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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Claim Of:

San Diego Unified School District,
Claimant

No. CSM-4475

Welfare & Institutions Code Section 827
Chapter 1423, Statutes of 1984
Chapter 1019, Statutes of 1994
Chapter 7 1, Statutes of 1995

Juvenile Court Notices II

DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above entitled matter.

This Decision shall become effective on February 29, 1996. IT IS SO ORDERED
February 29, 1996.



Kirk G. Stewart, Executive Director
Commission on State Mandates

Hearing: February 29, 1996
File Number: CSM-4475
Staff: Steve Zimmerman
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Proposed Statement of Decision
Adopted Mandate
CSM-4475

Welfare and Institutions Code Section 827
Chapter 1423, Statutes of 1984
Chapter 1019, Statutes of 1994
Chapter 71, Statutes of 1995
Juvenile Court Notices II

Executive Summary

The Commission on State Mandates at its hearing of January 25, 1996 determined that Welfare and Institutions Code section 827, as amended by section 11 of Chapter 1423, Statutes of 1984, and section 4 of Chapter 1019, Statutes of 1994, does impose a new program or higher level of service in an existing program upon school districts within the meaning of section 6 of article XIII B of the California Constitution and Government Code section 17514 with respect to activities involving juvenile court notices. Those mandated functions are specified in the concluding portion of the following proposed statement of decision. The Commission also determined that amendments to section 827 made by section 1 of Chapter 71, Statutes of 1995, do not impose a new program or higher level of service. The existing appropriation for juvenile court notices pursuant to Chapter 1011, Statutes of 1984, is to be dealt with as an offset to any costs which the Commission has found.

The claimant, San Diego Unified School District, alleged that Welfare and Institutions Code section 827, as amended by Chapter 1423, Statutes of 1984, Chapter 1019, Statutes of 1994, and Chapter 71, Statutes of 1995, imposes a reimbursable state mandated program related to juvenile court notices regarding pupils who have committed felonies and specified misdemeanors.

The activities required by section 11 of Chapter 1423/84 had been acknowledged to be a mandate by the Legislature, and funds have been appropriated to pay the costs of those activities pursuant to claiming instructions issued by the State Controller's Office under section 5 of Chapter 101 1/84. (The mandate reimbursement appropriation was carried in section 5 of Chapter 101 1/84, while the program ultimately became operative under section 11 of Chapter 1423/84.)

All interested parties to this test claim had agreed that, in addition to any new juvenile court notice activities found in the 1994 and 1995 legislation, the notice activities which had been declared to be a mandate by the Legislature and funded in prior years and to this date under Chapter 1011/84 still should be reviewed by the Commission and a mandate determination made in the event that the Legislature discontinues its appropriation for such activities in future years. Accordingly, the Commission considered all juvenile court notice activities under the subject chapters, rather than only new activities since 1984, in reaching this decision.

The existing State Controller's Office claiming instructions were issued under section 5 of Chapter 1011, Statutes of 1984 and have not been updated to reference Chapter 1423, Statutes of 1984 or to include the effects of the 1994 and 1995 legislation.

Member DiOrio moved to adopt the staff recommendation to approve the test claim, and Member Sherwood seconded the motion. The motion carried unanimously.

Staff has prepared the attached proposed statement of decision which identifies the basis for the Commission's decision. (Note that the operative date of Chapter 1019, Statutes of 1994, is reflected in the proposed statement of decision as January 1, 1995; the staff analysis had erroneously cited the chaptering date of September 29, 1994, as the operative date for that statute .)

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

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3)
4 Claim of:)
5 San Diego Unified School) No. CSM-4475
6 District,) Welfare and Institutions Code
7 Claimant) Section 827
8) Chapter 1423, Statutes of 1984
9) Chapter 1019, Statutes of 1994
10) Chapter 71, Statutes of 1995
11) *Juvenile Court Notices II*

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PROPOSED STATEMENT OF DECISION

This claim was heard by the Commission on State Mandates (Commission) on January 25, 1996, in Sacramento, California, during a regularly scheduled hearing.

Mr. Keith Petersen appeared on behalf of the San Diego Unified School District, and Mr. James M. Apps and Mr. Scott Hannan appeared on behalf of the Department of Finance. Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the Commission finds:

ISSUE

Do the provisions of Welfare and Institutions Code section 827 of Chapter 1423, Statutes of 1984 (Chapter 1423/84), Chapter 1019, Statutes of 1994 (Chapter 1019/94), and Chapter 71, Statutes of 1995 (Chapter 71/95), require local agencies to implement a new program or provide a higher level of service in an existing program, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514?

