

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

**Board Policy No. 5023:      NOTIFICATION TO TEACHER OF PUPILS WHO HAVE ENGAGED IN, OR WHO ARE REASONABLY EXPECTED TO HAVE 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 and 2000.
  
- B. The Superintendent or designee shall take reasonable steps to ensure that the teacher is informed in writing of a pupil of the teacher is informed in writing if a pupil 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)) and the acts alleged in Sections 48900.2, 48900.3, 48900.4, or 48900.7. Education Code section 48900 lists the grounds for suspension or expulsion of a pupil in subdivisions (a) through (q). 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 regarding a pupil who has committed one or more of the acts described in this paragraph.
  
- 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" refers to a pupil who 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)), including the acts described in Sections 48900.2, 48900.3, 48900.4 or 48900.7 of the Education Code.

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) and Sections 48900.2, 48900.3, 48900.4 or 48900.7; or (2) after an investigation the Superintendent or designee, or the Principal or designee, has determined that the permanent records of the pupil reflect that the pupil committed any of the acts described in any of the foregoing subdivisions of the Education Code; or (3) the District has received any written records from a law enforcement agency indicating that a pupil has committed any of the foregoing acts.

- E. Commencing with the 2002-2003 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 or should have known that the information was false, or that the report 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 employer 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 that 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, 48900

Date Policy Adopted By The Board: November 8, 1994

Date Policy Revised By The Board: March 12, 1996

Date Policy Revised By The Board: October 9, 2003 (formerly B.P. 5018)