

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE MAY 19, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2519

Introduced by Assembly Member Calderon

February 19, 2016

An act to amend Sections 32280, 32281, and 32282 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2519, as amended, Calderon. School safety plans.

(1) Existing law expresses the intent of the Legislature for all public schools teaching kindergarten or any of grades 1 to 12, inclusive, operated by a school district, to develop, in cooperation with specified community partners, a comprehensive school safety plan, as defined.

This bill would express the intent of the Legislature to include coaches among the community partners. The bill would also express the intent of the Legislature to expand the scope of the safety plan.

(2) *Existing law provides that each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.*

This bill would expand the school safety plans to address sanctioned activities before and after school. To the extent this expansion would impose additional duties on school districts and county offices of education, the bill would impose a state-mandated local program.

(2)

(3) Existing law requires the schoolsite council of each school of a school district and of a county office of education to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school, except as specified for small school districts. Existing law authorizes the schoolsite council to delegate this responsibility to a school safety planning committee made up of specified members. Existing law requires the comprehensive school safety plan to include, among other things, the identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the development of specified procedures and policies.

This bill would include a coach of the school, if the school has a coach, to the list of specified members to serve on a school safety planning committee. The bill would additionally require a comprehensive school safety plan to include any other strategies aimed at the prevention of, response to, and education about, potential incidents involving crime, violence, or medical emergency on the school-campus, ~~including sanctioned activities before and after school.~~ *campus*. By imposing additional duties on school districts and county offices of education regarding the development of school safety plans, the bill would impose a state-mandated local program.

(3)

(4) 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. It is the intent of the Legislature that all California
- 4 public schools teaching kindergarten or any of grades 1 to 12,
- 5 inclusive, operated by a school district, in cooperation with local

1 law enforcement agencies, community leaders, parents, pupils,
2 teachers, administrators, coaches, and other persons who may be
3 interested in the prevention of campus crime and violence and the
4 health and safety of the campus community, to develop a
5 comprehensive school safety plan that addresses the safety concerns
6 identified through a systematic planning process. For the purposes
7 of this section, law enforcement agencies include local police
8 departments, county sheriffs' offices, school district police or
9 security departments, probation departments, and district attorneys'
10 offices. For purposes of this section, a "safety plan" means a plan
11 to develop strategies aimed at the prevention of, response to, and
12 education about, potential incidents involving crime, violence, or
13 medical emergency on the school campus, including sanctioned
14 activities before and after school.

15 SEC. 2. Section 32281 of the Education Code is amended to
16 read:

17 32281. (a) Each school district and county office of education
18 is responsible for the overall development of all comprehensive
19 school safety plans for its schools operating kindergarten or any
20 of grades 1 to 12, ~~inclusive~~: *inclusive, including sanctioned*
21 *activities before and after school.*

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

28 (2) The schoolsite council may delegate this responsibility to a
29 school safety planning committee made up of the following
30 members:

- 31 (A) The principal or the principal's designee.
32 (B) One teacher who is a representative of the recognized
33 certificated employee organization.
34 (C) One parent whose child attends the school.
35 (D) One classified employee who is a representative of the
36 recognized classified employee organization.
37 (E) One coach of the school, if the school has a coach.
38 (F) Other members, if desired.

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

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

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

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

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

16 (e) (1) When a principal or his or her designee verifies through
17 local law enforcement officials that a report has been filed of the
18 occurrence of a violent crime on the schoolsite of an elementary
19 or secondary school at which he or she is the principal, the principal
20 or the principal’s designee may send to each pupil’s parent or legal
21 guardian and each school employee a written notice of the
22 occurrence and general nature of the crime. If the principal or his
23 or her designee chooses to send the written notice, the Legislature
24 encourages the notice be sent no later than the end of business on
25 the second regular work day after the verification. If, at the time
26 of verification, local law enforcement officials determine that
27 notification of the violent crime would hinder an ongoing
28 investigation, the notification authorized by this subdivision shall
29 be made within a reasonable period of time, to be determined by
30 the local law enforcement agency and the school district. For
31 purposes of this section, an act that is considered a “violent crime”
32 shall meet the definition of Section 67381 and be an act for which
33 a pupil could or would be expelled pursuant to Section 48915.