BACKGROUND AND FINDINGS OF FACT

The test claim was filed with the Commission on March 24, 1995, by the San Diego Unified School District.

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The elements for filing a test claim, as specified in section 1183 of Title 2 of the California Code of Regulations, were satisfied.

Welfare and Institutions Code section 827 was amended by Section 11, Chapter 1423, Statutes of 1984, and it states in pertinent part: (additions or changes indicated by underline; deletions by ~~strikeout~~)

“(a) . . .

“(b) . . .

(2) Notwithstanding subdivision (a), written notice ~~of the filing of a petition in juvenile court, alleging that a minor of compulsory school age is a person using, selling or possessing enrolled in a public school in kindergarten or grades 1 through 12 has been found by a court of competent jurisdiction to have used, sold, or possessed narcotics or a controlled substance or to have committed any crime listed in paragraphs (1) to (15), inclusive, or (17) to (19), inclusive, of subdivision (b) of Section 707 shall~~ may be provided by the district attorney court, within 48 hours seven days, to the superintendent of the school district of attendance, pursuant of Sectmn-48922 of the Education Code. The district attorney need not obtain a court order prior ^{to} providing this notice to which information shall be expeditiously transmitted to any teacher, counselor, or administrator with direct supervisory or disciplinary responsibility over the minor who the superintendent or his or her designee, after consultation with the principal at the school of attendance, believes needs this information to work with the student in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability. Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor, or administrator. An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

“(3) If a minor is removed from public school as a result of the court’s finding described in subdivision (b) the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

“(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

“(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: “Destroy This Record 12 Months After The Minor Returns to Public School. Unlawful Dissemination of This Information Is A Misdemeanor.” No information transmitted by the superintendent pursuant to subdivision (b) shall be transmitted by the superintendent or by any teacher, counselor, or administrator to any other person more than 12 months after receipt of the original notice from the court or more than 12 months after the minor returns to public school, whichever occurs last. Any information received from the court shall be destroyed by school authorities 12 months after its receipt from the court or 12 months after the minor returns to public school, whichever occurs last. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor’s school records be reviewed to insure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the

principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred and shall specify the date by which the record will be destroyed.

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The Commission recognized that prior to Chapters 1423/84 and 1019/94, Welfare and Institutions Code section 827, amended by Chapter 1139/72, dealt with disposition of court proceeding reports to persons or agencies which have a legitimate need for the information for purposes of official disposition of a case. The Commission also recognized that Chapter 1103/82 added subdivision (b) which authorized the District Attorney's Office to notify the superintendent of schools and did not contain a reimbursable mandate.

The Commission recognized that Welfare and Institutions Code section 827 was next amended by three chapters in 1984, two of which failed to become operative. The one that did become operative, section 11, Chapter 1423, Statutes of 1984, is quoted above.

The Commission observed that subdivision (a) adds the district attorney and child protective agencies as also being entitled to inspect the documents filed in any juvenile court proceeding; prohibits receiving agencies to disseminate to any unauthorized persons or agencies any juvenile court documents, and further limits the use of said documents; and therefore, the Commission found that this subdivision does not contain a reimbursable mandate.

The Commission further observed that subdivision (b)(1) reaffirms the legislative belief that juvenile court records, in general, should be confidential, and states the intent to provide for a limited exception in cases involving serious acts of violence. Further stated, dissemination of these records should be as limited as possible consistent with the need to work with the student and to protect school staff and other students. Therefore, the Commission found that there is no reimbursable mandate in this legislative intent subdivision.

The Commission observed that subdivision (b)(2) requires the court to provide the superintendent of the school district of attendance a written notice that a minor enrolled in

1 school in kindergarten or grades 1 through 12 has been found by a court to have used, sold, or
2 possessed narcotics or a controlled substance or to have committed any crime, as referenced
3 therein, The Commission found that this is a requirement for the courts; and therefore, is not
4 a reimbursable mandate.

