

## Senate Bill No. 257

### CHAPTER 890

An act to amend Sections 32261, 32270, 32271, 32280, 32290, 32295, and 35294.2 of the Education Code, relating to school safety.

[Approved by Governor October 13, 2001. Filed  
with Secretary of State October 14, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 257, Kuehl. Schools: hate crimes.

(1) Existing law requires the School/Law Enforcement Partnership to establish interagency safe school programs to address the problems of school safety, truancy, excessive absenteeism, and school crime including vandalism, drug and alcohol abuse, gang membership, and gang violence.

This bill would specify that for partnership purposes, school crime includes hate crimes.

(2) Existing law makes each school district and county office of education responsible for the overall development of comprehensive school safety plans that include, among other things, a sexual harassment policy.

This bill would require the comprehensive school safety plan to include development of a discrimination and harassment policy, as specified, and development of hate crime reporting procedures, thereby imposing a state-mandated local program.

(3) 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.

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

SECTION 1. Section 32261 of the Education Code is amended to read:



32261. (a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses which are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(c) It is the intent of the Legislature in enacting this chapter to encourage California public schools to develop comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses, and that address the safety concerns of local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, and law enforcement agencies to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce the rates of school crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

SEC. 2. Section 32270 of the Education Code is amended to read:

32270. (a) From funds appropriated for that purpose, the partnership shall establish interagency safe school programs in accordance with the requirements of this article to address the problems of school safety, truancy, excessive absenteeism, and school crime including hate crimes, vandalism, drug and alcohol abuse, gang membership, and gang violence.

(b) The partnership shall select program participants from applications submitted by school districts and county offices of education. Approved applications shall include elementary school districts; high school districts; and unified school districts or county



offices of education, or any combination of unified school districts or county offices, to participate in the program. In selecting program applicants, the Superintendent of Public Instruction shall ensure that the approved programs are broadly representative of the geographic and ethnic diversity of the state.

(c) The partnership shall encourage applicants for interagency school safety programs addressing the problems of drug and alcohol abuse, gang membership, and gang violence to review available materials and programs established and funded by the Drug-Free Schools and Communities Program that exists within the State Department of Education and the Office of Criminal Justice Planning’s comprehensive alcohol and drug prevention education component of the Suppression of Drug Abuse in Schools program pursuant to Chapter 7 (commencing with Section 13860) of Title 6 of Part 4 of the Penal Code and the gang prevention education component of the Gang Violence Suppression program pursuant to Chapter 3.5 (commencing with Section 13826) of Title 6 of Part 4 of the Penal Code.

(d) The project period for approved programs shall not exceed three years.

(e) As used in this chapter, the term “school district” shall be construed to include county offices of education.

SEC. 3. Section 32271 of the Education Code is amended to read:

32271. Applications to establish interagency safe school programs shall be jointly submitted by applicant school districts and the appropriate law enforcement agencies for that district to address local school safety topics, including, but not necessarily limited to, all of the following:

(a) The reduction of school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership, and gang violence.

(b) The improvement of school attendance.

(c) The reduction of truancy rates.

(d) The reduction of school dropout rates.

(e) Other topics which impact upon school safety including, but not limited to, child abuse and strategies for parental and community education programs.

SEC. 4. Section 32280 of the Education Code is amended to read:

32280. (a) The partnership shall sponsor at least two regional conferences for school districts, county offices of education, and law enforcement agencies to identify exemplary programs and techniques that have been effectively utilized by public schools to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.



(b) Each regional conference shall include, but need not be limited to, information on all of the following topics:

- (1) Interagency cooperation between schools and law enforcement agencies.
- (2) School attendance.
- (3) School safety.
- (4) Citizenship education.
- (5) Drug and alcohol abuse.
- (6) Child abuse.
- (7) Parental education.

SEC. 5. Section 32290 of the Education Code is amended to read:

32290. (a) The partnership shall establish statewide interagency school safety cadre for the purpose of facilitating interagency coordination among school districts, county offices of education, and law enforcement agencies to improve school attendance, encourage good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, and truancy rates.

(b) The partnership shall appoint up to 100 professionals from education and law enforcement to the statewide cadre.

(c) The partnership shall provide training to the statewide cadre representatives to enable them to initiate and maintain interagency school safety programs among school districts, county offices of education, and law enforcement agencies in each region.

SEC. 6. Section 32295 of the Education Code is amended to read:

32295. The partnership shall annually evaluate the programs and activities under the Interagency School Safety Demonstration Act of 1985 and shall submit a report to the Legislature which shall also be made available for public inspection, on or before January 1 of each year. The evaluation shall include, but not be limited to, all of the following:

(a) An evaluation of the appropriateness and effectiveness of regional conferences conducted pursuant to Article 3 (commencing with Section 32280).

(b) An evaluation of the extent to which the statewide interagency school safety cadre has been able to provide appropriate technical assistance to school districts, county offices of education, and law enforcement agencies.

(c) An evaluation of the extent to which interagency safe school programs have succeeded in reaching and positively affecting schools and communities sponsoring the programs by measuring all of the following:

- (1) The reduction of school crime, including hate crimes, drug and alcohol abuse, gang membership, gang violence, and vandalism.



- (2) The improvement of school attendance.
- (3) The reduction of school truancy.
- (4) The reduction of school dropout rates.
- (5) Other measurements impacting on school safety.

(d) Specific recommendations regarding the methods and means through which interagency programs may be replicated and disseminated on a statewide basis.

SEC. 7. Section 35294.2 of the Education Code is amended to read:

35294.2. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying 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, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

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



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

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

(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

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

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

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

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

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

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