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

36 (f) (1) Notwithstanding subdivision (b), a school district or
37 county office of education may, in consultation with law
38 enforcement officials, elect to not have its schoolsite council
39 develop and write those portions of its comprehensive school safety
40 plan that include tactical responses to criminal incidents that may

1 result in death or serious bodily injury at the schoolsite. The
2 portions of a school safety plan that include tactical responses to
3 criminal incidents may be developed by administrators of the
4 school district or county office of education in consultation with
5 law enforcement officials and with a representative of an exclusive
6 bargaining unit of employees of that school district or county office
7 of education, if he or she chooses to participate. The school district
8 or county office of education may elect not to disclose those
9 portions of the comprehensive school safety plan that include
10 tactical responses to criminal incidents.

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

15 (3) Nothing in this subdivision precludes the governing board
16 of a school district or county office of education from conferring
17 in a closed session with law enforcement officials pursuant to
18 Section 54957 of the Government Code to approve a tactical
19 response plan developed in consultation with those officials
20 pursuant to this subdivision. Any vote to approve the tactical
21 response plan shall be announced in open session following the
22 closed session.

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

25 SEC. 3. Section 32282 of the Education Code is amended to
26 read:

27 32282. (a) The comprehensive school safety plan shall include,
28 but not be limited to, both of the following:

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

31 (2) Identifying appropriate strategies and programs that will
32 provide or maintain a high level of school safety and address the
33 school’s procedures for complying with existing laws related to
34 school safety, which shall include the development of all of the
35 following:

36 (A) Child abuse reporting procedures consistent with Article
37 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
38 Part 4 of the Penal Code.

39 (B) Disaster procedures, routine and emergency, including
40 adaptations for pupils with disabilities in accordance with the

1 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
2 12101 et seq.). The disaster procedures shall also include, but not
3 be limited to, both of the following:

4 (i) Establishing an earthquake emergency procedure system in
5 every public school building having an occupant capacity of 50
6 or more pupils or more than one classroom. A school district or
7 county office of education may work with the Office of Emergency
8 Services and the Alfred E. Alquist Seismic Safety Commission to
9 develop and establish the earthquake emergency procedure system.

10 The system shall include, but not be limited to, all of the following:

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

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

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

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

24 (ii) Establishing a procedure to allow a public agency, including
25 the American Red Cross, to use school buildings, grounds, and
26 equipment for mass care and welfare shelters during disasters or
27 other emergencies affecting the public health and welfare. The
28 school district or county office of education shall cooperate with
29 the public agency in furnishing and maintaining the services as
30 the school district or county office of education may deem
31 necessary to meet the needs of the community.

32 (C) Policies pursuant to subdivision (d) of Section 48915 for
33 pupils who committed an act listed in subdivision (c) of Section
34 48915 and other school-designated serious acts that would lead to
35 suspension, expulsion, or mandatory expulsion recommendations
36 pursuant to Article 1 (commencing with Section 48900) of Chapter
37 6 of Part 27 of Division 4 of Title 2.

38 (D) Procedures to notify teachers of dangerous pupils pursuant
39 to Section 49079.

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

4 (F) The provisions of any schoolwide dress code, pursuant to
5 Section 35183, that prohibits pupils from wearing “gang-related
6 apparel,” if the school has adopted that type of a dress code. For
7 those purposes, the comprehensive school safety plan shall define
8 “gang-related apparel.” The definition shall be limited to apparel
9 that, if worn or displayed on a school campus, reasonably could
10 be determined to threaten the health and safety of the school
11 environment. A schoolwide dress code established pursuant to this
12 section and Section 35183 shall be enforced on the school campus
13 and at any school-sponsored activity by the principal of the school
14 or the person designated by the principal. For purposes of this
15 paragraph, “gang-related apparel” shall not be considered a
16 protected form of speech pursuant to Section 48950.

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

19 (H) A safe and orderly environment conducive to learning at
20 the school.

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

23 (J) Any other strategies aimed at the prevention of, response to,
24 and education about, potential incidents involving crime, violence,
25 or medical emergency on the school campus, ~~including sanctioned~~
26 ~~activities before and after school.~~ *campus.*

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

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

39 (d) The comprehensive school safety plan may be evaluated
40 and amended, as needed, by the school safety planning committee,

1 but shall be evaluated at least once a year, to ensure that the
2 comprehensive school safety plan is properly implemented. An
3 updated file of all safety-related plans and materials shall be readily
4 available for inspection by the public.

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

9 (f) The comprehensive school safety plan, as written and updated
10 by the schoolsite council or school safety planning committee,
11 shall be submitted for approval pursuant to subdivision (a) of
12 Section 32288.

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