

AMENDED IN ASSEMBLY APRIL 1, 2013
AMENDED IN ASSEMBLY MARCH 14, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 549

Introduced by Assembly Member Jones-Sawyer

February 20, 2013

An act to amend Section 32282 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Jones-Sawyer. Comprehensive school safety plans: adult role on campus guidelines.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of the particular school, except as specified with regard to a small school district. Existing law requires the comprehensive school safety plan to include specified strategies and programs that will provide or maintain a high level of school safety.

This bill would require those strategies and programs to include the development of clear guidelines, ~~including, among other things, for the roles and responsibilities of adults~~ *police officers* on the school campus, thereby imposing a state-mandated local program. *The bill would require these guidelines to conform to specific requirements, including the requirement that the primary function of a police officer on campus is*

to address serious and immediate threats to the physical safety of students and school staff. The bill would require a school and school district that elects to apply for and receive state or federal funding for the purposes of increasing campus safety to comply with certain requirements, including submitting a plan to the State Department of Education on the proposed use of the funds.

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. (a) The Legislature finds and declares all of the
2 following:

3 (1) It is imperative that California maximizes the health, welfare,
4 and safety of children in and out of schools.

5 (2) Schools remain one of the safest places for students.

6 (3) Recent California voter surveys indicate that Californians
7 strongly support planning, training, mental health services, and
8 teaching conflict resolution as ways to improve safety and prevent
9 violence in schools.

10 (4) More than a ratio of 2-to-1 eligible California voters believe
11 having trained guidance counselors in every school would be more
12 effective than having armed police officers in the schools.

13 (b) It is therefore the intent of the Legislature to foster a positive
14 learning environment for students in schools with role-appropriate
15 adults who are focused on academic excellence, health, wellness,
16 and safety.

17 (c) Further, it is the intent of the Legislature to improve school
18 campus safety and academic success by better defining the roles
19 and responsibilities of ~~adults~~ *police officers* on campus as they
20 pertain to safety and school discipline.

21 SEC. 2. Section 32282 of the Education Code is amended to
22 read:

1 32282. (a) The comprehensive school safety plan shall include,
2 but not be limited to, both of the following:

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

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

10 (A) Child abuse reporting procedures consistent with Article
11 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
12 Part 4 of the Penal Code.

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

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

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

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

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

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

39 (ii) Establishing a procedure to allow a public agency, including
40 the American Red Cross, to use school buildings, grounds, and

1 equipment for mass care and welfare shelters during disasters or
 2 other emergencies affecting the public health and welfare. The
 3 school district or county office of education shall cooperate with
 4 the public agency in furnishing and maintaining the services as
 5 the school district or county office of education may deem
 6 necessary to meet the needs of the community.

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

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

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

18 (F) The provisions of a schoolwide dress code, pursuant to
 19 Section 35183, that prohibits pupils from wearing “gang-related
 20 apparel,” if the school has adopted that type of a dress code. For
 21 those purposes, the comprehensive school safety plan shall define
 22 “gang-related apparel.” The definition shall be limited to apparel
 23 that, if worn or displayed on a school campus, reasonably could
 24 be determined to threaten the health and safety of the school
 25 environment. A schoolwide dress code established pursuant to this
 26 section and Section 35183 shall be enforced on the school campus
 27 and at any school-sponsored activity by the principal of the school
 28 or the person designated by the principal. For purposes of this
 29 paragraph, “gang-related apparel” shall not be considered a
 30 protected form of speech pursuant to Section 48950.

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

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

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

37 (J) Clear guidelines for the roles and responsibilities of ~~adults~~
 38 *police officers* on the school ~~campus, including, but not limited~~
 39 ~~to, all of the following persons:~~ *campus. The guidelines shall*
 40 *conform to the following requirements:*

1 ~~(i) Police officers.~~

2 ~~(ii) Counselors.~~

3 ~~(iii) Administrators.~~

4 ~~(iv) Teachers.~~

5 ~~(K) Guidelines that identify the proper roles of all adults on and~~
6 ~~off school campus, including the roles and limitations of police~~
7 ~~officers on school campus.~~

8 *(i) The primary function of police officers on school campus*
9 *shall be limited to addressing serious and immediate threats to*
10 *the physical safety of students and school staff.*

11 *(ii) The school shall consider existing strategies and model*
12 *approaches to minimize the involvement of law enforcement in*
13 *student conduct and minor offenses that do not rise to the level of*
14 *a serious and immediate threat to physical safety.*

15 *(iii) The school shall enter into memorandums of understanding*
16 *with any existing law enforcement entities on campus that contain*
17 *criteria to properly distinguish administrative responses to student*
18 *conduct and minor offenses pursuant to school district policies*
19 *and state law, from criminal responses. Memorandums of*
20 *understanding shall be public and shall include participation and*
21 *input from students, parents, and the school community.*

22 (b) It is the intent of the Legislature that schools develop
23 comprehensive school safety plans using existing resources,
24 including the materials and services of the partnership, pursuant
25 to this chapter. It is also the intent of the Legislature that schools
26 use the handbook developed and distributed by the School/Law
27 Enforcement Partnership Program entitled “Safe Schools: A
28 Planning Guide for Action” in conjunction with developing their
29 plan for school safety.

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

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

37 (e) The comprehensive school safety plan may be evaluated and
38 amended, as needed, by the school safety planning committee, but
39 shall be evaluated at least once a year, to ensure that the
40 comprehensive school safety plan is properly implemented. An

1 updated file of all safety-related plans and materials shall be readily
2 available for inspection by the public.

3 (f) As comprehensive school safety plans are reviewed and
4 updated, the Legislature encourages all plans, to the extent that
5 resources are available, to include policies and procedures aimed
6 at the prevention of bullying.

7 (g) The comprehensive school safety plan, as written and
8 updated by the schoolsite council or school safety planning
9 committee, shall be submitted for approval under subdivision (a)
10 of Section 32288.

11 (h) A school or school district that elects to apply for and receive
12 state or federal funding for the purposes of increasing campus
13 safety shall comply with the following:

14 (1) Submit a plan to the department on the proposed use of the
15 funds.

16 (2) Develop, if using funds for additional law enforcement
17 personnel, clear memoranda of understanding with law enforcement
18 on the roles and responsibilities of law enforcement on and off
19 school campus. The memoranda of understanding shall be available
20 to the public.

21 (3) Prioritize, if electing to receive additional funding for campus
22 safety from a state or federal source, using funding for counselors
23 and administrators before using the funds to increase law
24 enforcement, to the extent this prioritization is permitted by state
25 and federal law.

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.