

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 49

Introduced by Senators Lieu and Steinberg
(Principal coauthor: Assembly Member Olsen)
(Coauthor: Assembly Member Muratsuchi)

December 19, 2012

An act to amend Sections 32280, 32281, 32282, 32285, 32286, and 32288 of, to add Sections 32286.1, 32288.1, and 32289.5 to, and to repeal Section 32289 of, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 49, 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, among other things, require each school to adopt its comprehensive school safety plan by March 1, 2014, and to review and update its plan by March 1 of every 3rd year thereafter. The bill would require ~~specified administrators~~, *no later than October 15, 2014, and every 3rd year thereafter, each superintendent of a school ~~districts and district or county offices~~ office of education* to provide written notification to the Superintendent of Public Instruction identifying each school within the school district or county that has not complied with the requirement to adopt, and periodically review and update, a comprehensive school safety plan. The bill would require the department to monitor compliance with these provisions using an existing monitoring framework. By requiring school and local educational agency officers to perform additional duties, 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, 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 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, in kindergarten, and grades 1 to 12, inclusive,
- 5 operated by school districts, in cooperation with local law
- 6 enforcement agencies, community leaders, parents, pupils, teachers,
- 7 administrators, and other persons who may be interested in the
- 8 prevention of campus crime and violence, develop a comprehensive
- 9 school safety plan that addresses the safety concerns identified
- 10 through a systematic planning process.
- 11 (b) (1) For purposes of this article, law enforcement agencies
- 12 include local police departments, county sheriffs' offices, school
- 13 district police or security departments, probation departments, the
- 14 Attorney General, any district attorney, or any city attorney.

1 (2) For purposes of this article, “safety plan” means a plan to
2 develop strategies aimed at the prevention of, and education about,
3 potential incidents involving crime and violence on the school
4 campus.

5 (3) For purposes of Sections 32281 and 32282, “principal”
6 includes the principal’s designee ~~and “administrator in charge”~~
7 ~~includes the designee of the administrator in charge.~~

8 SEC. 2. Section 32281 of the Education Code is amended to
9 read:

10 32281. (a) Each school district and county office of education
11 is responsible for the overall development of all comprehensive
12 school safety plans for its schools operating kindergarten or any
13 of grades 1 to 12, inclusive.

14 (b) (1) Except as provided in subdivision (d) with regard to a
15 small school district, the schoolsite council established pursuant
16 to former Section 52012, as it existed before July 1, 2005, or
17 Section 52852 shall write and develop a comprehensive school
18 safety plan relevant to the needs and resources of that particular
19 school.

20 (2) The schoolsite council may delegate this responsibility to a
21 school safety planning committee made up of the following
22 members:

23 (A) ~~The principal or the administrator in charge of a school~~
24 ~~without a principal.~~

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

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

28 (D) One classified employee who is a representative of the
29 recognized classified employee organization.

30 (E) Other members, if desired.

31 (3) The schoolsite council shall consult with a representative
32 from a law enforcement agency in the writing and development
33 of the comprehensive school safety plan.

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

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

39 (d) (1) Subdivision (b) shall not apply to a small school district,
40 as defined in paragraph (2), if the small school district develops a

1 districtwide comprehensive school safety plan that is applicable
2 to each schoolsite.

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

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

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

28 (f) (1) Notwithstanding subdivision (b), a school district or
29 county office of education may, in consultation with law
30 enforcement officials, elect to not have its schoolsite council
31 develop and write those portions of its comprehensive school safety
32 plan that include tactical responses to criminal incidents that may
33 result in death or serious bodily injury at the schoolsite. The
34 portions of a school safety plan that include tactical responses to
35 criminal incidents may be developed by administrators of the
36 school district or county office of education in consultation with
37 law enforcement officials and with a representative of an exclusive
38 bargaining unit of employees of that school district or county office
39 of education, if he or she chooses to participate. The school district
40 or county office of education may elect not to disclose those

1 portions of the comprehensive school safety plan that include
2 tactical responses to criminal incidents.

3 (2) As used in this article, “tactical responses to criminal
4 incidents” means steps taken to safeguard pupils and staff, to secure
5 the affected school premises, and to apprehend the criminal
6 perpetrator or perpetrators.

7 (3) Nothing in this subdivision precludes the governing board
8 of a school district or county office of education from conferring
9 in a closed session with law enforcement officials pursuant to
10 Section 54957 of the Government Code to approve a tactical
11 response plan developed in consultation with those officials
12 pursuant to this subdivision. Any vote to approve the tactical
13 response plan shall be announced in open session following the
14 closed session.

