

AMENDED IN SENATE MARCH 4, 1997

SENATE BILL

No. 187

Introduced by Senator Hughes

January 23, 1997

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 amended, Hughes. ~~School~~ *Comprehensive 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 *and county office of education* shall be responsible for the overall development of *comprehensive* 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 *comprehensive* 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 *comprehensive* 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 *comprehensive* 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~~ *adopt* its *comprehensive* school safety plan by September 1, 1998.

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

This bill would require each school to forward its *comprehensive* school safety plan to the school district *or county office of education, as appropriate*, and each school district *or county office of education* to notify the State Department of Education ~~when each school in the school district has a comprehensive school safety plan by October 15, 1998, of any schools that have not complied with the requirement of establishing a school safety planning committee.~~

This bill would make a statement of legislative intent.

By imposing additional responsibilities on school districts, *county offices of education*, 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 *comprehensive* 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 *and county office of*
9 *education* is responsible for the overall development of
10 *comprehensive* school safety plans for its schools
11 operating any kindergarten and any of grades 1 to 12,
12 inclusive.

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

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

- 19 (A) The principal or the principal's designee.
- 20 (B) One teacher who is the representative of the
- 21 recognized certificated employee organization.
- 22 (C) One parent whose child attends the school and
- 23 who is elected at a public noticed meeting for the purpose
- 24 of selecting a committee member.



1 (D) One classified employee who is the representative
 2 of the recognized classified employee organization.

3 (E) ~~A pupil who attends the school, when~~
 4 ~~participation by a pupil is appropriate.~~

5 (3) The school safety planning committee shall consult
 6 with a representative from a law enforcement agency in
 7 writing and developing the *comprehensive* school safety
 8 plan.

9 (4) The school safety planning committee may ~~select~~
 10 ~~by majority vote appoint a pupil who attends the school~~
 11 ~~and~~ other members of the community to assist the
 12 committee in writing and developing the ~~school safety~~
 13 ~~plan~~ *comprehensive school safety plan. The school safety*
 14 *planning committee shall not contract with private*
 15 *consultants to develop the comprehensive school safety*
 16 *plan.*

17 (5) The governing board of the school district *or the*
 18 *county office of education* and the recognized employee
 19 organization representing the certificated employees
 20 shall establish, pursuant to a collective bargaining
 21 agreement, the length of time that a member will serve
 22 on the school safety planning committee and the process
 23 for removing a committee member who has not
 24 performed his or her duty.

25 (6) *An existing school committee or council may be*
 26 *utilized as the school safety planning committee provided*
 27 *the members of the existing school committee or council*
 28 *is composed as specified in this section.*

29 SEC. 3. Section 35294.1 of the Education Code, as
 30 amended by Chapter 435 of the Statutes of 1993, is
 31 amended and renumbered to read:

32 35294.2. (a) The *comprehensive* school safety plan
 33 shall include, but not be limited to, the following:

34 (1) Assessing the current status of school crime
 35 committed on school campuses and at school-related
 36 functions.

37 (2) Identifying appropriate strategies and programs
 38 that will provide or maintain a high level of school safety
 39 and address the school's procedures for complying with



1 existing laws related to school safety, which shall include
2 the development of the following:

3 (A) Child abuse reporting procedures consistent with
4 Article 2.5 (commencing with Section 11164) of Title 1 of
5 Part 4 of the Penal Code.

6 (B) Disaster procedures, routine and emergency.

7 ~~(C) Zero tolerance policy for drug, alcohol and~~
8 ~~tobacco on schoolsites, as set forth in Article 1~~
9 ~~(commencing with Section 48900) of Chapter 6 of Part 27.~~

10 *(C) Policies pursuant to subdivision (d) of Section*
11 *48915 for pupils who committed an act listed in*
12 *subdivision (c) of Section 48915 and other*
13 *school-designated serious acts which would lead to*
14 *suspension, expulsion, or mandatory expulsion*
15 *recommendations pursuant to Article 1 (commencing*
16 *with Section 48900) of Chapter 6 of Part 27.*

17 (D) Procedures to notify teachers of dangerous pupils
18 pursuant to Section 49079.

