

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: August 4, 2016
To: Area Superintendents and All School Principals
Subject: DECLARATION FOR TRESPASS LAW
Department and/or Persons Concerned: Principals
Due Date: August 26, 2016
Reference: District Emergency Procedure No. 08; California Penal Code Section 626.4, et seq.; Municipal Code Sections 52.70.01-52.70.03
Action Requested: Update Declaration or confirm that Declaration/Affidavit on file is current.

Brief Description:

- Attachment 1** - Declaration of School Principal, No Change Form
- Attachment 2** - Declaration of School Principal, Re: California Penal Code Section 626.4, et seq., San Diego Municipal Code Sections 52.70.01-52.70.03
- Attachment 3** - Background Information for School Principal's Declaration for Trespass Law

If your assignment, or that of anyone named on the Declaration of Trespass (Declaration) for your site(s), has changed since the last Declaration was filed, you must submit a current Declaration to be assured that your site is legally protected in case of trespassers. If you are responsible for more than one site, a Declaration for each site must be on file. **Staff will be available to accept your Declaration or No Change Form at the Back-to-School Meeting on Wednesday, August 17, 2016, at the University of San Diego (USD).**

If there **has not been a change** from last school year, and you have your original copy of the Declaration on file at your site, please complete the "NO CHANGE FORM" (Attachment 1) and return the original signed copy to Melissa Hudson, Eugene Brucker Education Center, Room 2231, **no later than Friday, August 26, 2016.**

If there **has been a change**, print **TWO** copies of the "DECLARATION OF SCHOOL PRINCIPAL" form (Attachment 2). Both copies of the Declaration must be executed for your site(s). After signing both copies, keep one original declaration on file at your site and send one original to Melissa Hudson, Board of Education Office, Room 2231, Eugene Brucker Education Center, **no later than Friday, August 26, 2016. NOTE: Notarization of the Declaration is no longer required.**

The Declaration and No Change Forms can be found on the District's Bulletins and Circulars page at <https://www.sandiegounified.org/2016-17-bulletins-and-circulars>. If you have any questions regarding the above information, please contact Melissa Hudson or Josefina Viorato at 619-725-5550.

APPROVED: Cheryl Ward
Director, Board Services

Cynthia Marten

Cynthia Marten
Superintendent of Public Education

CW:mh
Attachments
Distribution: Lists B, D, E, and F

SAN DIEGO UNIFIED SCHOOL DISTRICT
Board Services Office, 4100 Normal Street, Room 2231
San Diego, California 92103

DECLARATION OF SCHOOL PRINCIPAL

NO CHANGE FORM

This is to certify there is “no change” to the Declaration of School Principal (Re: California Penal Code Section 626.4, et seq., and San Diego Municipal Code Sections 52.70.01 through 52.70.03) currently on file.

Yes, in addition to the original signed Declaration on file with the Board Services Office, an original signed Declaration is on file at my site.

Date of Declaration/Affidavit Currently on File: _____

School Site Name: _____

Principal’s Name: _____
(Please print name)

Principal’s Signature: _____ Date: _____

Return completed Declaration to

**Melissa Hudson
Eugene Brucker Education Center
Room 2231**

By August 26, 2016

SAN DIEGO UNIFIED SCHOOL DISTRICT
Board Services Office, 4100 Normal Street, Room 2231
San Diego, California 92103

DECLARATION OF SCHOOL PRINCIPAL

RE: California Penal Code Section 626.4, et seq.

AND

San Diego Municipal Code Sections 52.70.01 through 52.70.03

I, _____, declare as follows:

1. I am the principal of _____ School, which is located at _____ San Diego, California, and which is a unit of the San Diego Unified School District.

2. As a school principal, it is my duty to manage and control the use of the school grounds and areas adjacent thereto.

I am familiar with California Penal Code Section 626.4, et seq., and with San Diego Municipal Code Sections 52.70.01 through 52.70.03, the latter commonly known as the San Diego Public School Trespass Ordinance.

3. I hereby appoint the following persons as my "designated representative" as this word is used in California Penal Code Section 626.4, et seq., and as my "designee" as this word is used in San Diego Municipal Code Sections 52.70.01 through 52.70.03.

A. All school peace officers and supervisors of the San Diego Unified School District Police Services Department.

B. The following members of my site staff:

4. It is my personal and expressed intention that this appointment by me shall authorize my designated representatives and/or designees to act, direct, and speak in all respects as I am authorized to so do pursuant to California Penal Code Section 626.4, et seq., and San Diego Municipal Code Sections 52.70.01 through 52.70.03.

This declaration is made with the expressed intention that it may be given as evidence to anyone who questions the authority of my designated representatives and/or designees as contained herein. I understand that a true copy of my declaration will be kept on file as a public record at the Office of the Superintendent, Board Services Office, San Diego Unified School District, 4100 Normal Street, Room 2231, San Diego, California 92103, and that the Courts of the State of California may take judicial notice of this public record pursuant to the provisions of California Evidence Code Section 450, et seq.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on this ____ day of _____, 2016 in San Diego, California.

Principal Signature

SAN DIEGO UNIFIED SCHOOL DISTRICT
Board Services Office, 4100 Normal Street, Room 2231
San Diego, California 92103

SCHOOL PRINCIPAL'S DECLARATION FOR TRESPASS LAW

References: San Diego Public School Trespass Ordinance
(Municipal Code, Sections 52.70.01 through 52.70.03)
California Penal Code, Section 626.4, et seq.
District Emergency Procedure No. 08

Background: In 1974, the District was the complainant in a criminal case involving the Trespass Ordinance. The case was tried in the San Diego Municipal Court. After evidence was presented to the jury, the defense attorney moved to dismiss the criminal charge of trespass on the ground that the school principal could not testify that he had personally and expressly designated the school security agent as his representative (as defined in the Municipal Code). The court granted the motion and dismissed the charges against the defendant. To preclude a similar ruling in the future, either as to the Municipal Code or the more recent section of the California Penal Code, a declaration has been drawn up for use by site administrators, duly authorized, and signed by the school principal.

Execution: Each school principal shall complete a declaration upon assuming a new assignment or when personnel, designated on the last affidavit for a given school, change. Staff members who may be designated (as defined in San Diego Municipal Code Sections 52.70.01 through 52.70.03, and California Penal Code Section 626.4, et seq.) are:

1. All school peace officers and supervisors of the San Diego Unified School District Police Services Department.
2. Designated members of site staff (including vice principals, counselors, teachers, and classified staff).

Staff members so designated should be consulted and made aware of their status. The principal is required to complete, date, and sign the declaration and return it by **Friday, August 26, 2016**.

Two copies of the declaration should be completed and signed--one to be sent to the Board of Education/Board Services Office (Room 2231) to be retained as the official district copy, and one to be retained by the principal at the school site.

Questions regarding any of the above should be referred to Melissa Hudson or Josefina Viorato, Board of Education/Board Services Office, at 619-725-5550.