

## Assembly Bill No. 2198

### CHAPTER 735

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

[Approved by Governor September 20, 2002. Filed with Secretary of State September 20, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2198, 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 authorize a principal, or his or her designee, to notify each pupil's parent or legal guardian and each school employee in writing of the general nature of a violent crime, as defined, that occurs on the schoolsite of an elementary or secondary school of which he or she is the principal. The bill would provide that, if a local law enforcement agency determines that disclosure of the crime would hinder an ongoing investigation, the notification would occur within a reasonable time, to be determined by the local law enforcement agency and the school district.

This bill would declare that it does not create any liability in a school district or its employees for providing notice of the occurrence of a violent crime.

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

SECTION 1. Section 35294.1 of the Education Code is amended to read:

35294.1. (a) Each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to Section 52012 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.



(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

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

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