15 (4) Nothing in this subdivision shall be construed to reduce or
16 eliminate the requirements of Section 32282.

17 SEC. 3. Section 32282 of the Education Code is amended to
18 read:

19 32282. (a) The comprehensive school safety plan shall include,
20 but not be limited to, both of the following:

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

23 (2) Identifying appropriate strategies and programs that will
24 provide or maintain a high level of school safety and address the
25 school’s procedures for complying with existing laws related to
26 school safety, which shall include the development of all of the
27 following:

28 (A) Child abuse reporting procedures consistent with Article
29 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
30 Part 4 of the Penal Code.

31 (B) Disaster procedures, routine and emergency, including
32 adaptations for pupils with disabilities in accordance with the
33 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
34 12101 et seq.). The disaster procedures shall also include, but not
35 be limited to, both of the following:

36 (i) Establishing an earthquake emergency procedure system in
37 every public school building having an occupant capacity of 50
38 or more pupils or more than one classroom. A district or county
39 office may work with the California Emergency Management
40 Agency and the Seismic Safety Commission to develop and

1 establish the earthquake emergency procedure system. The system
2 shall include, but not be limited to, all of the following:

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

5 (II) A drop procedure ~~whereby~~ *where* each pupil and staff
6 member takes cover under a table or desk, dropping to his or her
7 knees, with the head protected by the arms, and the back to the
8 windows. A drop procedure practice shall be held at least once
9 each school quarter in elementary schools and at least once each
10 semester in secondary schools.

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

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

16 (i) Establishing a procedure to allow a public agency or
17 nongovernmental organization, including the American Red Cross,
18 to use school buildings, grounds, and equipment for mass care and
19 welfare shelters during disasters or other emergencies affecting
20 the public health and welfare. The school district or county office
21 of education shall cooperate with the public agency or
22 nongovernmental organization in furnishing and maintaining the
23 services as the school district or county office of education may
24 deem necessary to meet the needs of the community.

25 (C) Policies pursuant to subdivision (d) of Section 48915 for
26 pupils who committed an act listed in subdivision (c) of Section
27 48915 and other school-designated serious acts which would lead
28 to suspension, expulsion, or mandatory expulsion recommendations
29 pursuant to Article 1 (commencing with Section 48900) of Chapter
30 6 of Part 27 of Division 4 of Title 2.

31 (D) Procedures to notify teachers of dangerous pupils pursuant
32 to Section 49079.

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

36 (F) The provisions of any schoolwide dress code, pursuant to
37 Section 35183, that prohibits pupils from wearing “gang-related
38 apparel,” if the school has adopted that type of a dress code. For
39 those purposes, the comprehensive school safety plan shall define
40 “gang-related apparel.” The definition shall be limited to apparel

1 that, if worn or displayed on a school campus, reasonably could
2 be determined to threaten the health and safety of the school
3 environment. Any schoolwide dress code established pursuant to
4 this section and Section 35183 shall be enforced on the school
5 campus and at any school-sponsored activity by the principal of
6 the school ~~or the administrator in charge of a school without a~~
7 ~~principal~~. For purposes of this paragraph, “gang-related apparel”
8 shall not be considered a protected form of speech pursuant to
9 Section 48950.

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

12 (H) A safe and orderly environment conducive to learning at
13 the school.

14 (I) Procedures related to individuals with guns on school
15 campuses and at school-related functions, including, but not limited
16 to, training programs related to active shooters and active terrorists.

17 (J) The rules and procedures on school discipline adopted
18 pursuant to Sections 35291 and 35291.5.

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

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

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

34 (e) The comprehensive school safety plan may be evaluated and
35 amended, as needed, by the school safety planning committee, but
36 shall be evaluated ~~at least once a year~~ *by March 1, 2014, and every*
37 *third year thereafter*, to ensure that the comprehensive school
38 safety plan is properly implemented. An updated file of all
39 safety-related plans and materials shall be readily available for
40 inspection by law enforcement and school employees.

