



Los Angeles Unified School District

OFFICE OF THE GENERAL COUNSEL

333 S. Beaudry Avenue, 24th Floor, Los Angeles, CA 90017
TELEPHONE: (213) 241-7600; FACSIMILE (213) 241-8444

RAMON C. CORTINES
Superintendent of Schools

DAVID HOLMQUIST
General Counsel

April 6, 2015

SENT VIA ELECTRONIC MAIL

Mr. Carl Peterson

Email: changethelausd@gmail.com

Re: Public Records Act Request (OGC Control #0028821)

Dear Mr. Peterson:

This letter is in response to your California Public Records Act Request dated March 16, 2015, wherein you requested any email, memo or letter from Derek Horowitz, Principal of Nobel Charter Middle School to or copying anyone within the LAUSD, including the Local District Operations Coordinator and the Local District Superintendent, and to the parents or guardians of Nobel Charter Middle School that includes the phrase "inappropriate personal relationship".

Your request has been reviewed and pursuant to California Government Code Section 6253 (b), the District is producing copies of all responsive documents, which are hereby attached.

Thank you for your patience as the District processed your request. Should you have any questions, please do not hesitate to contact me by referencing the above-mentioned OGC Control number.

Sincerely,

Tania De La Peña

Tania De La Peña

Paralegal

Public Records Act Unit

Nobel Charter Middle School

Math Science Technology Magnet

School for Advanced Studies

A California Distinguished School

9950 Tampa Avenue, Northridge, CA 91324

Telephone 818.773.4700 Fax: 818.701.9480

website: <http://nobelmiddleschool.us>



Ramon Cortinez
Superintendent of Schools

Byron Maltez
Instructional Superintendent
ESC North

Derek Horowitz
Principal

Date: March 6, 2015

Dear Mrs. [REDACTED]:

I am writing to confirm our conversation of this afternoon regarding your access to the Nobel campus. Your conduct over the last several weeks has created a serious campus disturbance, which required the attention of school personnel, including the school police, District personnel, and administration. You have engaged in an inappropriate personal relationship with a student, not your own. This relationship with a 12 year old student has raised concerns about that student's safety on and off campus. The safety of all students is my primary concern and requires me to restrict your access to the Nobel Charter Middle School Campus. You have been warned in the past, March 2014, that you should not speak to any child, especially students not your own. If you have issues with the way the school is run, you need to address those issues with the administration not with staff or students.

While I appreciate your desire to try to make Nobel better, your actions have created a disturbance to the instructional program, which cannot be tolerated. This latest issue has cost several hours of the administration's time to investigate your inappropriate relationship with a student, and to ensure the safety of the student.

If you have business on campus, you must call my office in advance for an appointment and go directly to the main office at the appointed time. You may not enter the campus without my written authorization.

Board Rules 1265 and 2002 provide that the presence on school campus of any parent, community person, organization representative(s), concerned groups, or other individuals or groups, regardless of affiliation, requires the principal's consent and approval. The rules go on to state that pupils, school personnel, classroom, special programs or other activities, regardless of their funding source, are not subject to visitation observation or any other external attention without the school administrator's endorsement. Further, visitors who defy the school administrator's authority can be reported to the appropriate police agencies and may be subject to criminal charges under California Penal Code Sections 626.6 and 626.8 or Los Angeles Municipal Code Section 63.94.

We intend to enforce the Board Rules and seek your cooperation.

Sincerely,

Derek Horowitz, Principal
Nobel Charter Middle School
818-773-4700

cc: Local District Superintendent
Local District Operations Coordinator

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CALIFORNIA EDUCATION CODE

Section 44811. Disruption of classwork or extracurricular activities; punishment; exemptions

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor which is punishable by a fine not exceeding one hundred dollars (\$100), by imprisonment in the county jail for a period of not more than 10 days, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Section 44812. Insulting and abusing teachers (REPEALED – 1988)

This section is currently being circulated and quoted as a separate provision of the Ed. Code, however it was determined to not clearly define prohibitions and was subsequently repealed. Section 44811 as currently written, includes amendments to address the provisions of this section.

CALIFORNIA PENAL CODE

Section 626.7 Failure to leave campus or facility; wrongful return penalties; notice; exceptions

(a) If a person who is not a student, officer or employee of a public school, and who is not required by his or her employment to be on the campus or any other facility owned operated, or controlled by the governing board of that school, enters a campus or facility, and it reasonably appears ... that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within thirty days after being directed to leave, or within seven days if the person is a parent or guardian of a student attending that school, he or she is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

Section 626.8 disruptive presences at schools: specified sex offenders; offenses; punishment; notification

(a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interferes with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities ... is guilty of a misdemeanor if he or she does any of the following:

- (1) Remains there after being asked to leave ...
- (2) Reenters or comes upon that place within seven days ...
- (3) Has otherwise established a continued pattern of unauthorized entry.