

ADMINISTRATIVE CIRCULAR NO. 9
Office of the Superintendent

SAN DIEGO CITY SCHOOLS

Date: August 24, 2005

To: All School Principals

Subject: AFFIDAVIT FOR TRESPASS LAW

**Department and/or
Persons Concerned:** Principals

Due Date: September 16, 2005

Reference: District Emergency Procedure No. 08; California Penal Code Section 626.8;
Municipal Code Sections 52.70.01-52.70.03

Action Requested: Update affidavit or confirm that one on file is current.

Brief Description:

Attachment 1 - Affidavit of School Principal, No Change Form
Attachment 2 - Affidavit of School Principal, Re: California Penal Code, San Diego Municipal Code
Attachment 3 - Affidavit For Trespass Law

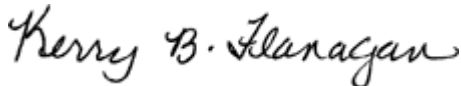
If your assignment, or that of anyone named on the affidavit for your site(s), has changed since the last affidavit form was filed, you must submit a current one to be assured that your site is legally protected in case of trespassers. If you are responsible for more than one site, an affidavit for each site must be on file.

If there has not been a change from last year and you have on file at your site your original copy of the affidavit, please complete the "no change" form (Attachment 1) and return to Cathy Nunez, Eugene Brucker Education Center, Room 2153, no later than Friday, September 16, 2005.

If there has been a change, print two copies of the affidavit form (Attachment 2). Both copies of the affidavits must be executed for your site(s) and must be notarized. Notary services will be available at the Operations Instructional Leadership Conference on Thursday, August 25, 2005 from 4-5:00 p.m., at Marina Village, Captains Room. Four notaries are available at the Eugene Brucker Education Center and one notary is available at the Maintenance and Operations Center. Their names and locations are listed on the information sheet (Attachment 3). After signing both copies before the notary, keep one original affidavit on file at your site and send one original to Cathy Nunez, Room 2153, Eugene Brucker Education Center, no later than Friday, September 16, 2005.

If you have any questions regarding the above information, please contact Cathy Nunez at 619-725-5634.
Cheryl Ward, Director
Parent Support and Board Services

APPROVED:



Kerry Flanagan
Chief of Staff

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

SAN DIEGO UNIFIED SCHOOL DISTRICT
4100 Normal Street
San Diego, California 92103

AFFIDAVIT OF SCHOOL PRINCIPAL

NO CHANGE FORM

This is to certify there is “no change” to the Affidavit of School Principal (Re: California Penal Code Section 626.8 and San Diego Municipal Code Sections 52.70.01 through 52.70.03) currently on file.

Date of Affidavit Currently on File: _____

School/Site: _____

Principal’s Signature: _____

Date: _____

Return completed form to

**Cathy Nunez
Eugene Brucker Education Center
Room 2153**

by September 16, 2005

SAN DIEGO UNIFIED SCHOOL DISTRICT
4100 Normal Street
San Diego, California 92103

AFFIDAVIT OF SCHOOL PRINCIPAL

RE: California Penal Code Section 626.8

AND

San Diego Municipal Code Sections 52.70.01 through 52.70.03

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, _____, being duly sworn according to law, depose and say:

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 626.8, 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 626.8, 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 626.8, and San Diego Municipal Code Sections 52.70.01 through 52.70.03.

This affidavit 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 affidavit will be kept on file as a public record at the Office of the Superintendent, San Diego Unified School District, 4100 Normal Street, Room 2153, 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.

Date

Principal

State of California)
)
County of San Diego) SS
_____)

_____, being duly sworn, deposes and says:
That the information in the attached document is true and accurate.

Signature

Subscribed and sworn to me on _____.

Notary Public

SAN DIEGO CITY SCHOOLS
Office of the Superintendent

SCHOOL PRINCIPAL'S AFFIDAVIT FOR TRESPASS LAW

References: San Diego Public School Trespass Ordinance
(Municipal Code, Sections 52.70.01 through 52.70.03)

California Penal Code, Section 626.8

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, an affidavit has been drawn up for use by site administrators, duly authorized, and signed by the school principal.

Execution: Each school principal shall complete an affidavit upon assuming a new assignment or when personnel, designated on the 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 626.8) 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 affidavit in the presence of a Notary Public. Notary service is available for this purpose, free of charge, from any of the following employees at the Education Center or the Maintenance and Operations Annex.

You must call ahead to ensure their availability. Schedule a mutually convenient time to complete the affidavits.

Diane Harrelson	Room 2148 619-725-5630	Office of General Counsel
Adel Epley	Room 2148 619-725-5630	Office of General Counsel
Bonnie Roe	M & O Facilities Mgmt., Room 7 858-637-6235	Office of General Counsel
Jan Mohney	Room 2231 619-725-5550	Board of Education Office
Cathy Nunez	Room 2153 619-725-5634	Parent Support and Board Services Office

Two copies of the affidavit should be completed, signed and notarized--one to be sent to the Office of the Superintendent, Parent Support and Board Services Office (Room 2153) 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 Cathy Nunez, Parent Support and Board Services Office, at 619-725-5634.