19 (E) A sexual harassment policy.

20 ~~(F) Policies for pupils who engage in the following~~
21 ~~antisocial behavior:~~

22 ~~(i) Possession or brandishing of firearms.~~

23 ~~(ii) Possession or brandishing of knives.~~

24 ~~(iii) Sale of drugs.~~

25 ~~(iv) Other school-designated serious acts which would~~
26 ~~lead to mandatory expulsion recommendations.~~

27 ~~(G)~~

28 (F) The provisions of any schoolwide dress code,
29 pursuant to Section 35183, that prohibits pupils from
30 wearing “gang-related apparel,” if the school has adopted
31 such a dress code. For those purposes, the *comprehensive*
32 school safety plan shall define “gang-related apparel.”
33 The definition shall be limited to apparel that, if worn or
34 displayed on a school campus, reasonably could be
35 determined to threaten the health and safety of the school
36 environment. Any schoolwide dress code established
37 pursuant to this section and Section 35183 shall be
38 enforced on the school campus and at any
39 school-sponsored activity by the principal of the school or
40 the person designated by the principal. For the purposes



1 of this paragraph, “gang-related apparel” shall not be
2 considered a protected form of speech pursuant to
3 Section 48950.

4 ~~(H)~~

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

7 ~~(I)–A~~

8 (H) *Programs, strategies, and action plans designed to*
9 *provide a safe and orderly environment conducive to*
10 *learning at the school.*

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

20 (c) The *comprehensive* school safety plan, as written
21 and updated by the school safety planning committee,
22 shall be subject to approval by a majority vote of the
23 employees present at the schoolsite on the day of the
24 election before it is ~~implemented~~ *adopted*.

25 SEC. 4. Section 35294.6 is added to the Education
26 Code, to read:

27 35294.6. Each school shall ~~implement~~ *adopt its*
28 *comprehensive* school safety plan by September 1, 1998.

29 SEC. 5. Section 35294.7 is added to the Education
30 Code, to read:

31 35294.7. Any officer or administrator of a school
32 district, *county office of education*, or a schoolsite who
33 knowingly fails to establish a *comprehensive school*
34 school safety plan, as set forth in this article, shall be guilty
35 of a misdemeanor, which is punishable by confinement in
36 the county jail for a period not to exceed six months, or
37 by a fine not to exceed one thousand dollars (\$1,000), or
38 both.

39 SEC. 6. Section 35294.8 is added to the Education
40 Code, to read:



1 35294.8. (a) In order to ensure compliance with the
2 provisions of this article, each school shall forward its
3 *comprehensive* school safety plan to the school district *or*
4 *county office of education, as appropriate.*

5 (b) In order to ensure compliance with the provisions
6 of the article, each school district *or county office of*
7 *education* shall notify the State ~~Department of Education~~
8 ~~when each school in the school district has a school safety~~
9 ~~plan.~~ *Department of Education by October 15, 1998, of*
10 *any schools that have not complied with Section 35294.1.*

11 SEC. 7. No reimbursement is required by this act
12 pursuant to Section 6 of Article XIII B of the California
13 Constitution for certain costs that may be incurred by a
14 local agency or school district because in that regard this
15 act creates a new crime or infraction, eliminates a crime
16 or infraction, or changes the penalty for a crime or
17 infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime
19 within the meaning of Section 6 of Article XIII B of the
20 California Constitution.

21 However, notwithstanding Section 17610 of the
22 Government Code, if the Commission on State Mandates
23 determines that this act contains other costs mandated by
24 the state, reimbursement to local agencies and school
25 districts for those costs shall be made pursuant to Part 7
26 (commencing with Section 17500) of Division 4 of Title
27 2 of the Government Code. If the statewide cost of the
28 claim for reimbursement does not exceed one million
29 dollars (\$1,000,000), reimbursement shall be made from
30 the State Mandates Claims Fund.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

