

Mandatory Employer Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

331.2 POLICY

The California Department of State Hospitals (DSH) will meet the reporting requirements of California law to minimize the risks to children and others.

331.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Hospital Police Chief or designee is required to report the arrest as follows.

331.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code section 11591 or Health and Safety Code section 11364, in so far as that section relates to Health and Safety Code section 11054(d)(12), or for any of the offenses enumerated in Penal Code section 290, Penal Code § 261(a) or Education Code section 44010, the Hospital Police Chief or designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health & Saf. Code § 11591; Pen. Code § 291).

331.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code section 11591 or Health and Safety Code section 11364, in so far as that section relates to Health and Safety Code section 11054, subdivision (d) (12), or for any of the offenses enumerated in Penal

Code section 290, Penal Code section 261, subdivision (a) or Education Code section 44010, the Hospital Police Chief or designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person. (Health & Saf. Code, § 11591; Pen. Code, § 291.)

331.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code section 11591 or Health and Safety Code section 11364, in so far as that section relates to Health and Safety Code section 11054, subdivision (d)(12), or for any of the offenses enumerated in Penal Code section 290 or Education Code section 44010, the Hospital Police Chief or designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher. (Health & Saf. Code, § 11591; Pen. Code, § 291.1.)

331.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code section 11591 or Health and Safety section 11364, in so far as that section relates to Health and Safety Code section 11054, subdivision (d)(9), or for any of the offenses enumerated in Penal Code section 290 or in Penal Code section 261, subdivision (a) (1), the Hospital Police Chief or designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office. (Health & Saf. Code, § 11591.5; Pen. Code, § 291.5.)

Mandatory Employer Notification

331.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse as defined in Penal Code section 11165.6 and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Saf. Code § 1522.2).