

**Introduced by Senator Hughes**January 23, 1997

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An act to amend and renumber Section 35294.1 of, and to add Sections 35294.1, 35294.6, 35294.7, and 35294.8 to, the Education Code, relating to school safety.

## LEGISLATIVE COUNSEL'S DIGEST

SB 187, as introduced, Hughes. School safety plans.

Existing law declares the intent of the Legislature that all California public schools operated by school districts develop a comprehensive school safety plan, as specified. The school safety plan may include, among other things, development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs.

This bill would provide that each school district shall be responsible for the overall development of school safety plans for its schools. The bill would require each school to establish a school safety planning committee composed, as specified, that shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

This bill would require that the school safety plan include, but not be limited to, among other things, assessing the current status of school crime committed on school campuses and at school-related functions and identifying 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, which shall include specified procedures and policies.

This bill would require that the school safety plan be written and updated by the school safety planning committee no less than once every 3 years and that the school safety planning committee meet at least once every other month. The bill would also require that an updated file of all safety-related plans and materials be readily available for inspection by the public. The bill would require that the school safety plan be subject to approval by a majority vote of the employees present at the schoolsite on the day of the election.

The bill would require that each school implement its school safety plan by September 1, 1998.

This bill would provide that any officer or administrator of a school district or a schoolsite who knowingly fails to establish a school safety plan shall be guilty of a misdemeanor.

This bill would require each school to forward its school safety plan to the school district and each school district to notify the State Department of Education when each school in the school district has a school safety plan.

This bill would make a statement of legislative intent.

By imposing additional responsibilities on school districts and schools, this bill would impose a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.



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. It is the intent of the Legislature that this  
2 act shall unite all existing statutes that relate to school  
3 safety and ensure compliance with their provisions by  
4 including the requirements of school safety provisions in  
5 each school's school safety plan.

6 SEC. 2. Section 35294.1 is added to the Education  
7 Code, to read:

8 35294.1. (a) Each school district is responsible for the  
9 overall development of school safety plans for its schools  
10 operating any kindergarten and any of grades 1 to 12,  
11 inclusive.

12 (b) (1) Each school shall establish a school safety  
13 planning committee to write and develop a  
14 comprehensive school safety plan relevant to the needs  
15 and resources of that particular school.

16 (2) The school safety planning committee shall be  
17 composed of the following:

18 (A) The principal or the principal's designee.

19 (B) One teacher who is the representative of the  
20 recognized certificated employee organization.

21 (C) One parent whose child attends the school and  
22 who is elected at a public noticed meeting for the purpose  
23 of selecting a committee member.

24 (D) One classified employee who is the representative  
25 of the recognized classified employee organization.

26 (E) A pupil who attends the school, when  
27 participation by a pupil is appropriate.

28 (3) The school safety planning committee shall consult  
29 with a representative from a law enforcement agency in  
30 writing and developing the school safety plan.

31 (4) The school safety planning committee may select  
32 other members of the community to assist the committee  
33 in writing and developing the school safety plan.

34 (5) The governing board of the school district and the  
35 recognized employee organization representing the



1 certificated employees shall establish, pursuant to a  
2 collective bargaining agreement, the length of time that  
3 a member will serve on the school safety planning  
4 committee and the process for removing a committee  
5 member who has not performed his or her duty.

6 SEC. 3. Section 35294.1 of the Education Code, as  
7 amended by Chapter 435 of the Statutes of 1993, is  
8 amended and renumbered to read:

9 ~~35294.1.~~

10 35294.2. (a) ~~School~~ *The school safety planning may*  
11 *plan shall include, but not be limited to, the following:*

12 (1) Assessing the current status of school crime  
13 committed on school campuses and at school-related  
14 functions.

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

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

24 ~~(4) Establishing a and address the school's procedures~~  
25 ~~for complying with existing laws related to school safety,~~  
26 ~~which shall include the development of the following:~~

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

30 (B) *Disaster procedures, routine and emergency.*

31 (C) *Zero tolerance policy for drug, alcohol and*  
32 *tobacco on schoolsites, as set forth in Article 1*  
33 *(commencing with Section 48900) of Chapter 6 of Part 27.*

34 (D) *Procedures to notify teachers of dangerous pupils*  
35 *pursuant to Section 49079.*

36 (E) *A sexual harassment policy.*

37 (F) *Policies for pupils who engage in the following*  
38 *antisocial behavior:*

39 (i) *Possession or brandishing of firearms.*

40 (ii) *Possession or brandishing of knives.*



1 (iii) Sale of drugs.

