

AMENDED IN ASSEMBLY FEBRUARY 22, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1654**

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**Introduced by Assembly Member Santiago**

January 13, 2016

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An act to amend Section 67382 of the Education Code, relating to student safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1654, as amended, Santiago. Student–~~Safety~~: *safety*: crime reporting.

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) requires eligible institutions of higher education participating in federal student assistance financial grant programs or federal work study programs to collect and annually prepare, publish, and distribute to current students and employees, and to applicants for enrollment or employment upon request, an annual security report containing information with respect to the campus security policies and campus crime statistics of that institution. The federal act further requires that the institutions annually file statistics concerning the occurrence of crimes on campus or on noncampus buildings or property, with the United States Secretary of Education.

The federal Violence Against Women Reauthorization Act of 2013 requires each of these institutions to include in these reports a statement of policy regarding the institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking, and the procedures the institution will follow once an incident of domestic violence, dating violence, sexual assault, ~~and~~ *or* stalking has been reported, as specified.

*Existing law requires the State Auditor, every 3 years, to report the results of an audit of a sample of not less than 6 institutions of postsecondary education that receive federal student aid, to evaluate the accuracy of their statistics and the procedures used by the institutions to identify, gather, and track data for publishing, disseminating, and reporting accurate crime statistics in compliance with the Clery Act and to report the results of those audits to the respective chairs of the Assembly Committee on Higher Education and the Senate Committee on Education.*

*This bill would require the State Auditor to include in this audit an evaluation of the institutions' compliance with state law governing crime reporting and the development and implementation of student safety policies and procedures.*

*This bill would require the Department of Justice to provide guidance, commencing January 1, 2017, to California's public and private institutions of higher education and systemwide offices of public institutions of higher education regarding compliance with these federal laws. The bill would also require the Department of Justice to provide guidance to and develop model protocols for California's public and private institutions of higher education and systemwide offices of public institutions of higher education regarding student safety state laws.*

*Existing law requires the California Postsecondary Education Commission, which has been defunded in recent budget years, to provide on its Internet Web site a link to the Internet Web site of each California institution of higher education that includes on that Web site the institution's criminal statistics information.*

*This bill would assign this responsibility to the Department of Justice.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 67382 of the Education Code is amended
- 2 to read:
- 3 67382. (a) (1) On or before January 1, 2004, and every three
- 4 years thereafter, the State Auditor shall report the results of an
- 5 audit of a sample of not less than six institutions of postsecondary
- 6 education in California that receive federal student aid, to evaluate
- 7 aid. *The audit shall do both of the following:*

1 (A) Evaluate the accuracy of ~~their~~ *the institutions'* statistics and  
2 the procedures used by the institutions to identify, gather, and track  
3 data for publishing, disseminating, and reporting accurate crime  
4 statistics in compliance with the requirements of the Jeanne Clery  
5 Disclosure of Campus Security Policy and Campus Crime Statistics  
6 Act (20 U.S.C. Sec. 1092 (f)(1) and (5)).

7 (B) Evaluate the institutions' compliance with state law  
8 governing crime reporting and the development and  
9 implementation of policies and procedures pursuant to this chapter.

10 (2) The results of the annual audits described in paragraph (1)  
11 shall be submitted to the respective chairs of the Assembly ~~Higher~~  
12 ~~Education~~ Committee on Higher Education and the Senate  
13 ~~Education~~ Committee. *Committee on Education.*

14 (b) The ~~California Postsecondary Education Commission~~  
15 *Department of Justice* shall provide on its Internet Web site a link  
16 to the Internet Web site of each California institution of higher  
17 education that includes on that Web site the institution's criminal  
18 statistics information.

19 (c) The Legislature finds and declares that institutions of higher  
20 education that are subject to the Jeanne Clery Disclosure of Campus  
21 Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec.  
22 1092(f)(1) and (5)) should establish and publicize a policy that  
23 allows victims or witnesses to report crimes to the campus police  
24 department or to a specified campus security authority, on a  
25 voluntary, confidential, or anonymous basis.

26 (d) Commencing January 1, 2017, the Department of Justice  
27 shall ~~provide~~ *do both of the following:*

28 (A) *Provide* guidance to California's public and private  
29 institutions of higher education, the office of the Chancellor of the  
30 California Community Colleges, the office of the Chancellor of  
31 the California State University, and the office of the President of  
32 the University of California regarding compliance with the Jeanne  
33 Clery Disclosure of Campus Security Policy and Campus Crime  
34 Statistics Act (20 U.S.C. Sec. 1092(f)(1) and (5)) and the Violence  
35 Against Women Reauthorization Act of 2013 (20 U.S.C. Sec. 1092  
36 (f)(8)).

37 (B) *Provide guidance to and develop model protocols for*  
38 *California's public and private institutions of higher education,*  
39 *the office of the Chancellor of the California Community Colleges,*  
40 *the office of the Chancellor of the California State University, and*

- 1 *the office of the President of the University of California regarding*
- 2 *the requirements of this chapter.*

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