5 The Commission noted that subdivision (b)(2) further requires that the superintendent, or his
6 or her designee, then, expeditiously transmit such information to any teacher, counselor, or
7 administrator with direct supervisory or disciplinary responsibility over the minor to protect
8 other persons from needless vulnerability. The Commission further noted that this information
9 shall be received in confidence for the limited purpose for which it was provided, and requires
10 a fine if not heeded. The Commission found that this subdivision contains a reimbursable
11 mandate by requiring the superintendent to transmit this information to the teacher, counselor,
12 or administrator. The Commission noted that maintaining confidentiality is a requirement
13 under the statute, and indeed has been an ongoing requirement, but is a requirement which has
14 no identifiable costs to the district. Thus, the Commission found that subdivision (b)(2)
15 requires the superintendent, or his or her designee, to expeditiously transmit documents filed
16 in any juvenile court proceeding to any teacher, counselor, or administrator with direct
17 supervisory or disciplinary responsibility over the minor.

18
19 The Commission found that subdivision (b)(3) contains a requirement, if a minor is removed
20 from public school as a result of the court's finding, for the superintendent to maintain the
21 information in a confidential file and shall defer transmittal of the information received from
22 the courts until the minor is returned to public school. The Commission noted that, if the
23 minor is returned to a school district other than the one from which the minor came, the parole
24 or probation officer having jurisdiction over the minor shall notify the superintendent of the
25 last district of attendance who shall transmit the notice received from the court to the
26 superintendent of the new district of attendance. Therefore, the Commission found that this
27 subdivision requires the superintendent to maintain the information in a confidential file and
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1 defer transmittal of the information received from the courts until the minor is returned to
2 public school, and then transmit the notice received from the court to the superintendent of the
3 new district of attendance.

4 The Commission also found that subdivision © contains a requirement for the courts to include
5 a face sheet with the juvenile's record, which is to include the school at which the minor is
6 currently enrolled. It also contains a requirement for the superintendent to provide the court
7 with a listing of all of the schools within each school district, within the county, along with the
8 name and mailing address of each district superintendent. The Commission found that this
9 subdivision contains a requirement for the county to provide the court with a listing of all of
10 the schools within each school district, within the county, along with the name and mailing
11 address of each district superintendent.

12
13 The Commission also noted that subdivision (d) includes a requirement for the court to stamp
14 each notice with instructions about destruction of the record and contains a requirement that no
15 information transmitted by the superintendent or by any teacher, counselor, or administrator
16 shall be transmitted to any other person more than 12 months after receipt of the original
17 notice from the court or more than 12 months after the minor returns to public school,
18 whichever occurs last. The Commission observed that, while this is a requirement, it is a
19 requirement not to do an activity beyond a certain time period, and therefore, not a
20 reimbursable mandate. The Commission observed that also contained in this subdivision is a
21 statement of the right of the minor or his or her parent or guardian, at any time after the date
22 by which a record is required to be destroyed, to make a written request to the principal of the
23 school that the minor's school records be reviewed to insure that the record has been
24 destroyed. The Commission found that this is not a mandate for the schools, but authorizes
25 the minor or his or her parent or guardian to make an action.
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The Commission observed that subdivision (d) also requires school authorities to destroy any information received from the court 12 months after its receipt from the court or 12 months after the minor returns to public school, whichever occurs last. The Commission also observed that it further requires the principal or his or her designee to: 1) upon completion of any requested review and no later than 30 days after the request for the review was received, 2) respond in writing to the written request from the minor or her or her parents, and 3) shall either confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred, and 4) shall specify the date by which the record will be destroyed. The Commission found, therefore, that this subdivision does contain a mandate by requiring school authorities to do the activities as described in this paragraph.

The Commission noted that subdivision (e) contains a disclaimer that no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b), and therefore, does not contain a reimbursable mandate.

The Commission also noted that subdivision (f) lays out the conditions in which this section may or may not be a temporary provision, and therefore, does not contain a reimbursable mandate.

Welfare and Institutions Code Section 827, section 4, Chapter 1019, Statutes of 1994, as compared to section 11, Chapter 1423, Statutes of 1984, states, in pertinent part: (additions or changes indicated by underline; deletions by ~~strikeout~~)

"(a) . . .