2 (iv) Other school-designated serious acts which would  
3 lead to mandatory expulsion recommendations.

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

21 ~~(b) Existing schoolsite councils may be responsible for~~  
22 ~~developing a safety plan. In any event, the plan may be~~  
23 ~~developed with the participation of teachers, classified~~  
24 ~~employees, parents, law enforcement, school~~  
25 ~~administrators, and, if deemed appropriate, students.~~

26 ~~(c) It is the intent of the Legislature that schools~~  
27 ~~develop school safety plans using existing resources,~~  
28 ~~including the materials and services of the School Safety~~  
29 ~~Partnership, pursuant to Chapter 2.5 (commencing with~~  
30 ~~Section 32260) of Part 19. It is also the intent of the~~  
31 ~~Legislature that schools use the handbook developed and~~  
32 ~~distributed by the School/Law Enforcement Partnership~~  
33 ~~Program entitled “Safe Schools: A Planning Guide for~~  
34 ~~Action” in conjunction with developing their plan for~~  
35 ~~school safety.~~

36 ~~(d) It is the intent of the Legislature that schools shall~~  
37 ~~not contract with private consultants to develop school~~  
38 ~~safety plans.~~

39 ~~(e) Grants to assist schools in implementing their~~  
40 ~~school safety plan shall be made available through the~~



1 ~~School Safety Partnership as authorized by Section 32262~~  
2 ~~of the Education Code.~~

3 *(H) Procedures for safe ingress and egress of pupils,*  
4 *parents, and school employees to and from school.*

5 *(I) A safe and orderly environment conducive to*  
6 *learning at the school.*

7 *(b) The school safety plan shall be written and*  
8 *updated by the school safety planning committee no less*  
9 *than once every three years. At all schools, the school*  
10 *safety planning committee shall meet at least once every*  
11 *other month to evaluate and ensure that the school safety*  
12 *plan is properly implemented. An updated file of all*  
13 *safety-related plans and materials shall be readily*  
14 *available for inspection by the public.*

15 *(c) The school safety plan, as written and updated by*  
16 *the school safety planning committee, shall be subject to*  
17 *approval by a majority vote of the employees present at*  
18 *the schoolsite on the day of the election before it is*  
19 *implemented.*

20 SEC. 4. Section 35294.6 is added to the Education  
21 Code, to read:

22 35294.6. Each school shall implement its school safety  
23 plan by September 1, 1998.

24 SEC. 5. Section 35294.7 is added to the Education  
25 Code, to read:

26 35294.7. Any officer or administrator of a school  
27 district or a schoolsite who knowingly fails to establish a  
28 school safety plan, as set forth in this article, shall be guilty  
29 of a misdemeanor, which is punishable by confinement in  
30 the county jail for a period not to exceed six months, or  
31 by a fine not to exceed one thousand dollars (\$1,000), or  
32 both.

33 SEC. 6. Section 35294.8 is added to the Education  
34 Code, to read:

35 35294.8. (a) In order to ensure compliance with the  
36 provisions of this article, each school shall forward its  
37 school safety plan to the school district.

38 (b) In order to ensure compliance with the provisions  
39 of the article, each school district shall notify the State



1 Department of Education when each school in the school  
2 district has a school safety plan.

3 SEC. 7. No reimbursement is required by this act  
4 pursuant to Section 6 of Article XIII B of the California  
5 Constitution for certain costs that may be incurred by a  
6 local agency or school district because in that regard this  
7 act creates a new crime or infraction, eliminates a crime  
8 or infraction, or changes the penalty for a crime or  
9 infraction, within the meaning of Section 17556 of the  
10 Government Code, or changes the definition of a crime  
11 within the meaning of Section 6 of Article XIII B of the  
12 California Constitution.

13 However, notwithstanding Section 17610 of the  
14 Government Code, if the Commission on State Mandates  
15 determines that this act contains other costs mandated by  
16 the state, reimbursement to local agencies and school  
17 districts for those costs shall be made pursuant to Part 7  
18 (commencing with Section 17500) of Division 4 of Title  
19 2 of the Government Code. If the statewide cost of the  
20 claim for reimbursement does not exceed one million  
21 dollars (\$1,000,000), reimbursement shall be made from  
22 the State Mandates Claims Fund.

23 Notwithstanding Section 17580 of the Government  
24 Code, unless otherwise specified, the provisions of this act  
25 shall become operative on the same date that the act  
26 takes effect pursuant to the California Constitution.

