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## Education Code Section 48902 Now Requires Reporting of Certain Mandatory Expulsion Offenses to Law Enforcement

Education Code section 48902 requires the principal of a school or the principal's designee to notify the appropriate law enforcement authorities when a student commits acts that may violate certain Penal Code sections or may constitute certain suspendable or expellable offenses. Section 48902 has recently been amended to expand the scope of student conduct for which school officials are required to notify law enforcement.

Section 48902 requires a school principal or principal's designee to:

- Prior to the suspension or expulsion of a student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of acts that may violate Penal Code section 245, which deals with assault with a deadly weapon, instrument, or firearm;
- Within one school day after suspension or expulsion of a student, notify the appropriate law enforcement authority of the county or school district in which the school is situated of any acts that may violate:
  - Education Code section 48900(c) (unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of an enumerated controlled substance, alcoholic beverage, or intoxicant); or
  - Education Code section 48900(d) (unlawfully offered, arranged, or negotiated to sell an enumerated controlled substance, alcoholic beverage, or intoxicant, and either sold, delivered, or otherwise furnished to a person another liquid, substance or material and represented it as a controlled substance, alcoholic beverage, or intoxicant); and
- Notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance, or a violation of Penal Code section 626.9 (Gun-Free School Zone Act) or section 626.10 (bringing or possessing certain knives, blades, tasers, stun guns, and instruments that expel a metallic projectile on school grounds).

Section 48902 has been amended to now additionally require school officials to report any act specified in paragraph (1) or (5) of Education Code section 48915(c), commonly referred to as mandatory expulsion offenses, committed by either a student *or nonstudent* on a school site. Specifically, a school official must report the following conduct by a student or nonstudent:

- Possessing, selling, or otherwise furnishing a firearm; and

- Possession of an explosive.

The school principal or designee must report such acts to the city police or county sheriff with jurisdiction over the school and the school security department or the school police department, as applicable.

Under section 48902, the willful failure to make a required report is an infraction punishable by a fine of up to \$500, to be paid by the principal or principal's designee who is responsible for the failure to report. Thus, it is important for school site administrators to be familiar and comply with section 48902.

Please contact one of our four offices should you have any questions regarding Education Code section 48902's requirements and its implications.

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