

ASSEMBLY BILL

No. 2198

Introduced by Assembly Member Lowenthal

February 20, 2002

An act to amend Section 35294.1 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2198, as introduced, Lowenthal. Schools: violent crime.

Existing law makes each school district and county office of education responsible for the overall development of comprehensive school safety plans for its schools.

This bill would require that a principal, or his or her designee, within a specified time, notify each pupil's parent or legal guardian in writing of the general nature of a violent crime, as defined, that occurs on the school site of an elementary or secondary school of which he or she is the principal, thereby constituting a state-mandated local program.

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 35294.1 of the Education Code is
2 amended to read:
3 35294.1. (a) Each school district and county office of
4 education is responsible for the overall development of
5 comprehensive school safety plans for its schools operating any
6 kindergarten and any of grades 1 to 12, inclusive.
7 (b) (1) Except as provided in subdivision (d) with regard to a
8 small school district, the schoolsite council established pursuant to
9 Section 52012 or 52852 shall write and develop a comprehensive
10 school safety plan relevant to the needs and resources of that
11 particular school.
12 (2) The schoolsite council may delegate this responsibility to
13 a school safety planning committee made up of the following
14 members:
15 (A) The principal or the principal’s designee.
16 (B) One teacher who is a representative of the recognized
17 certificated employee organization.
18 (C) One parent whose child attends the school.
19 (D) One classified employee who is a representative of the
20 recognized classified employee organization.
21 (E) Other members, if desired.
22 (3) The schoolsite council shall consult with a representative
23 from a law enforcement agency in the writing and development of
24 the comprehensive school safety plan.
25 (4) In the absence of a schoolsite council, the members
26 specified in paragraph (2) shall serve as the school safety planning
27 committee.
28 (c) Nothing in this article shall limit or take away the authority
29 of school boards as guaranteed under this code.
30 (d) (1) Subdivision (b) shall not apply to a small school
31 district, as defined in paragraph (2), if the small school district
32 develops a districtwide comprehensive school safety plan that is
33 applicable to each schoolsite.



1 (2) As used in this article, “small school district” means a
2 school district that has fewer than 2,501 units of average daily
3 attendance in the 1997–98 fiscal year.

4 (e) *No later than the close of the next full working day after the*
5 *principal or the principal’s designee knew that a violent crime, as*
6 *defined in Section 67381, had occurred on the schoolsite of an*
7 *elementary or secondary school of which he or she is the principal,*
8 *the principal or the principal’s designee shall send to each pupil’s*
9 *parent or legal guardian a written notice of the occurrence and*
10 *general nature of the crime.*

11 SEC. 2. Notwithstanding Section 17610 of the Government
12 Code, if the Commission on State Mandates determines that this
13 act contains costs mandated by the state, reimbursement to local
14 agencies and school districts for those costs shall be made pursuant
15 to Part 7 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the claim for
17 reimbursement does not exceed one million dollars (\$1,000,000),
18 reimbursement shall be made from the State Mandates Claims
19 Fund.

