

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2501**

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**Introduced by Assembly Member Lieu**

February 19, 2010

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An act to amend Sections 32280, 32281, 32282, 32285, and 32286 of, to add Sections 32286.1, 32287.1, ~~32289.1, and 32289.2~~ 32289.1 to, to repeal Section 32289 of, and to repeal and add Section 32288 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as amended, Lieu. School safety plans.

(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.

This bill would revise and recast those procedures. The bill would make the requirement to develop and adopt a school safety plan

applicable to charter schools authorized by the governing boards of school districts or county offices of education in addition to other public schools operated by those districts or county offices. The bill also would impose various criminal penalties for school and local educational agency officers who fail to comply with the revised procedures. The bill would ~~authorize the superior court in and for the county wherein acts or practices that violate the revised procedures take place, or are about to take place, to issue an injunction, or other appropriate order restraining the conduct, on application of the Attorney General, the district attorney of the county, a city attorney, or any person aggrieved~~ *authorize the filing of a complaint of noncompliance with the school safety plan requirements of Title IV of the federal No Child Left Behind Act of 2001 with the department pursuant to the Uniform Complaint Procedures set forth in the California Code of Regulations.* By requiring school and local educational agency officers to perform additional duties, and creating new crimes, the 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 32280 of the Education Code is amended
- 2 to read:
- 3 32280. (a) It is the intent of the Legislature that all California
- 4 public schools, including charter schools, in kindergarten, and
- 5 grades 1 to 12, inclusive, operated by school districts, in
- 6 cooperation with local law enforcement agencies, community
- 7 leaders, parents, pupils, teachers, administrators, and other persons
- 8 who may be interested in the prevention of campus crime and
- 9 violence, develop a comprehensive school safety plan that

1 addresses the safety concerns identified through a systematic  
2 planning process.

3 (b) (1) For the purposes of this ~~section~~ *article*, law enforcement  
4 agencies include local police departments, local fire departments,  
5 county sheriffs' offices, school district police or security  
6 departments, probation departments, the Attorney General, any  
7 district attorney, or any city attorney.

8 (2) For purposes of this ~~section~~ *article*, a "safety plan" means  
9 a plan to develop strategies aimed at the prevention of, and  
10 education about, potential incidents involving crime and violence  
11 on the school campus.

12 (3) *For purposes of Sections 32281 and 32282, "principal"*  
13 *includes the principal's designee, and "administrator in charge"*  
14 *includes the administrator in charge's designee.*

15 SEC. 2. Section 32281 of the Education Code is amended to  
16 read:

17 32281. (a) Each school district and county office of education  
18 is responsible for the overall development of all comprehensive  
19 school safety plans for its schools, including charter schools it has  
20 authorized, operating kindergarten or any of grades 1 to 12,  
21 inclusive.

22 (b) (1) Except as provided in subdivision (d) with regard to a  
23 small school district, the schoolsite council established pursuant  
24 to Section 52012, as it read prior to January 1, 2006, or Section  
25 52852, ~~including a schoolsite council at a charter school,~~ shall  
26 write and develop a comprehensive school safety plan relevant to  
27 the needs and resources of that particular school.

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

31 (A) The principal or the ~~school's chief officer in~~ *administrator*  
32 *in charge* of a school without a principal.

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

35 (C) One parent whose child attends the school.

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

38 (E) Other members, if desired.

39 (3) The schoolsite council shall consult with a representative  
40 from a law enforcement agency in the writing and development

1 of the initial comprehensive school safety plan, and is strongly  
2 encouraged to consult with a representative from a law enforcement  
3 agency for the plan’s review every year thereafter.

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

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

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

13 (2) As used in this article, “small school district” means a school  
14 district that has fewer than 2,501 units of average daily attendance  
15 at the beginning of each fiscal year.

16 (e) (1) When a principal, or the ~~school’s chief officer in~~  
17 *administrator in charge* of a school without a principal, verifies  
18 through local law enforcement officials that a report has been filed  
19 of the occurrence of a violent crime on the schoolsite of an  
20 elementary or secondary school at which he or she is the principal  
21 or ~~chief officer, the principal or chief officer~~ *administrator in*  
22 *charge, the principal or administrator in charge* may send to each  
23 pupil’s parent or legal guardian and each school employee a written  
24 notice of the occurrence and general nature of the crime. If the  
25 principal or ~~chief officer~~ *administrator in charge* chooses to send  
26 the written notice, the Legislature encourages the notice be sent  
27 no later than the end of business on the second regular workday  
28 after the verification. If, at the time of verification, local law  
29 enforcement officials determine that notification of the violent  
30 crime would hinder an ongoing investigation, the notification  
31 authorized by this subdivision shall be made within a reasonable  
32 period of time, to be determined by the local law enforcement  
33 agency and the school district. For purposes of this section, a  
34 “violent crime” means a Part 1 violent crime as defined in  
35 paragraph (2) of subdivision (i) of Section 67381 and be an act for  
36 which a pupil could or would be expelled pursuant to Section  
37 48915.

