

AMENDED IN ASSEMBLY APRIL 23, 2013

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 for *the roles and responsibilities of mental health and intervention professionals, school resource officers, and 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~~ *and school resource officers* on campus is to ~~address serious and immediate threats to the focus on addressing those situations that require protecting the~~ physical safety of ~~students~~ *pupils* 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~~ *pupils*.
- 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~~ *pupils* in schools with
- 15 role-appropriate adults who are focused on academic excellence,
- 16 health, wellness, 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

1 and responsibilities of ~~police officers~~ *adults* on campus as they
2 pertain to safety and school discipline.

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

5 32282. (a) The comprehensive school safety plan shall include,
6 but not be limited to, both of the following:

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

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

14 (A) Child abuse reporting procedures consistent with Article
15 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
16 Part 4 of the Penal Code.

17 (B) Disaster procedures, routine and emergency, including
18 adaptations for pupils with disabilities in accordance with the
19 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
20 12101 et seq.). The disaster procedures shall also include, but not
21 be limited to, both of the following:

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

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

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

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

- 1 (IV) A program to ensure that pupils and both the certificated
2 and classified staff are aware of, and properly trained in, the
3 earthquake emergency procedure system.
- 4 (ii) Establishing a procedure to allow a public agency, including
5 the American Red Cross, to use school buildings, grounds, and
6 equipment for mass care and welfare shelters during disasters or
7 other emergencies affecting the public health and welfare. The
8 school district or county office of education shall cooperate with
9 the public agency in furnishing and maintaining the services as
10 the school district or county office of education may deem
11 necessary to meet the needs of the community.
- 12 (C) Policies pursuant to subdivision (d) of Section 48915 for
13 pupils who committed an act listed in subdivision (c) of Section
14 48915 and other school-designated serious acts that would lead to
15 suspension, expulsion, or mandatory expulsion recommendations
16 pursuant to Article 1 (commencing with Section 48900) of Chapter
17 6 of Part 27 of Division 4 of Title 2.
- 18 (D) Procedures to notify teachers of dangerous pupils pursuant
19 to Section 49079.
- 20 (E) A discrimination and harassment policy consistent with the
21 prohibition against discrimination contained in Chapter 2
22 (commencing with Section 200) of Part 1.
- 23 (F) The provisions of a schoolwide dress code, pursuant to
24 Section 35183, that prohibits pupils from wearing “gang-related
25 apparel,” if the school has adopted that type of a dress code. For
26 those purposes, the comprehensive school safety plan shall define
27 “gang-related apparel.” The definition shall be limited to apparel
28 that, if worn or displayed on a school campus, reasonably could
29 be determined to threaten the health and safety of the school
30 environment. A schoolwide dress code established pursuant to this
31 section and Section 35183 shall be enforced on the school campus
32 and at any school-sponsored activity by the principal of the school
33 or the person designated by the principal. For purposes of this
34 paragraph, “gang-related apparel” shall not be considered a
35 protected form of speech pursuant to Section 48950.
- 36 (G) Procedures for safe ingress and egress of pupils, parents,
37 and school employees to and from school.
- 38 (H) A safe and orderly environment conducive to learning at
39 the school.

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

3 (J) Clear guidelines for the roles and responsibilities of *mental*
4 *health and intervention professionals, school resource officers,*
5 *and police officers on the school campus. The guidelines shall*
6 *conform to the following requirements:*

7 ~~(i) The primary function of police officers on school campus~~
8 ~~shall be limited to addressing serious and immediate threats to the~~
9 ~~physical safety of students and school staff strategies to create~~
10 ~~and maintain positive school climate, promote school safety, and~~
11 ~~increase pupil achievement shall emphasize and prioritize mental~~
12 ~~health and intervention services, restorative and transformative~~
13 ~~justice programs, and positive behavior interventions and support.~~

14 *(ii) The primary function of police and school resource officers*
15 *on a school campus shall be to focus on addressing those situations*
16 *that require protecting the physical safety of pupils and staff.*

17 ~~(ii)~~

18 *(iii) The school shall consider existing strategies and model*
19 *approaches to minimize the involvement of law enforcement in*
20 *student pupil conduct and minor offenses that do not rise to the*
21 *level of a serious and immediate threat to physical safety.*

22 ~~(iii) The school shall enter into~~

23 *(iv) If a school district has police officers on campus, schools*
24 *are encouraged to create memorandums of understanding with*
25 ~~any existing law enforcement entities on campus that contain~~
26 ~~criteria to properly distinguish administrative responses to student~~
27 ~~conduct and minor offenses pursuant to school district policies~~
28 ~~and state law, from criminal responses. Memorandums of~~
29 ~~understanding shall be public and shall include participation and~~
30 ~~input from students, parents, and the school community that clearly~~
31 ~~delineate the respective roles and responsibilities of the school~~
32 ~~and the police officers in order to maximize resources and to~~
33 ~~ensure that the administrative response to pupil conduct and minor~~
34 ~~offenses are handled pursuant to school district policies and state~~
35 ~~law before involving law enforcement. Memorandums of~~
36 ~~understanding shall be public and shall include participation and~~
37 ~~input from pupils, parents, and the full school community.~~

38 (b) It is the intent of the Legislature that schools develop
39 comprehensive school safety plans using existing resources,
40 including the materials and services of the partnership, pursuant

1 to this chapter. It is also the intent of the Legislature that schools
2 use the handbook developed and distributed by the School/Law
3 Enforcement Partnership Program entitled “Safe Schools: A
4 Planning Guide for Action” in conjunction with developing their
5 plan for school safety.

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

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

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

19 (f) As comprehensive school safety plans are reviewed and
20 updated, the Legislature encourages all plans, to the extent that
21 resources are available, to include policies and procedures aimed
22 at the prevention of bullying.

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

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

30 (1) Submit a plan to the department on the proposed use of the
31 funds.

32 (2) Develop, if using funds for additional law enforcement
33 personnel, clear memoranda of understanding with law enforcement
34 on the roles and responsibilities of law enforcement on and off
35 school campus. The memoranda of understanding shall be available
36 to the public.

37 (3) Prioritize, if electing to receive additional funding for campus
38 safety from a state or federal source, using funding ~~for counselors~~
39 ~~and administrators before using the funds to increase law~~
40 ~~enforcement, to the extent this prioritization is permitted by state~~

1 ~~and federal law.~~ *to improve school climate, including increasing*
2 *school personnel, intervention workers, counselors, and other*
3 *supportive mental health service providers, and to improve*
4 *school-based programs, restorative and transformative justice,*
5 *and schoolwide positive behavior intervention and support, to the*
6 *extent this prioritization is permitted by state and federal law.*

7 SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

O