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

5 SEC. 4. Section 32285 of the Education Code is amended to
6 read:

7 32285. (a) The governing board of a school district, on behalf
8 of one or more schools within the district that have developed a
9 school safety plan, may apply to the Superintendent for a grant to
10 implement school safety plans. The partnership may award grants
11 for school safety plans that include, but are not limited to, the
12 following criteria:

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

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

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

23 (b) The Superintendent shall award grants pursuant to this
24 section to school districts for the implementation of individual
25 school safety plans in an amount not to exceed five thousand
26 dollars (\$5,000) for each school. A grant shall not be made unless
27 the school district makes available, for purposes of implementing
28 the school safety plans, an amount of funds equal to the amount
29 of the grant. Grants shall be awarded through a competitive process,
30 based upon criteria including, but not limited to, the merit of the
31 proposal and the need for imposing school safety, based on school
32 crime rates.

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

38 SEC. 5. Section 32286 of the Education Code is amended to
39 read:

1 32286. (a) Each school shall adopt its comprehensive school
2 safety plan by March 1, 2014, and shall review and update its plan
3 by March 1 of every third year thereafter. A new school campus
4 that begins offering classes to pupils after March 1, 2001, shall
5 adopt a comprehensive school safety plan within one year of
6 initiating operation, and shall review and update its plan by March
7 1 of every third year thereafter.

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

18 (c) Each school principal-~~or administrator in charge of a school~~
19 ~~without a principal~~ shall provide written or electronic notice to
20 each teacher and classified employee *of that school* that the adopted
21 school safety plan is readily available for inspection.

22 SEC. 6. Section 32286.1 is added to the Education Code, to
23 read:

24 32286.1. No later than October 15-~~of each year, 2014, and~~
25 ~~every third year thereafter~~, each superintendent of a school district
26 or county office of education,~~or each administrator in charge of~~
27 ~~a district or county office without a superintendent~~, shall provide
28 written notification to the Superintendent identifying each school
29 within the school district or county that has not complied with
30 Section 32281 or subdivision (b) of Section 32286 for that school
31 year.

32 SEC. 7. Section 32288 of the Education Code is amended to
33 read:

34 32288. (a) In order to ensure compliance with this article, each
35 school shall forward its comprehensive school safety plan to the
36 school district or county office of education for approval.

37 (b) (1) (A) Before adopting its comprehensive school safety
38 plan, the schoolsite council or school safety planning committee
39 shall hold a public meeting at the schoolsite in order to allow

1 members of the public the opportunity to express an opinion about
 2 the school safety plan.

3 (B) Confidential information relating to tactical responses to
 4 criminal incidents, pursuant to paragraph (1) of subdivision (f) of
 5 Section 32281, shall not be included at the public meeting.

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

9 (A) The local mayor.

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

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

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

16 (E) A representative of the student body government.

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

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

21 (A) A representative of the local churches.

22 (B) Local civic leaders.

23 (C) Local business organizations.

24 (c) In order to ensure compliance with this article, each school
 25 district or county office of education shall ~~annually~~ notify the
 26 department by October 15, 2014, *and every third year thereafter*,
 27 of any schools that have not complied with Section 32281.

28 SEC. 8. Section 32288.1 is added to the Education Code, to
 29 read:

30 32288.1. (a) Each ~~principal or administrator in charge of a~~
 31 ~~school without a principal~~ shall keep and maintain a copy of the
 32 most recent comprehensive school safety plan for that school.

33 (b) Each superintendent of a school district or county office of
 34 education, ~~or each administrator in charge of a district or county~~
 35 ~~office without a superintendent~~, shall keep and maintain a copy of
 36 the most recent comprehensive school safety plan filed pursuant
 37 to Section 32288 and a copy of every notification made pursuant
 38 to Section 32286.1.

39 (c) (1) All books, documents, records, and other papers kept
 40 and maintained pursuant to subdivisions (a) and (b) shall be open

1 for inspection and copying, *at a district office or a school*, on
2 business days, excluding legal holidays, during the hours of 9 a.m.
3 to 5 p.m., inclusive, within 48 hours of a written, verbal, or
4 electronic request by a law enforcement agency described in
5 Section 32280.

6 *(2) An electronic version of a book, document, record, or other*
7 *paper shall be sufficient to satisfy the requirements of paragraph*
8 *(1).*

9 SEC. 9. Section 32289 of the Education Code, as added by
10 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

11 SEC. 10. Section 32289.5 is added to the Education Code, to
12 read:

13 32289.5. The department shall monitor compliance with this
14 article using an existing monitoring framework.

15 SEC. 11. If the Commission on State Mandates determines
16 that this act contains costs mandated by the state, reimbursement
17 to local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.