

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1390

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to amend Section 48902 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Blumenfield. School safety: school security and police departments.

(1) Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. Existing law requires the principal of a school, or a principal's designee, prior to the suspension or expulsion of any pupil, to notify the appropriate law enforcement agencies of the county or city of which the school is situated, of certain criminal acts of the pupil. Existing law requires the principal, or a principal's designee, within one schoolday after suspension or expulsion of any pupil, to notify the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the pupils that may violate specified alcohol, intoxicant, or controlled substance related crimes.

This bill would require an authorized school security department or school police department to make a written report, within 24 hours of

any act by a pupil or nonpupil taking place on a schoolsite, to the appropriate county or city law enforcement agency having jurisdiction over the area in which the incident occurred, involving specified acts relating to firearms, ~~a knife, controlled substances, sexual assault,~~ or possession of an explosive, as specified.

By requiring school security and police departments and local law enforcement agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) 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.

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 48902 of the Education Code is amended
- 2 to read:
- 3 48902. (a) The principal of a school or the principal's designee
- 4 shall, prior to the suspension or expulsion of any pupil, notify the
- 5 appropriate law enforcement authorities of the county or city in
- 6 which the school is situated, of any acts of the pupil that may
- 7 violate Section 245 of the Penal Code.
- 8 (b) The principal of a school or the principal's designee shall,
- 9 within one schoolday after suspension or expulsion of any pupil,
- 10 notify, by telephone or any other appropriate method chosen by
- 11 the school, the appropriate law enforcement authorities of the
- 12 county or the school district in which the school is situated of any
- 13 acts of the pupils that may violate subdivision (c) or (d) of Section
- 14 48900.
- 15 (c) Notwithstanding subdivision (b), the principal of a school
- 16 or the principal's designee shall notify the appropriate law
- 17 enforcement authorities of the county or city in which the school
- 18 is located of any acts of a student that may involve the possession
- 19 or sale of narcotics or of a controlled substance or a violation of
- 20 Section 626.9 or 626.10 of the Penal Code.

1 (d) A school security department, or school police department,
2 which is authorized pursuant to Section 38000, shall notify, within
3 24 hours, in writing, the appropriate county or city law enforcement
4 authorities having jurisdiction where the incident occurred, of any
5 act by a pupil or nonpupil specified in *paragraphs (1) and (5) of*
6 subdivision (c) of Section 48915, taking place on a schoolsite.

7 (e) A principal, the principal's designee, or any other person
8 reporting a known or suspected act described in subdivision (a) or
9 (b) is not civilly or criminally liable as a result of making any
10 report authorized by this article unless it can be proven that a false
11 report was made and that the person knew the report was false or
12 the report was made with reckless disregard for the truth or falsity
13 of the report.

14 (f) The willful failure to make any report required by this section
15 is an infraction punishable by a fine to be paid by the principal or
16 principal's designee who is responsible for the failure of not more
17 than five hundred dollars (\$500).

18 (g) The principal of a school or the principal's designee reporting
19 a criminal act committed by a schoolage individual with
20 exceptional needs, as defined in Section 56026, shall ensure that
21 copies of the special education and disciplinary records of the pupil
22 are transmitted, as described in paragraph (9) of subsection (k) of
23 Section 1415 of Title 20 of the United States Code, for
24 consideration by the appropriate authorities to whom he or she
25 reports the criminal act. Any copies of the pupil's special education
26 and disciplinary records may be transmitted only to the extent
27 permissible under the federal Family Educational Rights and
28 Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

29 SEC. 2. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.