

AMENDED IN ASSEMBLY AUGUST 5, 2013

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**

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

December 19, 2012

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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, no later than October 15, 2014, and every 3rd year thereafter, each superintendent of a school district or county 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 certain school administrators to keep and maintain a copy of the most recent comprehensive school safety plan, as provided.* 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.

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

5 (2) For purposes of this article, "safety plan" means a plan to  
6 develop strategies aimed at the prevention of, and education about,  
7 potential incidents involving crime and violence on the school  
8 campus.

9 (3) For purposes of Sections 32281 and 32282, "principal"  
10 includes the principal's designee.

11 SEC. 2. Section 32281 of the Education Code is amended to  
12 read:

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

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

23 (2) The schoolsite council may delegate this responsibility to a  
24 school safety planning committee made up of the following  
25 members:

26 (A) The principal.

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

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

30 (D) One classified employee who is a representative of the  
31 recognized classified employee organization.

32 (E) Other members, if desired.

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

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

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

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

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

8 (e) (1) If a principal verifies through local law enforcement  
9 officials that a report has been filed of the occurrence of a violent  
10 crime on the schoolsite of an elementary or secondary school at  
11 which he or she is the principal, the principal may send to each  
12 pupil’s parent or legal guardian and each school employee a written  
13 notice of the occurrence and general nature of the crime. If the  
14 principal chooses to send the written notice, the Legislature  
15 encourages the notice be sent no later than the end of business on  
16 the second regular workday after the verification. If, at the time  
17 of verification, local law enforcement officials determine that  
18 notification of the violent crime would hinder an ongoing  
19 investigation, the notification authorized by this subdivision shall  
20 be made within a reasonable period of time, to be determined by  
21 the local law enforcement agency and the school district. For  
22 purposes of this section, a “violent crime” means a Part 1 violent  
23 crime as defined in paragraph (2) of subdivision (i) of Section  
24 67381 and is an act for which a pupil could or would be expelled  
25 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 where each pupil and staff member takes  
6 cover under a table or desk, dropping to his or her knees, with the  
7 head protected by the arms, and the back to the windows. A drop  
8 procedure practice shall be held at least once each school quarter  
9 in elementary schools and at least once each semester in secondary  
10 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. For purposes of this paragraph, “gang-related apparel”  
7 shall not be considered a protected form of speech pursuant to  
8 Section 48950.

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

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

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

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

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

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

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

33 (e) The comprehensive school safety plan may be evaluated and  
34 amended, as needed, by the school safety planning committee, but  
35 shall be evaluated by March 1, 2014, and every third year  
36 thereafter, to ensure that the comprehensive school safety plan is  
37 properly implemented. An updated file of all safety-related plans  
38 and materials shall be readily available for inspection by law  
39 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. *This subdivision does not limit a*  
8 *school from updating its comprehensive school safety plan prior*  
9 *to every third year.*

10 (b) No later than July 31 ~~of every third year, 2014, and every~~  
11 ~~year thereafter~~, the principal shall accurately report on the status  
12 of the school's safety plan for the upcoming school year, including  
13 a description of its key elements in the annual school accountability  
14 report card prepared pursuant to Sections 33126 and 35256. The  
15 report shall include, but is not limited to, ~~whether or not a school~~  
16 ~~safety plan was adopted for the upcoming year~~, the date the school  
17 safety plan was adopted and a description of the safety plan's  
18 elements as set forth in Section 32282.

19 (c) Each school principal shall provide written or electronic  
20 notice to each teacher and classified employee of that school that  
21 the adopted 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, 2014, and every third year  
25 thereafter, each superintendent of a school district or county office  
26 of education shall provide written notification to the Superintendent  
27 identifying each school within the school district or county that  
28 has not complied with Section 32281 or subdivision (b) of Section  
29 32286 for that school year.

30 SEC. 7. Section 32288 of the Education Code is amended to  
31 read:

32 32288. (a) In order to ensure compliance with this article, each  
33 school shall forward its comprehensive school safety plan to the  
34 school district or county office of education for approval.

35 (b) (1) (A) Before adopting its comprehensive school safety  
36 plan, the schoolsite council or school safety planning committee  
37 shall hold a public meeting at the schoolsite in order to allow  
38 members of the public the opportunity to express an opinion about  
39 the school safety plan.

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

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

- 7 (A) The local mayor.
- 8 (B) A representative of the local school employee organization.
- 9 (C) A representative of each parent organization at the  
10 schoolsite, including the parent teacher association and parent  
11 teacher clubs.
- 12 (D) A representative of each teacher organization at the  
13 schoolsite.
- 14 (E) A representative of the student body government.
- 15 (F) All persons who have indicated they want to be notified.

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

- 19 (A) A representative of the local churches.
- 20 (B) Local civic leaders.
- 21 (C) Local business organizations.

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

26 SEC. 8. Section 32288.1 is added to the Education Code, to  
27 read:

28 32288.1. (a) Each principal shall keep and maintain a copy of  
29 the most recent comprehensive school safety plan for that school.

30 (b) Each superintendent of a school district or county office of  
31 education shall keep and maintain a copy of the most recent  
32 comprehensive school safety plan filed pursuant to Section 32288  
33 and a copy of every notification made pursuant to Section 32286.1.

34 (c) (1) All books, documents, records, and other papers kept  
35 and maintained pursuant to subdivisions (a) and (b) shall be open  
36 for inspection and copying, *during business hours* at a district  
37 office or *during school hours* at a school, on business days,  
38 excluding legal holidays, ~~during the hours of 9 a.m. to 5 p.m.,~~  
39 ~~inclusive~~, within 48 hours of a written, verbal, or electronic request  
40 by a law enforcement agency described in Section 32280.

1 (2) An electronic version of a book, document, record, or other  
2 paper shall be sufficient to satisfy the requirements of paragraph  
3 (1).

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

6 SEC. 10. Section 32289.5 is added to the Education Code, to  
7 read:

8 32289.5. The department shall monitor compliance with this  
9 article using an existing monitoring framework.

10 SEC. 11. If the Commission on State Mandates determines  
11 that this act contains costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

O