

# WHEN, AND WHEN NOT, TO EXCLUDE PEOPLE FROM CAMPUS - AND - WHAT TO DO ABOUT REGISTERED SEX OFFENDERS

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## **SCENARIO NO. 1 — Disruptive and Harassing Parents on Campus**

### **I. Fact Pattern:**

The father of a student comes to the school office wearing a t-shirt with a vulgar and sexual statement on it. The female school clerk told the man she found the t-shirt offensive and he walked out. The next week, the man again came to the school office wearing the same t-shirt, and could be seen by the clerk. The school clerk asked the parent if he had signed in, and he yelled at her using vulgar and sexiest language. He then walked out. Two elementary school students and two other parents were present during the conduct.

*What should the principal do?*

### **II. Subject Matter To Be Discussed:**

Excluding people from campus. What obligations to district employees come into play? What should the principal do if the person will not leave after being directed to do so?

### **III. Outline of Presentation:**

- A. Discussion of Penal Code section 626.4, and the procedures set forth therein, regarding authority of chief administrative office of a school, or designee, to withdraw consent to remain on campus.
  - ▶ 14-day limit, but can be repeated
  - ▶ need for written report
  - ▶ need for confirmation
  - ▶ proper notification
  - ▶ hearing procedures
- B. Discussion of Education Code sections 44810 and 44811 regarding willful interference with school class or activity of school.

- C. Discussion of California Government Code section 12940(k) regarding failing to “take all reasonable steps necessary to prevent discrimination and harassment from occurring.”
- D. Mention of CSBA Sample BP 4219.11 and Sample AR 4219.11 regarding sexual harassment.
- E. Presentation of sample correspondence to be sent when withdrawing consent to remain on campus.

#### **IV. Materials in Workbook**

Handling Child Custody Disputes or Disruptive Parents at School, attaching:

Education Code Section 49091.10: Parent or guardian’s right of inspection and observation;

Education Code section 51101: Rights of parents and guardians of pupils;  
Education Code sections 44810 and 44811: Willful interference with classroom conduct, disruption or disorder;

Penal Code sections 626.4, 626.6, and 626.7: Withdrawal of consent for person to remain on campus, power to direct person to leave campus, punishment for refusal to comply.

Exclusion From Campus – Instructions and example of letter

Penal Code section 626.4 – Withdrawal of consent for person to remain on campus

Scenario No. 1 – Letter sent to parent

CSBA Sample – AR 4219.11 sexual harassment

#### **V. Other Resources**

Penal Code section 626.85 – Specified drug offender upon or near school grounds – failure to leave or reentering campus – punishment

Penal Code section 627-627.10 – comprehensive scheme concerning public access to school grounds

CSBA Sample – AR 1250 Visitors/Outsiders

CSBA Sample – AR 3515.2 Business and Noninstructional Operations; Disruptions

# HANDLING CHILD CUSTODY DISPUTES OR DISRUPTIVE PARENTS AT SCHOOL

## I.

### INTRODUCTION

Custody disputes can arise in a school setting in a variety of ways. Sometimes one parent presents a document to school personnel that is alleged to be a court order, and insists that school personnel take some action limiting the other parent's conduct at school. Sometimes parents become involved in loud or profane or threatening exchanges with others on school property. Sometimes parents involved in a custody dispute issues subpoenas directing school personnel or school records into court.

Understanding how to handle such disputes in the school setting requires an understanding of the limited role of school personnel in regard to court orders and subpoenas, the statutory rights of parents, and the statutory authority for school personnel to control conduct on its campuses. Regardless of how the dispute arises in a school setting, safety is the primary concern and school administrators can and should take steps to prevent disruption of the educational environment and protect the peace and safety of the school campus and the child who is the subject of the custody dispute.

Because emotions can run high during custody disputes, school administrators are advised to use good judgment and a de-escalating approach in dealing with upset parents.

## II.

### A SCHOOL DISTRICT HAS ONLY A LIMITED ROLE IN ENFORCING FAMILY COURT ORDERS

For two reasons, a school district cannot and should not attempt to directly enforce a document that is purported to be a court order.

A. First, determining whether a court order is enforceable can be a complex exercise, even for law enforcement officers and lawyers. Documents from out-of-state courts are especially problematic. At a minimum, to be enforceable a court order must be valid and current, and prior notice generally must have been given to the parent being restrained under the order.

