

Senate Bill No. 719

CHAPTER 828

An act to amend Sections 32261, 32262, 35183, 35294.10, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 (commencing with Section 32290) to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 719, Kuehl. School safety.

Existing law establishes the Interagency School Demonstration Act of 1985 (1985 School Safety Act) with the purpose of supporting state public schools as they develop their comprehensive safety plans. The 1985 School Safety Act establishes the School/Law Enforcement Partnership and requires the partnership to sponsor biennial regional conferences to identify programs and techniques that have been effectively utilized to reduce school crime. Existing law establishes an Interagency School Safety Cadre to facilitate interagency coordination and collaboration among specified agencies and provide training to the cadre representatives in enabling them to initiate and maintain safety programs. Existing law requires the partnership to evaluate and report to the Legislature on the effectiveness of the programs implemented pursuant to the 1985 School Safety Act.

Existing law requires each school district and county office of education to develop a comprehensive safety plan for its schools operating any combination of kindergarten to grade 12, inclusive, and establishes the procedures to be used in developing these plans.

This bill would recast and renumber these provisions.

The bill would repeal and recast the provisions of the 1985 School Safety Act. The bill would, instead, require the partnership to sponsor at least 2 regional conferences to identify programs and techniques that



have been effectively utilized to reduce school crime. The bill would additionally require the partnership to provide training to the cadre representatives to enable them to initiate and maintain safety programs. The bill would delete the requirement that the partnership evaluate and report to the Legislature on the effectiveness of the 1985 School Safety Act and would instead require the partnership to assess the effectiveness of these programs.

The bill would make technical and conforming changes.

This bill would incorporate additional changes in Section 35294.7 of the Education Code proposed by both this bill and AB 115, which would become operative only if AB 115 and this bill are both chaptered and become effective January 1, 2004, and this bill is chaptered last.

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 support California public schools as they develop their mandated 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, law enforcement agencies, and youth-serving agencies to develop and implement interagency strategies, in-service training programs, and activities that



will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(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 32262 of the Education Code is amended to read:

32262. (a) There is hereby established the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General. The duties of the partnership shall consist of all of the following:

(1) The development of programs and policies necessary to implement the provisions of Article 5 (commencing with Section 32280).

(2) The administration of safe school programs and all training, procedures, and activities conducted pursuant to this chapter.

(3) Cooperation with other states and state and federal agencies on matters relating to school safety.

(b) As used in this chapter, the term “partnership” means the School/Law Enforcement Partnership established by this section.

SEC. 3. Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of the Education Code is repealed.

SEC. 4. The heading of Article 3 (commencing with Section 32280) of Chapter 2.5 of Part 19 of the Education Code is amended and renumbered, to read:

Article 2. Conferences

SEC. 5. Section 32280 of the Education Code is amended and renumbered to read:

32265. (a) The partnership shall sponsor a at least two regional conferences for school districts, county offices of education, youth serving agencies, allied agencies, community-based organizations, and law enforcement agencies to identify exemplary programs and techniques that have been effectively utilized to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.

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

(1) Interagency collaboration between schools, youth serving agencies, law enforcement agencies, and others.



- (2) School attendance.
- (3) School safety.
- (4) Citizenship education.
- (5) Drug and alcohol abuse.
- (6) Child abuse prevention, detection, and reporting.
- (7) Parental education.
- (8) Crisis response training.
- (9) Bullying prevention.
- (10) Threat assessment.
- (11) Conflict resolution and youth mediation.
- (12) Teen relationship violence.
- (13) Discrimination and harassment reporting and prevention, including, but not limited to, sexual harassment reporting and prevention.
- (14) Hate crime reporting and prevention.
- (15) Reporting and prevention of abuse against pupils with disabilities.