~~177~~ "(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public ~~school in school,~~ kindergarten ~~or grades 1 through 12 to grade 12, inclusive,~~ has been found by a court of competent jurisdiction to have ~~used, sold or possessed narcotics or a controlled substance or to have committed any crime listed in paragraphs (1) to (15), inclusive, or (17) to (19), inclusive, of subdivision (b) of Section 707 committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrvins of weapons, assault or batterv, larceny, vandalism, or graffiti~~ shall be provided by the court, within seven days, to the superintendent of the school district of ~~attendance,~~

1 which information attendance. Written notice shall include only the
2 offense found to have been committed by the minor and the disposition
3 of the minor's case. This notice shall be expeditiously transmitted
4 to any teacher, counselor, or administrator with direct supervisory
5 or disciplinary responsibility over the minor who the by the district
6 superintendent or his or her designee, after consultation with to the
7 principal at the school of attendance attendance. The principal
8 shall expeditiously disseminate the information to those counselors
9 directly supervising or reporting on the behavior or progress of the
10 minor. In addition, the principal may disseminate the information to
11 any teacher or administrator directly supervising or reporting on the
12 behavior or progress of the minor whom the principal believes needs
13 this the information to work with the student pupil in an appropriate
14 fashion, to avoid being needlessly vulnerable or to protect other
15 persons from needless vulnerability. Any information received by a
16 teacher, counselor, or administrator under this subdivision shall be
17 received in confidence for the limited purpose for which it was
18 provided of rehabilitating the minor and protecting students and
19 staff, and shall not be further disseminated by the teacher,
20 counselor, or administrator- administrator, except insofar as
21 communication with the juvenile, his or her parents or guardians, law
22 enforcement personnel, and the juvenile's probation officer is
23 necessary to effectuate the juvenile's rehabilitation or to protect
24 students and staff. An intentional violation of the confidentiality
25 provisions of this section is a misdemeanor punishable by a fine not
26 to exceed five hundred dollars (\$500).

27 (3) If (3)a minor is removed from public school as a result of
28 the court's court's finding described in subdivision (b) (b), the
superintendent shall maintain the information in a confidential file
and shall defer transmittal of the information received from the
court ~~and shall defer transmittal of the information received from~~
~~the court~~ until the minor is returned to public school. If the minor
is returned to a school district other than the one from which the
minor came, the parole or probation officer having jurisdiction over
the minor shall so notify the superintendent of the last district of
~~attendance attendance~~ who shall transmit the notice received from
the court to the superintendent of the new district of attendance.

(e) "(c) Each probation report filed with the court concerning a
minor whose record is subject to dissemination pursuant to
subdivision (b) shall include on the face sheet the school at which
the minor is currently enrolled. The county superintendent shall
provide the court with a listing of all of the schools within each
school district, within the county, along with the name and mailing
address of each district superintendent.

(d) "(d) Each notice sent by the court pursuant to subdivision (b)
shall be stamped with the instruction: "Destroy This Record 12 Months
After The Minor Returns to Public School. Unlawful Dissemination of
This Information Is A Misdemeanor." No information transmitted by
the superintendent pursuant to subdivision (b) shall be transmitted
by the superintendent or by any teacher, counselor, or administrator
to any other person more than 12 months after receipt of the original
notice from the court or more than 12 months after the minor returns
to public school, whichever occur last. "Unlawful Dissemination Of
This Information Is A Misdemeanor." Any information received from

1 the court shall be kept in a separate confidential file at the school
2 of attendance and shall be transferred to the minor's subsequent
3 schools of attendance and maintained until the minor graduates from
4 high school, is released from juvenile court jurisdiction, or reaches
5 the age of 18, whichever occurs first. After that time the
6 confidential record shall be destroyed. Any information received
7 from the court shall be destroyed by school authorities 12 months
8 after its receipt from the court or 12 months after the minor returns
9 to public school, whichever occurs last. At any time after the date
10 by which a record required to be destroyed by this section should
11 have been destroyed, the minor or his or her parent or guardian shall
12 have the right to make a written request to the principal of the
13 school that the ~~minor's~~ minor's school records be reviewed to ~~insure~~
14 ensure that the record has been destroyed. Upon completion of any
15 requested review and no later than 30 days after the request for the
16 review was received, the principal or his or her designee shall
17 respond in writing to the written request and either shall confirm
18 that the record has been destroyed or, if the record has not been
19 destroyed, shall explain why destruction has not yet ~~occurred and~~
20 ~~shall specify the date by which the record will be destroyed.~~
21 occurred.

22 ~~(c) Except~~ Except as provided in paragraph (2) of subdivision (b),
23 no liability shall attach to any person who transmits or fails to
24 transmit any notice or information required under subdivision ~~(b).~~
25 (b).