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

1 SEC. 3. Section 32282 of the Education Code is amended to  
2 read:

3 32282. (a) The comprehensive school safety plan shall include,  
4 but not be limited to, both of the following:

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

7 (2) Identifying appropriate strategies and programs that will  
8 provide or maintain a high level of school safety and address the  
9 school's procedures for complying with existing laws related to  
10 school safety, which shall include the development of all of the  
11 following:

12 (A) Child abuse reporting procedures consistent with Article  
13 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
14 Part 4 of the Penal Code.

15 (B) Disaster procedures, routine and emergency, including  
16 adaptations for pupils with disabilities in accordance with the  
17 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
18 12101 et seq.). The disaster procedures shall also include, but not  
19 be limited to, both of the following:

20 (i) Establishing an earthquake emergency procedure system in  
21 every public school building having an occupant capacity of 50  
22 or more pupils or more than one classroom. A district or county  
23 office may work with the California Emergency Management  
24 Agency and the Seismic Safety Commission to develop and  
25 establish the earthquake emergency procedure system. The system  
26 shall include, but not be limited to, all of the following:

27 (I) A school building disaster plan, ready for implementation  
28 at any time, for maintaining the safety and care of pupils and staff.

29 (II) A drop procedure whereby each pupil and staff member  
30 takes cover under a table or desk, dropping to his or her knees,  
31 with the head protected by the arms, and the back to the windows.  
32 A drop procedure practice shall be held at least once each school  
33 quarter in elementary schools and at least once a semester in  
34 secondary schools.

35 (III) Protective measures to be taken before, during, and  
36 following an earthquake.

37 (IV) A program to ensure that pupils and both the certificated  
38 and classified staff are aware of, and properly trained in, the  
39 earthquake emergency procedure system.

1 (ii) Establishing a procedure to allow a public agency or  
2 nongovernmental organization, including the American Red Cross,  
3 to use school buildings, grounds, and equipment for mass care and  
4 welfare shelters during disasters or other emergencies affecting  
5 the public health and welfare. The district or county office shall  
6 cooperate with the public agency or nongovernmental organization  
7 in furnishing and maintaining the services as the district or county  
8 office may deem necessary to meet the needs of the community.

9 (C) Policies pursuant to subdivision (d) of Section 48915 for  
10 pupils who committed an act listed in subdivision (c) of Section  
11 48915 and other school-designated serious acts which would lead  
12 to suspension, expulsion, or mandatory expulsion recommendations  
13 pursuant to Article 1 (commencing with Section 48900) of Chapter  
14 6 of Part 27 of Division 4 of Title 2.

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

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

20 (F) The provisions of any schoolwide dress code, pursuant to  
21 Section 35183, that prohibits pupils from wearing “gang-related  
22 apparel,” if the school has adopted that type of a dress code. For  
23 those purposes, the comprehensive school safety plan shall define  
24 “gang-related apparel.” The definition shall be limited to apparel  
25 that, if worn or displayed on a school campus, reasonably could  
26 be determined to threaten the health and safety of the school  
27 environment. Any schoolwide dress code established pursuant to  
28 this section and Section 35183 shall be enforced on the school  
29 campus and at any school-sponsored activity by the principal of  
30 the school or the ~~school’s chief officer~~ *administrator in charge*  
31 *of a school without a principal*. For the purposes of this paragraph,  
32 “gang-related apparel” shall not be considered a protected form  
33 of speech pursuant to Section 48950.

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

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

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

1 (b) It is the intent of the Legislature that schools develop  
2 comprehensive school safety plans using existing resources,  
3 including the materials and services of the partnership, pursuant  
4 to this chapter. It is also the intent of the Legislature that schools  
5 use the handbook developed and distributed by the School/Law  
6 Enforcement Partnership Program entitled “Safe Schools: A  
7 Planning Guide for Action” in conjunction with developing their  
8 plan for school safety.