SEC. 6. The heading of Article 4 (commencing with Section 32290) of Chapter 2.5 of Part 19 of the Education Code is amended and renumbered, to read:

Article 3. School Safety Cadre

SEC. 7. Section 32290 of the Education Code is amended and renumbered to read:

32270. (a) The partnership shall establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration among school districts, county offices of education, youthserving agencies, allied agencies, community-based organizations, 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, truancy rates, bullying, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(b) The partnership may appoint up to 100 professionals from education agencies, community-based organizations, allied agencies, 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 school community safety programs among school districts, county offices of education, youthserving agencies, allied agencies, community-based organizations, and law enforcement agencies in each region.



SEC. 8. The heading of Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of the Education Code is amended and renumbered, to read:

Article 4. Program Assessment

SEC. 9. Section 32295 of the Education Code is amended and renumbered to read:

32275. The partnership shall annually assess the programs and activities under the Interagency School Safety Demonstration Act of 1985. The assessment shall include, but not be limited to, all of the following:

(a) An assessment of the appropriateness and effectiveness of the statewide conferences conducted pursuant to Article 2 (commencing with Section 32265).

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

(c) An assessment of the effectiveness of the ongoing training on safe schools and crisis response provided pursuant to subdivision (c) of Section 32270.

SEC. 10. Section 35183 of the Education Code is amended to read:

35183. (a) The Legislature finds and declares each of the following:

(1) The children of this state have the right to an effective public school education. Both students and staff of the primary, elementary, junior and senior high school campuses have the constitutional right to be safe and secure in their persons at school. However, children in many of our public schools are forced to focus on the threat of violence and the messages of violence contained in many aspects of our society, particularly reflected in gang regalia that disrupts the learning environment.

(2) “Gang-related apparel” is hazardous to the health and safety of the school environment.

(3) Instructing teachers and administrators on the subtleties of identifying constantly changing gang regalia and gang affiliation takes an increasing amount of time away from educating our children.

(4) Weapons, including firearms and knives, have become common place upon even our elementary school campuses. Students often conceal weapons by wearing clothing, such as jumpsuits and overcoats, and by carrying large bags.

(5) The adoption of a schoolwide uniform policy is a reasonable way to provide some protection for students. A required uniform may protect students from being associated with any particular gang. Moreover, by



requiring schoolwide uniforms teachers and administrators may not need to occupy as much of their time learning the subtleties of gang regalia.

(6) To control the environment in public schools to facilitate and maintain an effective learning environment and to keep the focus of the classroom on learning and not personal safety, schools need the authorization to implement uniform clothing requirements for our public school children.

(7) Many educators believe that school dress significantly influences pupil behavior. This influence is evident on school dressup days and color days. Schools that have adopted school uniforms experience a “coming together feeling,” greater school pride, and better behavior in and out of the classroom.

(b) The governing board of any school district may adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing “gang-related apparel” if the governing board of the school district approves a plan that may be initiated by an individual school’s principal, staff, and parents and determines that the policy is necessary for the health and safety of the school environment. Individual schools may include the reasonable dress code policy as part of its school safety plan, pursuant to Section 32281.

(c) Adoption and enforcement of a reasonable dress code policy pursuant to subdivision (b) is not a violation of Section 48950. For purposes of this section, Section 48950 shall apply to elementary, high school, and unified school districts. If a schoolwide uniform is required, the specific uniform selected shall be determined by the principal, staff, and parents of the individual school.

(d) A dress code policy that requires pupils to wear a schoolwide uniform shall not be implemented with less than six months’ notice to parents and the availability of resources to assist economically disadvantaged pupils.

(e) The governing board shall provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.

(f) If a governing board chooses to adopt a policy pursuant to this section, the policy shall include a provision that no pupil shall be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil’s parents chose not to have the pupil comply with the school uniform policy. The governing board shall continue to have responsibility for the appropriate education of those pupils.



(g) A policy adopted pursuant to this section shall not preclude pupils that participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting.

SEC. 11. The heading of Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of the Education Code is amended and renumbered, to read:

Article 5. School Safety Plans

SEC. 12. Section 35294 of the Education Code is amended and renumbered to read:

32280. It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section, a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.

