



SOLANO COUNTY GRAND JURY
2013-2014

Release of Confidential Information
by the Vallejo City Unified School District

Release of Confidential Information by the Vallejo City Unified School District

2013-2014 Solano County Grand Jury

I. INTRODUCTION

The 2013-2014 Grand Jury investigated an incident involving two minors and the possession of a replica firearm (pellet gun) on February 18, 2014, and subsequent actions. Both were initially detained and one was later arrested by the Vallejo Police Department.

II. METHODOLOGY

Interviewed:

- An Official with the Vallejo Police Department
- A member of Vallejo City Unified School District Board
- An Official from the Vallejo City Unified School District

Reviewed:

- Vallejo Police Report #14-2054
- California Department of Education (CDE) website
- California Department of Education Codes
- California Penal Codes
- Welfare and Institutions Code §827
- Family Educational Rights and Privacy Act website
- Newspaper articles

III. STATEMENT OF FACTS

On February 18, 2014, a call was made to the Vallejo Police Department reporting that a minor was seen walking with a gun near Vallejo High School. A Solano County Health & Social Services Special Investigator patrolling nearby heard the call for police service on his radio and stopped, questioned and detained two students near the Plunge swimming pool 840 Nebraska Street, (Vallejo High School). The Vallejo police arrived and found two minors, one of whom was in possession of a replica firearm (pellet gun). The police arrested one minor for misdemeanor possession of a replica firearm (pellet gun) on school grounds. The minor was later cited and released to his parents. The other minor was released to Vallejo High School officials.

This incident initiated a call from an official of the Vallejo City Unified School District (VCUSD) to an official of the Vallejo Police Department (VPD) stating that the District was upset that police were on campus without the school district's permission. The official with the Vallejo Police Department was surprised by the reaction from the VCUSD official because both agencies seem to work well together in the past. During the call, the VCUSD official conveyed the school district's opinion of the reason for the arrest was to support a systematic program being instituted by the Vallejo Police Department to make student arrests, to further the Police Department's political agenda. The VCUSD official then demanded information regarding the arrest and charges against the minors, as well as the names of the arresting officers.

In accordance with California Penal Code §830.32, police have jurisdiction to enter a school campus and make an arrest.

The California Penal Code, §830.32, states that the *authority of any such peace officer extends to any place in the State as to a public offense committed with respect to persons or property, the protection of which is the immediate duty of such officer. School police officers are expected to exercise this authority to ensure the safety and security of district students, staff and property.*

It should be noted that two television stations, channels 2 & 4, sent reporters to the scene of the incident and interviewed individuals and obtained photos of the replica firearm (pellet gun). During the conversation, the official from the VCUSD insinuated that the police instituted the initial contact with the media, which the VPD official denied.

The VCUSD official followed up on the conversation by sending an email to the official in the Vallejo Police Department and copied the Mayor of Vallejo and the Solano County District Attorney. The email included the names of each of the minors as well as released confidential school information regarding attendance and disciplinary actions.

In accordance with the California Education Code and the California Welfare and Institutions Code student identifying information:

- The Family Educational Rights and Privacy Act states: *schools must have written permission from the parent or eligible student in order to release any information from a student's education record.*
- California Department of Education Website states, *California Department of Education is committed to protecting the confidentiality, integrity, and availability of all of its information assets; and protecting the privacy of our personnel, students and residents of the State of California, in accordance with applicable legal and regulatory requirements.*
- California Welfare and Institutions Code §827 governs the dissemination of juvenile's information.

- The Grand Jury investigated the Vallejo City Unified School District concerning the school district's release of private confidential information. The Grand Jury learned that a copy of the email was also sent to the Vallejo City Unified School District Board of Education. Also during the investigation, the Grand Jury further learned that not all of the members of the VCUSD Board were aware of the email.

IV. SUMMARY

The 2013-2014 Grand Jury identified concerns with the Vallejo City Unified School District official's handling of a serious incident and the release of confidential information pertaining to minors in violation of Welfare and Institutions Code §827 governing the dissemination of juvenile information.

V. FINDINGS AND RECOMMENDATIONS

Finding 1

An official of the Vallejo City Unified School District sent an email identifying minor student's names and further confidential information to an individual who should not have been privy to this information in an apparent violation of the California Welfare and Institutions Code §827.

Recommendation 1a

The Vallejo City Unified School District Board of Education investigate the incident and take appropriate action.

Recommendation 1b

The Vallejo City Unified School District Board of Education develop and implement procedures to prevent a recurrence of this type of incident.

COMMENTS

Failure on the part of individuals interviewed by the Grand Jury to have an understanding of the laws governing privacy and the release of information pertaining to minors is of great concern

Individuals interviewed by the Grand Jury must be open and candid.

REQUIRED RESPONSES

Vallejo City Unified School District Board of Education

COURTESY COPIES

Clerk, Solano County Board of Supervisors
California State Superintendent of Public Instruction
Solano County Superintendent of Schools
Chief of Police, City of Vallejo
Solano County District Attorney
Mayor, City of Vallejo