9 (c) Grants to assist schools in implementing their comprehensive  
10 school safety plan shall be made available through the partnership  
11 as authorized by Section 32285.

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

16 (e) The comprehensive school safety plan may be evaluated and  
17 amended, as needed, by the school safety planning committee, but  
18 shall be evaluated at least once a year, to ensure that the  
19 comprehensive school safety plan is properly implemented. An  
20 updated file of all safety-related plans and materials shall be readily  
21 available for inspection by law enforcement *and school employees*.

22 (f) (1) Before adopting its initial comprehensive school safety  
23 plan, the schoolsite council or school safety planning committee  
24 ~~is strongly encouraged to~~ *shall* hold a public meeting at the  
25 schoolsite to hear public comment about the school safety plan.

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

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

30 (B) A representative of each parent organization registered at  
31 the schoolsite, including the parent teacher association and parent  
32 teacher clubs.

33 (C) A representative of each teacher organization at the  
34 schoolsite.

35 (D) All persons who have requested to be notified.

36 SEC. 4. Section 32285 of the Education Code is amended to  
37 read:

38 32285. (a) The governing board of a school district, on behalf  
39 of one or more schools within the district that have developed a  
40 school safety plan, may apply to the Superintendent for a grant to

1 implement school safety plans. The partnership may award grants  
 2 for school safety plans that include, but are not limited to, the  
 3 following criteria:

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

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

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

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

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

29 SEC. 5. Section 32286 of the Education Code is amended to  
 30 read:

31 32286. (a) Each school shall adopt its comprehensive school  
 32 safety plan for the upcoming school year no later than the preceding  
 33 March 1 and shall review and update its plan by March 1 of each  
 34 year thereafter. A new school campus that begins offering classes  
 35 to pupils after March 1, 2001, shall adopt a comprehensive school  
 36 safety plan within one year of initiating operation, and shall review  
 37 and update its plan by March 1, every year thereafter.

38 (b) The principal or ~~chief officer of each school~~ *administrator*  
 39 *in charge of a school without a principal* shall forward the school's  
 40 comprehensive school safety plan for the upcoming school year

1 to the superintendent of the school district or county office of  
2 education, or to the ~~chief officer~~ *administrator in charge* where  
3 there is no superintendent, no later than March 31 of each year.  
4 The school district or county office of education may approve the  
5 plan or determine that the plan does not comply with this article  
6 and return it to the school for amendment. The principal or ~~chief~~  
7 ~~officer~~ *administrator in charge* shall return an amended plan within  
8 60 days of the date each rejected plan is returned for amendment.

9 (c) No later than July 31 of each year, the principal or ~~chief~~  
10 ~~officer~~ *administrator in charge of a school without a principal*  
11 shall accurately report on the status of the school's safety plan for  
12 the upcoming school year, including a description of its key  
13 elements in the annual school accountability report card prepared  
14 pursuant to Sections 33126 and 35256. The report shall include,  
15 but is not limited to, whether or not a school safety plan was  
16 adopted for the upcoming year, the date the school safety plan was  
17 adopted, the date the adopted school safety plan was forwarded to  
18 the school district or county office pursuant to subdivision (b), and  
19 a description of the safety plan's elements as set forth in Section  
20 32282.

21 (d) Each school principal or ~~chief officer~~ ~~shall provide~~  
22 *administrator in charge of a school without a principal shall*  
23 *provide written or electronic notice to each teacher and classified*  
24 *employee a written or electronic copy of that the adopted school*  
25 *safety plan is readily available for inspection.*

26 SEC. 6. Section 32286.1 is added to the Education Code, to  
27 read:

28 32286.1. No later than October 15 of each year, each  
29 superintendent of a school district or county office of education,  
30 or each ~~chief officer~~ *administrator in charge* of a district or county  
31 office without a superintendent, shall provide written notification  
32 to the Superintendent identifying each school within the district  
33 or county that has not complied with Section 32281 or subdivision  
34 (b) of Section 32286 for that school year.

35 SEC. 7. Section 32287.1 is added to the Education Code, to  
36 read:

37 32287.1. (a) No later than December 31 of each year, the  
38 Superintendent shall publish on the department's Internet Web  
39 site the ~~names~~ *name* of each school reported pursuant to Section  
40 32286.1.

1 (b) No later than 60 days after a notification pursuant to Section  
2 32287, the Superintendent shall publish on the department's  
3 Internet Web site the name of every school district and county  
4 office so notified and the date of notification.