It would be a mistake to assume that all "orders" presented to school personnel by parents meet those criteria. Parents can, and do, present documents that are, on their face, not orders from the court at all, but proposed orders never signed by the Judge, orders that are outdated or patently fake.

B. Second, only the parties involved in an action giving rise to a court order have the duty to obey the order, or the power to seek enforcement of the order. Because a school district is not a party to a family law proceeding, it has no legal duty, authority, ability, or means to enforce family law court orders. A school district facing a demand to enforce a court order should either contact its lawyers, or let law enforcement decide the issue.

This does not mean a school district can totally ignore a family law court order, however. When presented with a copy of a document reported to be an order, or when faced with a custody dispute, school districts should:

- ❖ Refuse to “take sides” in custody disputes;
- ❖ Offer to call the police for either parent; or call the police without parental agreement if in the judgment of school personnel a police presence is appropriate, such as when the physical release of a child to a parent is questionable;
- ❖ Set limits on parental conduct that is disruptive or threatens the peace and safety of the school site;
- ❖ Exclude parents when it is appropriate to do so;
- ❖ Contact the district’s lawyers early and often during custody disputes.

### III.

#### **SCHOOL DISTRICTS MUST HONOR THE STATUTORY RIGHTS OF BOTH PARENTS TO PARTICIPATE IN THEIR CHILD’S EDUCATION, UNLESS A COURT ORDER PROVIDES OTHERWISE, OR A PARENT’S CONDUCT WARRANTS EXCLUSION FROM CAMPUS**

The California Legislature has granted parents of children in K-12 public schools comprehensive statutory rights to participate in their child’s education. If parents are unmarried, divorced or divorcing, both parents are entitled to exercise their educational rights unless that conflicts with a court order, or the parent engages in conduct that warrants exclusion from the campus, as discussed in Section IV of these materials. Administrators should contact the District’s lawyers to determine if the exercise of parental educational rights conflicts with a court order.

The comprehensive statutory rights granted by the Legislature to parents are set out in a variety of statutes, including the Education Empowerment Act of 1998 commencing at Education Code section 49091.10, and the Parent Rights Act of 2002 commencing at Education Code section 51101. Copies are contained in Exhibits A and B, respectively, and should be consulted for details.

Parents may exercise their statutory rights only in accordance with board procedures established to ensure safety and to prevent disruption of the educational process and the harassment of school personnel. This means, for example, that parents must sign in at the office before going to the classroom.

School personnel should familiarize themselves with the statutory rights of parents, which include the rights of parents to:

- a. Observe their child's classroom, instruction and other school activities within a reasonable period of time after request;
- b. Meet with their child's teacher(s) and principal, within a reasonable period of time after request;
- c. Serve as a volunteer, including as a classroom volunteer under the teacher's supervision;
- d. Participate as a member of a parent advisory committee, school site council or site-based management leadership team, subject to the rules governing membership in those organizations;
- e. Inspect instructional materials.
- f. Inspect and receive a copy of pupil records within five days after a request;

**NOTE: If a district has reason to believe or is informed that the welfare of a child may be at risk from disclosure of pupil records to a non-custodial parent, the district's lawyer may advise the district to attempt to notify the custodial parent within the five-day period to permit the custodial parent the opportunity to obtain a court order limiting the non-custodial parent's access to those records.**

- g. Challenge the accuracy of pupil records.

**NOTE: Under state law, only the parent with legal custody may challenge the contents of a pupil record (Educ. C. § 49070); offer a written response to a record (Educ. C. § 49072); or consent to the release of pupil records to non-parents (Educ. C. § 49075) unless the district has received a written notice of agreement between divorced parents to the effect that either parent may do so. (Educ. C. § 49061.)**

#### IV.

### **PARENTS CAN BE EXCLUDED FROM SCHOOL AND SCHOOL ACTIVITIES IF THEY DISRUPT THE EDUCATIONAL ENVIRONMENT OR INTERFERE WITH THE PEACE OR SAFETY OF THE CAMPUS**

The California Legislature has adopted a variety of statutes that prohibit parents from disrupting the educational environment or interfering with the peace or safety of the campus. School administrators faced with screaming, profane, threatening, disruptive or assaultive parents should contact law enforcement immediately to seek removal of the parent from school premises pursuant to one or more of the following statutes, and also should promptly seek guidance from the district's lawyer. The following statutes are attached as Exhibit C, and should be consulted for details.