SEC. 13. Section 35294.1 of the Education Code, as amended by Section 1 of Chapter 735 of the Statutes of 2002, is amended and renumbered to read:

32281. (a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or 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 at the beginning of each 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).

SEC. 14. Section 35294.2 of the Education Code is amended and renumbered to read:

32282. (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 including, but not limited to, adaptations for pupils with disabilities in accordance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(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 partnership, pursuant to this chapter. 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 partnership as authorized by Section 32285.

(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 32288.

SEC. 15. Section 35294.3 of the Education Code is amended and renumbered to read:

32283. The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act.

SEC. 16. Section 35294.4 of the Education Code is amended and renumbered to read:

32284. The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

SEC. 17. Section 35294.5 of the Education Code is amended and renumbered to read:

32285. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The partnership shall award



grants for school safety plans that include, but are not limited to, the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

SEC. 18. Section 35294.6 of the Education Code is amended and renumbered to read:

32286. (a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.

SEC. 19. Section 35294.7 of the Education Code is amended and renumbered to read:

32287. In the event that the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the Superintendent of Public Instruction shall do both of the following:



(a) Notify the school district or the county office of education in which the willful failure has occurred of the determination.

(b) Make an assessment of not more than five hundred dollars (\$500) against that school district or county office of education. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

SEC. 19.5. Section 35294.7 of the Education Code is amended and renumbered to read:

32287. If the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the superintendent shall do both of the following:

(a) Notify the school district or the county office of education in which the willful failure has occurred.

(b) Make an assessment of not more than two thousand dollars (\$2,000) against that school district or county office of education. This may be accomplished by deducting an amount equal to the amount of the assessment from the school district's or county office of education's future apportionment.

SEC. 20. Section 35294.8 of the Education Code is amended and renumbered to read:

32288. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.



(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.

SEC. 21. Section 35294.9 of the Education Code is repealed.

SEC. 22. Article 5.3 (commencing with Section 32290) is added to Chapter 2.5 of Part 19 of the Education Code, to read:

Article 5.3. Safety Devices

32290. The partnership shall discuss with providers of telephone equipment and services, and shall acquire information regarding, the availability of no-cost or reduced-cost cellular telephones and services to be provided on a statewide basis to each public school teacher for use as a classroom safety device. Although the primary purpose of providing the cellular telephones is school safety, a teacher receiving a cellular telephone as a result of these discussions, shall be encouraged to use the cellular telephone for school related purposes other than school safety. These purposes would include purposes that further the smooth administration of general classroom and school functions, including, but not limited to, communicating with parents about a pupil's education, communication with pupils about classwork and homework assignments, and communicating with other teachers and school administrators about school operations generally. Thus, the discussions between the partnership and the providers shall include the availability of no-cost or reduced-cost services in consideration of the complete usage contemplated pursuant to this section. The partnership shall ensure that each school district, county office of education, schoolsite council, and school safety planning committee developing a school safety plan pursuant to Article 5 (commencing with Section 32280) is provided with information regarding the availability of the no-cost or reduced-cost cellular telephones and services for consideration in developing its plan.

SEC. 23. Section 35294.10 of the Education Code is amended to read:

35294.10. (a) It is the intent of the Legislature that all public schools with any combination of instructional settings from kindergarten to grade 7, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. It is further the intent of the Legislature to fund and coordinate the programs and activities carried out pursuant to the Interagency School Safety Demonstration Act of 1985 (Chapter 2.5



(commencing with Section 32260)), relating to safe school model programs; Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19, relating to the development of school safety plans; and Article 6 (commencing with Section 32296) of Chapter 2.5 of Part 19, relating to school community policing, in a cooperative and interactive effort to promote school safety and violence prevention in the public schools.

(b) It is further the intent of the Legislature that the Superintendent of Public Instruction and the Attorney General shall utilize available resources to make every effort to coordinate activities and the distribution of resources to maximize their effective and efficient use in establishing and maintaining safe schools.