26 ~~(f) This section shall remain in effect only until January 1, 1991,~~
27 ~~and as of that date is repealed, unless a later enacted statute,~~
28 ~~which is enacted before that date deletes or extends that date. If~~
that date is not deleted or extended, then, on and after January 1,
1991, pursuant to Section 9611 of the Government Code, Section 827 of
the Welfare and Institutions Code, as amended by Section 4 of Chapter
1103 of the Statutes of 1982, shall have the same force and effect as
if this temporary provision had not been enacted.

//

19 The Commission noted that subdivision (a), and (b)(1) of the 1994 statute only made
20 nonsubstantive changes and that subdivision (b)(2) contained some changes in the
21 description of the felony or misdemeanor for which the courts are to send a written
22 notice to the superintendent of the school district; and therefore, did not contain a
23 mandate.

24
25 The Commission observed that subdivision (b)(2) kept the requirement for the
26 superintendent to notify counselors, but authorized discretion on notifying teachers or
27 administrators, which was previously required in Chapter 1423184. The Commission
28 also observed that this subdivision also limited the requirement of who is to send the

1 written notice to the principal from the “superintendent or his or her designee” to only
2 the superintendent. Therefore, the Commission found that Chapter 1019/94 contained
3 a mandate for the superintendent to notify counselors.

4 The Commission noted that subdivision (b)(3) made nonsubstantive changes to the
5 previous requirement for the superintendent to maintain the information received from
6 courts until the minor is returned to public school, and then transmit the notice received
7 from the court to the superintendent of the new district of attendance.

8
9 The Commission observed that subdivision (c) contained no changes to the previous
10 requirement for the county office of education to provide the court with a listing of all
11 of the schools within each school district, within the county, along with the name and
12 mailing address of each district superintendent.

13
14 The Commission also observed that subdivision (d) changed the description of the
15 “confidential file” to “separate confidential file” which is a new activity; and therefore
16 a reimbursable mandate. The Commission noted that this subdivision requires the
17 information to be kept in the separate confidential file and be transferred to the minor’s
18 subsequent schools of attendance and maintained until the minor graduates from high
19 school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever
20 occurs first, and, after that time, the record is to be destroyed. The Commission noted
21 that this subdivision also deleted the requirement to include in the written response
22 from the principal (to a request about the destruction of the file), the date by which the
23 record will be destroyed, and that subdivision (d) contains a requirement for the
24 information to be kept in the separate confidential file and be transferred to the minor’s
25 subsequent schools of attendance and maintained until the minor graduates from high
26 school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever
27 occurs first, and, after that time, the record is to be destroyed.
28

1 The Commission noted that subdivision (d) also requires school authorities to destroy
2 any information received from the court 12 months after its receipt from the court or
3 12 months after the minor returns to public school, whichever occurs last. The
4 Commission also noted that it further requires the principal or his or her designee to: 1)
5 upon completion of any requested review and no later than 30 days after the request for
6 the review was received, and 2) respond in writing to the written request from the
7 minor or her or her parents, and 3) shall either confirm that the record has been
8 destroyed or, if the record has not been destroyed, shall explain why destruction has
9 not yet occurred. (This chapter eliminated the requirement to specify the date by which
10 the record will be destroyed.)
11

12 The Commission observed that there were no substantive changes in subdivision (e).
13

14 The Commission noted that subdivision (f) contained language under which conditions
15 the section would be considered temporary and was deleted.
16

17 The Commission noted that section 827 was next amended by Chapter, 71/95 and
18 concluded that Chapter 7 1/95 eliminates the provision requiring the destruction of any
19 information received from the court by school authorities 12 months after its receipt
20 from the court or 12 months after the minor returns to public school, whichever occurs
21 last. The Commission also noted that section 2 of Chapter 71/95 declared this act to be
22 an urgency statute to be effective July 6, 1995.
23

24 APPLICABLE LAW RELEVANT TO THE DETERMINATION
25 OF A REIMBURSABLE STATE MANDATED PROGRAM

26 Government Code section 17500 and following, and section 6, article XIII B of the
27 California Constitution and related case law.
28

11
CONCLUSION

1 The Commission determines that it has the authority to decide this claim under the
2 provisions of Government Code sections 17500 and 1755 1, subdivision (a).
3

4 The Commission concludes that the provisions of Welfare & Institutions Code section
5 827, as amended by Chapter 1423/84 and Chapter 1019/94 do, but that the
6 amendments to section 827 by Chapter 7 1/95 do not, impose a new program or higher
7 level of service in an existing program within the meaning of section 6, article XIIB of
8 the California Constitution and Government Code section 17514 by requiring the
9 following of school districts. The Commission concludes that due to the claimant filing
10 the test claim on March 24, 1995 and amending to include Chapter 7 1/95 on November
11 30, 1995, the period of reimbursement begins July 1, 1994.
12