**NOTE: It is a good practice for school personnel to offer to give a copy of the following statutes to the law enforcement officer responding to the call.**

A. Education Code section 44810 makes it a crime for a parent to come on any school ground or into any school house and wilfully interfere with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person.

B. Education Code section 44811 makes it a crime for any parent, guardian or other person to engage in conduct in a place where a school employee is required to be in the course of his or her duties that materially disrupts class work or extracurricular activities or involves substantial disorder.

C. Penal Code section 626.4 authorizes a public school superintendent or designee to withdraw consent for any person to remain on a school campus or other district property for up to 14 days whenever there is reasonable cause to believe that such person has wilfully disrupted the orderly operation of the campus or district property. A person who enters or remains on school property after being notified that consent has been withdrawn may be guilty of a crime.

**NOTE: This statute contains detailed requirements and should be read carefully.**

D. Penal Code section 626.6 authorizes a superintendent or designee to direct a person who is not a student, officer or employee to leave and stay away from a school campus or district facility for up to seven days if it reasonably appears that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or activity, or has entered the campus or facility for the purpose of committing any such act. If, after being notified to stay away, a person enters or remains on school property during the pendency of a stay-away order, he or she may be guilty of a crime.

**NOTE:**

1. **This statute contains detailed requirements and should be read carefully.**
2. **This statute may not be used to impinge upon the lawful exercise of constitutionally protected rights of speech or assembly.**

E. Penal Code section 626.7 provides that if a person who is not a student, officer or employee of a public school, and not required by his or her employment to be on the campus or any facility owned, operated, or controlled by the governing board of the school district, enters a campus or facility **outside of the common areas where public business is conducted** and it reasonably appears to a school employee or official designated to maintain order on the campus or facility that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, the school employee or official may direct the person to leave the campus or facility. If that person fails to leave when directed, or returns without following the posted requirements to contact administrative offices of the campus, he or she is guilty of a crime.

**NOTE:**

1. **This statute contains detailed requirements, and should be read carefully.**
2. **This statute does not apply to a representative of a school employee organization engaged in activities related to representation.**
3. **This statute may not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.**

**V.**

**A SCHOOL DISTRICT CAN AND SHOULD TAKE  
STEPS TO PREVENT FAMILY LAW SUBPOENAS  
FROM DISRUPTING THE EDUCATIONAL ENVIRONMENT**

Our clients have reported to us that process servers, parents, and others attempting to serve family court subpoenas at school sites have engaged in conduct that is disruptive, including issuing threats to school personnel that a bench warrant will be issued for the arrest of school personnel unless school personnel sign for the subpoenas or call employees from their work site to accept personal service of subpoenas in the office. **There is no legal requirement for school personnel to sign family court subpoenas, or to call employees away from their work site to accept personal service of a subpoena.**

In addition, it is not uncommon for one or both parents involved in a custody or family law dispute to subpoena their child's school principal, vice-principal, teacher(s), paraprofessionals, or school administrative staff such as the school secretary, to testify in court at a family law proceeding. One or both parents may also subpoena pupil records to family court, and demand the personal appearance of the custodian of records. Sometimes, parents issue subpoenas for school records to teachers, who are not the custodians of school records.

Usually, all of the subpoenas are issued for the same time, date, and location, which can create serious problems in the effective operation of a school site when the site administrators, multiple teachers, and other school personnel are all absent at the same time. Sometimes the subpoenas are issued for dates during which standardized testing or other important school functions are scheduled to occur and will be adversely affected by the absence of the employees under subpoena. **School districts can and should refuse to honor family law subpoenas for employee-witnesses to appear in court, including custodians of records, unless the subpoena is accompanied by an advance deposit of \$150.00 per day, per witness, as provided in Government Code section 68096.1** (see attached as Exhibit D).

School districts receiving family law subpoenas for pupil records and/or the court appearance of their employees at a family law hearing should immediately take the following steps:

A. If the person serving the subpoena becomes disruptive to the educational process or threatens the peace and safety of the school site, call the police, and consider excluding that person from campus pursuant to the authorities set out in Section IV of these materials.

B. If the family law subpoena was not accompanied by payment of the advance deposit, notify the district's lawyers immediately, and fax a copy of the subpoena to the district's lawyer who will advise you on what to do next.