5 SEC. 8. Section 32288 of the Education Code is repealed.

6 SEC. 9. Section 32288 is added to the Education Code, to read:

7 32288. (a) Each principal or ~~chief officer~~ *administrator in*  
8 *charge of a school without a principal* shall keep and maintain a  
9 copy of the most recent comprehensive school safety plan for that  
10 school.

11 (b) Each superintendent of a school district or county office of  
12 education, or each ~~chief officer~~ *administrator in charge* of a district  
13 or county office without a superintendent, shall keep and maintain  
14 a copy of the most recent comprehensive school safety plan filed  
15 pursuant to Section 32286 and a copy of every notification made  
16 pursuant to Section 32286.1.

17 (c) All books, documents, records, and other papers kept and  
18 maintained pursuant to subdivisions (a) and (b) shall be open for  
19 inspection and copying on business days, excluding legal holidays,  
20 during the hours of 9 a.m. ~~and 5 p.m.~~, *to 5 p.m., inclusive*, within  
21 48 hours of a written, verbal, or electronic request by a law  
22 enforcement agency described in Section 32280.

23 (d) Each person who knowingly violates this section is guilty  
24 of an infraction punishable by a fine of not less than two hundred  
25 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

26 SEC. 10. Section 32289 of the Education Code, as added by  
27 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

28 SEC. 11. Section 32289.1 is added to the Education Code, to  
29 read:

30 32289.1. (a) Each principal or ~~chief officer~~ *administrator in*  
31 *charge of a school without a principal* who knowingly violates  
32 Section 32286 is guilty of an infraction punishable by a fine of not  
33 less than two hundred fifty dollars (\$250) nor more than one  
34 thousand dollars (\$1,000).

35 (b) Each superintendent of a school district or a county office  
36 of education, and each ~~chief officer~~ *administrator in charge* of a  
37 district or county office without a superintendent, who knowingly  
38 violates Section 32286.1 is guilty of an infraction punishable by  
39 a fine of not less than two hundred fifty dollars (\$250) nor more  
40 than one thousand dollars (\$1,000).

1 (c) Before an infraction may be charged against any person for  
 2 a violation described in this section, the prosecuting agency shall  
 3 provide a written notice of correction to the person. If the person  
 4 delivers written proof of correction to the prosecuting agency  
 5 within 60 days of delivery of the notice, the infraction shall not be  
 6 charged.

7 (d) *A complaint of noncompliance with the school safety plan*  
 8 *requirements of Title IV of the federal No Child Left Behind Act*  
 9 *of 2001 (20 U.S.C. Sec. 7114(d)(7) may be filed with the*  
 10 *department pursuant to the Uniform Complaint Procedures set*  
 11 *forth in Chapter 5.1 (commencing with Section 4600) of Title 5 of*  
 12 *the California Code of Regulations.*

13 ~~SEC. 12. Section 32289.2 is added to the Education Code, to~~  
 14 ~~read:~~

15 ~~32289.2. In addition to other proceedings provided for in this~~  
 16 ~~chapter, whenever any person has engaged, or is about to engage,~~  
 17 ~~in any acts or practices that constitute, or will constitute, a violation~~  
 18 ~~of this article, the superior court in and for the county wherein the~~  
 19 ~~acts or practices take place, or are about to take place, may issue~~  
 20 ~~an injunction, or other appropriate order restraining the conduct,~~  
 21 ~~on application of the Attorney General, the district attorney of the~~  
 22 ~~county, a city attorney, or any aggrieved person.~~

23 ~~SEC. 13.~~

24 *SEC. 12.* No reimbursement is required by this act pursuant to  
 25 Section 6 of Article XIII B of the California Constitution for certain  
 26 costs that may be incurred by a local agency or school district  
 27 because, in that regard, this act creates a new crime or infraction,  
 28 eliminates a crime or infraction, or changes the penalty for a crime  
 29 or infraction, within the meaning of Section 17556 of the  
 30 Government Code, or changes the definition of a crime within the  
 31 meaning of Section 6 of Article XIII B of the California  
 32 Constitution.

33 However, if the Commission on State Mandates determines that  
 34 this act contains other costs mandated by the state, reimbursement  
 35 to local agencies and school districts for those costs shall be made  
 36 pursuant to Part 7 (commencing with Section 17500) of Division  
 37 4 of Title 2 of the Government Code.