13 The Commission concludes that as of July 1, 1994, the beginning of the reimbursement
14 period, Welfare and Institutions Code section 827, Chapter 1423, Statutes of 1984,
15 effective September 26, 1984 required of schools: 1) the superintendent, or his or her
16 designee, to expeditiously transmit documents filed in any juvenile court proceeding to
17 any teacher, counselor, or administrator with direct supervisory or disciplinary
18 responsibility over the minor [Subdivision (b)(2)] ; 2) to maintain the information in a
19 confidential file and defer transmittal of the information received from the courts until
20 the minor is returned to public school, and then transmit the notice received from the
21 court to the superintendent of the new district of attendance [Subdivision (b)(3)] ; 3) to
22 destroy any information received from the court 12 months after its receipt from the
23 court or 12 months after the minor returns to public school, whichever occurs last. It
24 further requires the principal or his or her designee to: a) upon completion of any
25 requested review and no later than 30 days after the request for the review was
26 received, b) respond in writing to the written request from the minor or her or her
27 parents, and c) either confirm that the record has been destroyed or, if the record has
28

not been destroyed, explain why destruction has not yet occurred; and, 4) specify the date by which the record will be destroyed [Subdivision (d)].

The Commission concludes that as of July 1, 1994, the beginning of the reimbursement period, Welfare and Institutions Code section 827, Chapter 1423, Statutes of 1984, effective September 26, 1984 required the County Offices of Education to provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent. [Subdivision (c)]

The Commission also concludes as of January 1, 1995, the effective date of Chapter 1019, Statutes of 1994, Welfare and Institutions Code section 827 required the superintendent to: 1) expeditiously transmit documents filed in any juvenile court proceeding to the counselor with direct supervisorial or disciplinary responsibility over the minor, (notification of the administrator and teacher became discretionary). (Limited the requirement of who is to send the written notice to the principal from the "superintendent or his or her designee" to solely the superintendent) [Subdivision (b)(2)] ; 2) to keep the information in the separate confidential file and be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first, and, after that time, the record is to be destroyed, [Subdivision (d)] ; 3) to destroy any information received from the court 12 months after its receipt from the court or 12 months after the minor returns to public school, whichever occurs last. The Commission further found that the principal or his or her designee to: 1) upon completion of any requested review and no later than 30 days after the request for the review was received, and 2) respond in writing to the written request from the minor or her or her parents; and, 3) shall either confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has

1 not yet occurred, (This chapter eliminated the requirement to specify the date by which
2 the record will be destroyed.) [Subdivision (d)].

3 The Commission also concludes as of January 1, 1995, the effective date of Chapter
4 1019, Statutes of 1994, Welfare and Institutions Code section 827 required the County
5 Offices of Education to provide the court with a listing of all of the schools within each
6 school district, within the county, along with the name and mailing address of each
7 district superintendent [Subdivision (c)].

8
9 As of July 6, 1995, the effective date of Chapter 71, Statutes of 1995, (an urgency
10 statute), the provisions of Welfare and Institutions Code section 827 were changed only
11 by the elimination of the provision requiring the destruction of any information
12 received from the court by school authorities 12 months after its receipt from the court
13 or 12 months after the minor returns to public school, whichever occurs last.

14
15 The foregoing conclusion pertaining to Welfare and Institutions Code section 827, is
16 subject to the following conditions:

17 //

18 The determination of a reimbursable state mandated program does not
19 mean that all increased costs claimed will be reimbursed.
20 Reimbursement, if any, is subject to Commission approval of parameters
21 and guidelines for reimbursement of the mandated program; approval of
a statewide cost estimate; a specific legislative appropriation for such
purpose; a timely-filed claim for reimbursement; and subsequent review
of the claim by the State Controller's Office.

22 The Commission also noted that the mandated costs of Chapter 1423, Statutes of 1984,
23 have been reimbursed by the State Controller pursuant to an appropriation authorized in
24 Chapter 1011, Statutes of 1984, and subsequent Budget Acts. Reimbursement under
25 this test claim, therefore, is to be coordinated with any reimbursement furnished under
26 the State Controller's claiming instructions for Chapter 1011, Statutes of 1984.

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28 //