C. If the subpoena is for pupil records, notify the district's lawyers immediately and fax them a copy of the subpoena. The district's lawyers may want to file objections with the court if the subpoena for records does not meet legal requirements.

## EXHIBIT A

### EDUCATION CODE SECTION 49091.10

**§ 49091.10. Parent or guardian's right of inspection and observation**

(a) All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

(b) A parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures

determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of the school district. Upon written request by the parent or guardian, school officials shall arrange for the parental observation of the requested class or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district.

## EXHIBIT B

### EDUCATION CODE SECTION 51101

#### § 51101. Rights of parents and guardians of pupils; School-parent compact

(a) Except as provided in subdivision (d), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the

school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Section 48980, attendance policies, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(16) To be notified, as early in the school year as practicable pursuant to Section 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) All schools that participate in the High Priority Schools Grant Program established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop with parents or guardians for all children enrolled at that schoolsite, a school-parent compact pursuant to Section 6319 of Title 20 of the United States Code.

(d) This section does not authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

## **EXHIBIT B**—continued

## EXHIBIT C

### EDUCATION CODE SECTIONS 44810 AND 44811

#### § 44810. Willful interference with classroom conduct

(a) Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

#### § 44811. Disruption or disorder

(a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

(c) This section shall not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

## EXHIBIT C – continued

### PENAL CODE SECTIONS 626.4, 626.6 AND 626.7

#### § 626.4. Withdrawal of consent for person to remain on campus

(a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom

consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the

county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

#### **§ 626.6. Power to direct person to leave campus; Punishment for refusal to comply**

(a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within seven days he or she will be guilty of a crime.

#### **§ 626.7. Failure to obey direction to leave campus or re-entry after direction to leave**

(a) If a person who is not a student, officer, or employee of a public school, and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that school, enters a campus or facility outside of the common areas where public business is conducted, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person returns without following the posted requirements to contact the administrative offices of the campus, he or she is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than

five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

For purposes of this section, a representative of a school employee organization engaged in activities

related to representation, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, shall be deemed a person required by his or her employment to be in a school building or on the grounds of a school.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility without following the posted requirements to contact the administrative offices of the campus, he or she will be guilty of a crime.

(d) Notwithstanding any other subdivision of this section, the chief administrative officer, or his or her designee, shall allow a person previously directed to leave the campus or facility pursuant to this section to reenter the campus if the person is a parent or guardian of a pupil enrolled at the campus or facility who has to retrieve the pupil for disciplinary reasons, for medical attention, or for a family emergency.

## EXHIBIT C – continued

## EXHIBIT D

### GOVERNMENT CODE SECTION 68096.1

**§ 68096.1. Compensation to government employees subpoenaed as witnesses; Reimbursement by litigant**

(a) Any employee of a local agency who is obliged by a subpoena to attend a civil action or proceeding as a witness in litigation in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her duties, to which that local agency is not a party, shall receive the salary or other compensation to which he or she is normally entitled from that local agency during the time that he or she prepares for his or her response and appearance, during the time that he or she travels to and from the place where the court or other tribunal is located and while he or she is required to remain at that place pursuant to the subpoena. He or she shall also receive from that local agency the actual necessary and reasonable traveling expenses he or she incurred in complying with the subpoena.

(b) The party at whose request the subpoena is issued shall reimburse the local agency for the full cost incurred by the local agency in paying the employee his or her salary or other compensation and traveling expenses as provided for in this section, for each day that the employee is required to remain in

attendance pursuant to the subpoena. The amount of one hundred fifty dollars (\$150), together with the subpoena, shall be tendered to that local agency for each day that the employee is required to remain in attendance pursuant to the subpoena.

(c) If the actual expenses should later prove to be less than the amount tendered, the excess of the amount tendered shall be refunded.

(d) If the actual expenses should later prove to be more than the amount tendered, the difference shall be paid to the local agency by the party at whose request the subpoena was issued.

(e) If a court continues a proceeding on its own motion, no additional witness fee shall be required prior to the issuance of a subpoena or the making of any order directing the employee to appear on the date to which the proceeding is continued.

(f) As used in this section, "local agency" means a city, county, city and county, special district, redevelopment agency, or any other political subdivision of the state.

## EXCLUSION FROM CAMPUS - INSTRUCTIONS AND EXAMPLE OF LETTER

Under section 626.4, parents and other persons may be excluded from campus for up to 14 days if there is reasonable cause to believe they have willfully disrupted the orderly operation of that campus. In some districts, only the superintendent issues exclusion orders and conducts exclusion hearings; in some districts, the superintendent has designated others who may do it.