SEC. 24. Section 35294.11 of the Education Code is amended to read:

35294.11. (a) The School Safety and Violence Prevention Strategy Program is hereby established to be administered by the Superintendent of Public Instruction for the purpose of promoting school safety and violence prevention programs among children and youth in the public schools.

(b) The Superintendent of Public Instruction, in conjunction with the Attorney General, shall develop standards and guidelines for evaluating proposals, and shall award grants on a competitive basis, as authorized by this article, to schools and school districts serving any combination of instructional settings from kindergarten to grade 7, inclusive, that meet the following conditions:

(1) The school has developed a school safety plan as required by Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 21.

(2) The school demonstrates its ability to carry out a collaborative and coordinated approach for implementing a comprehensive school safety and violence prevention strategy.

(3) After initial eligibility has been determined, a process of random selection for grants awarded pursuant to this article shall be used that ensure that, at a minimum, all of the following criteria are met:

(A) Schools are selected from the northern, central, and southern areas of the state.

(B) Schools selected represent large, medium, and small sized numbers in their pupil populations.

(C) Schools are selected from urban, suburban, and rural areas.

SEC. 25. Section 35294.12 of the Education Code is amended to read:

35294.12. A school or school district that applies for funding pursuant to this article shall submit an application that includes, but is not limited to, all of the following:



(a) A school safety plan required by Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19.

(b) A school violence prevention strategy for improving and marshaling the resources set forth in the school safety plan to promote school safety and violence prevention programs among children and youth.

SEC. 26. Section 35294.13 of the Education Code is amended to read:

35294.13. The Superintendent of Public Instruction shall award grants under this article for one or more of the following purposes:

(a) Providing schools with personnel, including, but not limited to, school counselors, school social workers, school nurses, and school psychologists, who are specially trained in identifying and supporting at-risk children and youth where the applicant demonstrates that appropriate support activities are necessary and would be desirable in addressing identified problems, issues, and needs, including, but not limited to, classes pertaining to anger management and conflict resolution.

(b) Providing effective and accessible oncampus communication devices, where the applicant demonstrates that the use of these devices, beyond everyday, routine matters, is part of the school safety plan developed pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19.

(c) Establishing an in-service training program for all school staff, designed to assist school staff in identifying at-risk children and youth, communicating effectively with those pupils, and appropriately referring those pupils for counseling.

(d) Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.

(e) Proposals that allow school districts to respond to existing or subsequent research that establishes structural changes in the operation of schools, such as smaller schools or “schools within schools.”

(f) Any other proposal that the applicant school or school district designs that demonstrates that the proposal would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among children and youth.

SEC. 27. Section 35294.21 of the Education Code is amended to read:

35294.21. (a) When a schoolsite council next reviews and updates its school safety plan pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19 and to the extent it implements its plan, the schoolsite council is encouraged to recognize that there are these three essential components of a successful comprehensive strategic



action program for preventing school violence, and it is further encouraged to consider incorporating each of them into its plan:

- (1) Assuring each pupil a safe physical environment.
- (2) Assuring each pupil a safe, respectful, accepting, and emotionally nurturing environment.
- (3) Providing each pupil resiliency skills.

(b) To assure a safe physical environment, a schoolsite council is encouraged to consider including in its school safety plan all of the following:

- (1) A no tolerance for violence policy and practice.
- (2) An immediate effective response to violence plan and implementation.
- (3) A no guns allowed policy.
- (4) Disallow and discourage the possession of drugs.
- (5) Provide for smaller schools.
- (6) Ensure that all staff and pupils, including, but not limited to, pupils with disabilities, know how to report incidents of violence, discrimination, harassment, and abuse.

