in its ordinary course of business or receives from a law enforcement agency.
- C. Any information received by a teacher pursuant to this Board Policy shall be received in confidence and shall not be further disseminated by the teacher.
- D. The term "who has engaged in" means that a student has been suspended and/or expelled for any of the acts described in any of the subdivisions of Education Code section 48900, except subdivision (h).

The term "who is reasonably suspected to have engaged in" means that (1) after an investigation the Superintendent or designee, or the Principal or designee, has recommended suspension and/or expulsion for any of the acts described in any of the subdivisions of Education Code section 48900 except subdivision (h); or (2) after an investigation the Superintendent or designee, or the Principal or designee, has determined that the permanent records of the student shall reflect that the student committed any of the acts described in any of the subdivisions of Education Code section 48900, except subdivision (h); or (3) the District has received any written records from a law enforcement agency indicating that a student has committed any of the acts described in any of the subdivisions of Education Code section 48900, except subdivision (h).

- E. For the 1999-2000 school year and each school year thereafter, the information provided shall be from the previous three school years.
- F. Education Code section 49079 provides that no District officer or employee shall be civilly or criminally liable for providing information under this statute unless it is proven that the information was false and that the officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- G. Education Code section 49079 provides that a District officer or employee who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in the statute, is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

Legal Reference: Education Code section 49079  
Date Policy Adopted By The Board: October 10, 2000.