The exclusion process is as follows:

1. The site administrator is required to prepare an internal written report setting out in detail the person's conduct. The report should include all of the details, such as cursing, yelling, threatening statements, how close the person got to the victim, flailing or other threatening gestures, the presence of other parents or students, a refusal to leave when requested to do so, and the calling of police, if that was done. Within 24 hours after the time that consent to remain on campus has been withdrawn, the action of the site administrator must be presented to the superintendent or designee for written confirmation.

2. The person being excluded should be sent the written notice, attached, filling in the blanks as appropriate. Do not attach the internal report, but do include in the notice all of the details of the conduct giving rise to the exclusion.

3. Mail the notice by regular first class mail; if the person shows up at the school site before a reasonable time for receipt of the notice (5 days), he should be handed copy of the notice and that fact should be documented. **Do not send the notice by certified mail;** often in these circumstances, the person will refuse to accept delivery of it. First class mail is the way to go, because the law presumes that first class mail is delivered after 5 days.

4. Be sure to attach Penal Code section 626.4 to the letter.

5. If the exclusion does not cause the parent to correct his conduct, other options are obtaining a restraining order or a stay away order attendant to any criminal probation arising from his conduct.

6. If you would like, this office can track the progress of any criminal case that may be filed against the individual, however we will need the person's formal name.

7. The exclusion may be for a maximum of 14 days. However, if, after the expiration of the exclusion period, the person again disrupts the orderly operation of the campus, consent for the person to remain on campus may again be withdrawn.

[ON DISTRICT LETTERHEAD]

[Date]

[Name and address]

Dear \_\_\_\_\_:

**PLEASE TAKE NOTICE** that beginning on Thursday, November 6, 20XX, through and including Wednesday, November 19, 20XX, you are ordered not to enter school property at the \_\_\_\_\_ Elementary School at any time, for any reason whatsoever, including the parking lots of the school. If you disobey this order, school administrators will call the police to enforce it.

This exclusion order applies only to you, and does not to apply to your child or other members of your family.

The basis for your exclusion from the \_\_\_\_\_ Elementary School is as follows:  
On November 5, 20XX, you \_\_\_\_\_

I find that there is reasonable cause to believe that your conduct on November 1, 2006, disrupted the orderly operation of the school.

This letter is being sent to you pursuant to my authority under Penal Code section 626.4, a copy of which is attached for your information. **IF YOU DISOBEY THIS ORDER, YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION.**

You have the right to submit a written request for a hearing by me, to be held on or before November 19, 20XX, to:

John Jones, Superintendent  
North School District  
1234 South Road  
Bakersfield, CA 93301

Yours truly,

John Jones, Superintendent

Enclosure:  
Penal Code section 626.4

cc: School Principal

## PENAL CODE

### § 626.4. Withdrawal of consent for person to remain on campus

(a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly

operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation,

parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

## SCENARIO No. 1

### LETTER SENT TO PARENT

[date]

[address]

Dear Mr. Smith:

**PLEASE TAKE NOTICE** that beginning on Tuesday, November 4, 2008, through and including Monday, November 17, 2008, you are ordered not to enter school property at the \_\_\_\_\_ Elementary School at any time, for any reason whatsoever, including the parking lots of the school. If you disobey this order, school administrators will call the police to enforce it.

This exclusion order applies only to you, and does not to apply to your child or other members of your family.

The basis for your exclusion from the \_\_\_\_\_ Elementary School is as follows:

In September 2008, you wore a t-shirt to the school office that said "What's wrong with you, \_\_\_\_\_?" or words to that effect. When the female school clerk objected to your t-shirt, you walked out.

On October 25, 2006, you again wore the t-shirt into the school office where it could be seen by the school clerk. On November 3, 2006, you went to the school office, and when female school clerk asked you if you had signed in, you yelled that she was a "\_\_\_\_\_ bitch" and you walked out. Two elementary school students and two other parents were present during your conduct on November 3, and at least one student and one parent heard what you yelled.