(c) To assure a safe, respectful, accepting, and emotionally nurturing environment, a schoolsite council is encouraged to consider incorporating strategies to achieve all of the following goals:

- (1) A school that welcomes the whole child.
- (2) A nurturing classroom environment.
- (3) A discipline policy that includes teaching respect and constructive resolution of conflicts.
- (4) A discipline policy that aims at restoration of mutual respect, relationships, and a sense of community that seeks reintegration of pupils who become alienated through conflict or misbehavior.
- (5) Administrators, teachers, and classified employees who are prepared through preservice and inservice training to appreciate their critical capacities for constructively engaging pupils.
- (6) Professional education staff who are sensitive to the needs of pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities.
- (7) Parents who are invited and accepting to become meaningfully involved.
- (8) More emotional support service personnel, including counselors.
- (9) An adult coach for each pupil.
- (10) No bullying.

(d) To provide each child resiliency skills, a schoolsite council is encouraged to consider incorporating strategies that will provide each pupil all of the following:

- (1) Resiliency.



- (2) Authentic self-esteem.
- (3) Moral education.
- (4) An environment free from harassment, discrimination, and violence on any of the bases enumerated in the prohibition of discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.
- (5) Anger management.
- (6) Conflict resolution.
- (7) Peer counseling.
- (8) Peer mediation.

SEC. 28. Section 35294.22 of the Education Code is amended to read:

35294.22. (a) Before a school safety plan is approved pursuant to subdivision (a) of Section 32288, the school safety plan shall be presented at a regularly scheduled public meeting of the governing board of the school district or county office of education and the adoption of the school safety plan shall not be an item for consent at that meeting. The governing board of the school district or county office of education shall discuss both of the following:

- (1) How the school safety plan addresses the needs of the school and pupils within that school.
- (2) How the schoolsite council considered the three essential components provided pursuant to subdivision (a) of Section 35294.21 when writing the school safety plan.

(b) The governing board of the school district or county office of education is encouraged to notify, in writing, the persons and entities specified in paragraphs (2) and (3) of subdivision (b) of Section 32288, if available, of the public meeting required pursuant to this section.

SEC. 29. Section 51263 of the Education Code is amended to read:

51263. The State Department of Education shall make available information on model drug and alcohol abuse prevention education programs developed and funded pursuant to Article 2 (commencing with Section 11965) of Chapter 2 of Part 3 of Division 10.5 of the Health and Safety Code, Chapter 7 (commencing with Section 13860) of Title 6 of Part 4 of the Penal Code, and other public and private sources.

SEC. 30. Section 51264 of the Education Code is amended to read:

51264. (a) The State Department of Education shall prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for teachers, counselors, athletic directors, school board members, and other educational personnel into the staff development plans of all school districts and county offices of education.



(b) The department shall, upon request, assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. The department's information and guidelines, to the maximum extent possible, shall encourage school districts and county offices of education to avoid duplication of effort by sharing resources, adapting or adopting model in-service training programs, developing joint and collaborative programs, and coordinating efforts with existing state staff development programs, county gang violence and drug and alcohol staff development programs, county health departments, county and city law enforcement agencies, and other public and private agencies providing health, drug, alcohol, gang violence prevention, or other related services at the local level.

(c) The department shall assist school districts and county offices of education in qualifying for the receipt of federal and state funds to support their gang violence and drug and alcohol abuse prevention in-service training programs.

(d) Each school that chooses to utilize the provisions of this article related to in-service training in gang violence and drug and alcohol abuse prevention, is encouraged to develop a single plan to strengthen its gang violence and drug and alcohol abuse prevention efforts. If a school develops or has developed a school improvement plan pursuant to Article 2 (commencing with Section 52010) of Chapter 6 of Part 28, or a school safety plan pursuant to Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19, it is encouraged to incorporate into that plan, where appropriate, the gang violence and drug and alcohol prevention plan that it has developed.

(e) The department shall consult with the Office of Criminal Justice Planning regarding gang violence.

SEC. 31. Section 19.5 of this bill incorporates amendments to Section 35294.7 of the Education Code proposed by both this bill and AB 115. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 35294.7 of the Education Code, and (3) this bill is enacted after AB 115, in which case Section 19 of this bill shall not become operative.

