

**ASSEMBLY BILL**

**No. 79**

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**Introduced by Assembly Member Havice**

January 4, 2001

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An act to amend Section 35294.2 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 79, as introduced, Havice. School safety.

Existing law provides that each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating kindergarten and any of grades 1 to 12, inclusive. Under existing law, a comprehensive school safety plan is required to identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the development of, among other things, child abuse reporting procedures and disaster procedures.

This bill would also require a comprehensive school safety plan to include the development of a bullying prevention program and a conflict resolution program. These additional requirements would impose a state-mandated local program on county offices of education and school districts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35294.2 of the Education Code is  
 2 amended to read:  
 3 35294.2. (a) The comprehensive school safety plan shall  
 4 include, but not necessarily be limited to, the following:  
 5 (1) Assessing the current status of school crime committed on  
 6 school campuses and at school-related functions.  
 7 (2) Identifying appropriate strategies and programs that will  
 8 provide or maintain a high level of school safety and address the  
 9 school’s procedures for complying with existing laws related to  
 10 school safety, which shall include the development of all of the  
 11 following:  
 12 (A) Child abuse reporting procedures consistent with Article  
 13 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the  
 14 Penal Code.  
 15 (B) Disaster procedures, routine and emergency.  
 16 (C) Policies pursuant to subdivision (d) of Section 48915 for  
 17 pupils who committed an act listed in subdivision (c) of Section  
 18 48915 and other school-designated serious acts which would lead  
 19 to suspension, expulsion, or mandatory expulsion  
 20 recommendations pursuant to Article 1 (commencing with  
 21 Section 48900) of Chapter 6 of Part 27.  
 22 (D) Procedures to notify teachers of dangerous pupils pursuant  
 23 to Section 49079.  
 24 (E) A sexual harassment policy, pursuant to subdivision (b) of  
 25 Section 231.5.  
 26 (F) The provisions of any schoolwide dress code, pursuant to  
 27 Section 35183, that prohibits pupils from wearing “gang-related  
 28 apparel,” if the school has adopted such a dress code. For those  
 29 purposes, the comprehensive school safety plan shall define



1 “gang-related apparel.” The definition shall be limited to apparel  
2 that, if worn or displayed on a school campus, reasonably could be  
3 determined to threaten the health and safety of the school  
4 environment. Any schoolwide dress code established pursuant to  
5 this section and Section 35183 shall be enforced on the school  
6 campus and at any school-sponsored activity by the principal of  
7 the school or the person designated by the principal. For the  
8 purposes of this paragraph, “gang-related apparel” shall not be  
9 considered a protected form of speech pursuant to Section 48950.

10 (G) Procedures for safe ingress and egress of pupils, parents,  
11 and school employees to and from school.

12 (H) A safe and orderly environment conducive to learning at  
13 the school.

14 (I) The rules and procedures on school discipline adopted  
15 pursuant to Sections 35291 and 35291.5.

16 (J) *A policy for the prevention of bullying.*

17 (K) *A conflict resolution program.*

18 (b) It is the intent of the Legislature that schools develop  
19 comprehensive school safety plans using existing resources,  
20 including the materials and services of the School Safety  
21 Partnership, pursuant to Chapter 2.5 (commencing with Section  
22 32260) of Part 19. It is also the intent of the Legislature that schools  
23 use the handbook developed and distributed by the School/Law  
24 Enforcement Partnership Program entitled “Safe Schools: A  
25 Planning Guide for Action” in conjunction with developing their  
26 plan for school safety.

27 (c) Grants to assist schools in implementing their  
28 comprehensive school safety plan shall be made available through  
29 the School Safety Partnership as authorized by Section 32262.

30 (d) Each schoolsite council or school safety planning  
31 committee in developing and updating a comprehensive school  
32 safety plan shall, where practical, consult, cooperate, and  
33 coordinate with other schoolsite councils or school safety planning  
34 committees.

35 (e) The comprehensive school safety plan shall be evaluated  
36 and amended, as needed, by the school safety planning committee  
37 no less than once a year to ensure that the comprehensive school  
38 safety plan is properly implemented. An updated file of all  
39 safety-related plans and materials shall be readily available for  
40 inspection by the public.



1 (f) The comprehensive school safety plan, as written and  
2 updated by the schoolsite council or school safety planning  
3 committee, shall be submitted for approval under subdivision (a)  
4 of Section 35294.8.

5 SEC. 2. Notwithstanding Section 17610 of the Government  
6 Code, if the Commission on State Mandates determines that this  
7 act contains costs mandated by the state, reimbursement to local  
8 agencies and school districts for those costs shall be made pursuant  
9 to Part 7 (commencing with Section 17500) of Division 4 of Title  
10 2 of the Government Code. If the statewide cost of the claim for  
11 reimbursement does not exceed one million dollars (\$1,000,000),  
12 reimbursement shall be made from the State Mandates Claims  
13 Fund.