I find that there is reasonable cause to believe that your conduct on November 3, 2008 disrupted the orderly operation of the school office and the peace of the campus. I also find there is reasonable cause to believe based on the totality of the circumstances that you sexually harassed or attempted to sexually harass the school clerk, and that you retaliated against her for objecting to the harassment. California law requires us to take reasonable steps to prevent and correct sexual harassment of our employees by outsiders such as yourself, and we can not tolerate the conduct you engaged in here.

This letter is being sent to you pursuant to my authority under Penal Code section 626.4, a copy of which is attached for your information. **IF YOU DISOBEY THIS ORDER, YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION.**

You have the right to submit a written request for a hearing by me, to be held on or before November 17, 2008, to:

John Jones  
Superintendent  
North School District  
1234 South Road  
Bakersfield, CA 93301

Yours truly,

John Jones  
Superintendent

Enclosure:  
Penal Code section 626.4

cc: School Principal

**CSBA  
SAMPLE ADMINISTRATIVE  
REGULATION**

**AR 4219.11, 4319.11**

**PERSONNEL**

**SEXUAL HARASSMENT**

## SCENARIO NO. 2 — Parent with a Restraining Order

### I. Fact Pattern:

A teacher in your District has a son who attends the school at which the teacher works. The teacher previously provided you with a copy of a Restraining Order providing that her former husband, the student's father, is to stay at least 100 yards from her and her son. An attachment to the Restraining Order provides that the father may attend "scheduled school functions," and is allowed to eat lunch with his child.

During the fall semester, the student is participating in an after school football tryout on campus, which the father attends.

The mother was not scheduled to work on the day of the football tryouts, did not work that day, and is not on campus during the football tryouts.

Somehow, the mother learns that the father is present on campus. She telephones the principal demanding that the principal enforce the Restraining Order by telling the father to leave the campus.

*What should the principal do?*

Several months later the superintendent receives a letter from the mother's attorney asking that the District "take action to provide [the teacher] with a safe working environment, as required by the collective bargaining agreement, and to comply with the court order."

*What should the superintendent do?*

### II. Subject Matter To Be Discussed:

What is the District's role in enforcing Restraining Orders/Family Court Orders?

### III. Outline of Presentation:

- A. Discussion of the District's role, or lack thereof, in enforcing family law Court Orders/Restraining Orders.
- B. Discussion of some of the reasons Districts should not try to enforce documents purported to be Orders:
  - 1. The District is not a party to the Order. If a party to the Order feels the Orders is being violated, they should go back before the judge, or contact the police.
  - 2. Fake Orders, proposed Orders, unsigned Orders, Orders that have never been served.

- 3. It can be dangerous, and there is the potential for violence.
- C. If appropriate, call the police to interpret/enforce the Order.
- D. The safety of the child is always the primary consideration. Never permit any outcome that you feel might be unsafe for the child.
- E. When appropriate, ask the parent to leave until the Order is sorted out.
- F. Review sample correspondence sent by a District to a person presenting an Order.

#### **IV. Materials in Workbook**

Example of Restraining Order.

Example of letter regarding family law order.

**EXAMPLE**

**SUPERIOR COURT  
RESTRAINING ORDER  
AFTER HEARING  
(DOMESTIC VIOLENCE  
PREVENTION)**

## EXAMPLE OF LETTER REGARDING FAMILY LAW ORDER

[TO BE PLACED ON DISTRICT LETTERHEAD]

[date]

[address]

Re: Your Child \_\_\_\_\_  
Student at \_\_\_\_\_ School

Dear Ms. \_\_\_\_\_:

You have provided our District with what appear to be family law court documents, and have requested that the District decline to allow your child's father, \_\_\_\_\_, to pick up your child from school on Wednesdays. The documents you provided to us are entitled: (1) Judgement and Notice of Entry of Judgement dated \_\_\_\_\_ and issued in Kern County Superior Court case number \_\_\_\_\_; and (2) Mediation Agreement dated \_\_\_\_\_.

Those documents indicate that the parents share joint physical and legal custody of \_\_\_\_\_. Although we are not lawyers, it appears to us that the Mediation Agreement specifically provides that Mr. \_\_\_\_\_ CAN pick \_\_\_\_\_ up after school on Wednesdays. Mr. \_\_\_\_\_ is listed on the Emergency Card as a person authorized to take physical custody of \_\_\_\_\_.

The District must decline your request. The District is not a party to your family law orders, and does not have the duty, authority, ability, or means to enforce their provisions. If you believe your child's father is violating the visitation provisions of your family law orders, you should seek review by a family law court or call the police.

Very truly yours,

## **SCENARIO NO. 3 — Court Order Regarding Custody**

### **I. Fact Pattern:**

A student's IEP meeting is beginning when the father provides a Tentative Statement of Decision indicating that he has sole legal custody of the child, and that he has day-to-day decision-making responsibilities about the child's health, education, and welfare. He asks that the mother be excluded from the IEP meeting.

### **II. Subject Matter To Be Discussed:**

Statutory rights of both parents to participate in the child's education, and Education Code sections 49091.10 and 51101.

### **III. Outline of Presentation:**

- A. Discussion of Education Code section 49091.10 and 51101.
- B. Discussion of educational rights vs. custodial rights.

### **IV. Materials in Workbook**

Example of Tentative Statement of Decision regarding custodial and decision making rights.

**EXAMPLE**

**SUPERIOR COURT**

**TENTATIVE STATEMENT**  
**OF DECISION**

## **SCENARIO No. 4. — Sex Offender Seeking Access to Campus**

### **I. Fact Pattern:**

An elementary school principal walks into the school office to greet a local television reporter who has arranged to spend the day in the classroom of a special education teacher who received a large grant for her classroom. The principal recognizes the camera man accompanying the reporter as a registered sex offender in the community. The principal takes the cameraman aside and tells him that he will have to leave. The cameraman protests that he is a member of the media and may remain.

*What should the principal do?*

### **II. Subject Matter To Be Discussed:**

What are the Principal's options as to excluding the cameraman?

### **III. Outline of Presentation:**

- A. Discussion of provisions of Penal Code section 626.81 regarding registered sex offenders, and changes in statutory language.
- B. Discussion of what to do when parent is a registered sex offender.
- C. Discussion of general principles of media access to campus.
- D. Mention of Education Code section 35021 regarding the prohibition of sex offenders serving as volunteer instructional aides or volunteer non-teaching aides.
- E. Mention of Education Code section 35021.1 as to assistance available in checking on sex-offender status of a non-teaching volunteer.
- F. Mention article — *“California School Under Fire Over Volunteer’s Sex Record.”*
- G. Discussion of Penal Code section 626.81 regarding sex-offenders trumping any assertion that, as a member of the media, the cameraman can remain on campus.

### **IV. Materials in Workbook:**

Penal Code Section 626.81 – Entry by Registered Sex Offender Into School Building or Upon School Ground.

Education Code 35021 – Volunteer Aides

Education Code 35021.1 – Prospective Nonteaching Volunteer Aides; Automated Records Check for Sex Offenders; Conviction.

New York Times article regarding “*California School Under Fire Over Volunteer’s Sex Record*” dated February 5, 2007.

**V. Other Resources**

79 Ops.Cal.Atty.Gen. 58 – Regarding rights of news media to be on campus and speak with students.

CSBA Sample – AR 1240 - Volunteer Assistance.

CSBA Sample – BP 1112 Media Relations.

## PENAL CODE

**§ 626.81. Entry by registered sex offender into school building or upon school ground without lawful business or written permission prohibited; Punishment**

(a) Any person who is required to register as a sex offender pursuant to Section 290, who comes into any school building or upon any school ground without lawful business thereon and written permission from the chief administrative official of that school, is guilty of a misdemeanor.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both the fine and imprisonment.

(2) If the defendant has been previously convicted

once of a violation of this section, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) Nothing in this section shall preclude or prohibit prosecution under any other provision of law.

## EDUCATION CODE

### **§ 35021. Volunteer aides**

(a) Notwithstanding any other law, any person, except a person required to register as a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the governing board of any school district to perform the duties specified in Section 44814 or 44815, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist the certificated personnel in performance of teaching and administrative responsibilities. With respect to this noninstructional work, the nonteaching volunteer aide shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

(b) No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position. A district shall not refuse to employ a person in a vacant classified position and use volunteer aides in lieu of filling the classified position.

(c) It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

### **§ 35021.1. Request for automated records check of prospective volunteer aide by local law enforcement agency**

A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of any sex offense as defined in Section 44010. A plea or verdict of guilty, a finding of

guilt by a court in a trial without jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section. If the local law enforcement agency agrees to provide that automated records check, the results therefrom shall be returned to the requesting district or county office of education within 72 hours of the written request. A local law enforcement agency may charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency.

*The New York Times*

**February 5, 2007**