

AMENDED IN SENATE APRIL 10, 1997

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. 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. *Existing law provides for grants to assist schools in implementing their school safety plan.*

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~~ *evaluated and amended, as needed*, 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~~ *a year*. 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 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~~ *provide that upon determining that a school district or county office of education has not established a comprehensive school safety plan for its schools, the Superintendent of Public Instruction shall withhold an amount from the next state funding apportionment to which the school district or the county office of education would otherwise be entitled, in an amount not to exceed one-half of the annual salary of the superintendent of that district or of that county superintendent of schools, respectively. The bill would provide that school district or county office of education shall not reduce funding for any program or service because of the amount so withheld, except for withholding the salary of the superintendent of the district or of the county superintendent of schools.*



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 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~~ *statements* 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~~

~~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~~ *these* 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:



1 35294.1. (a) Each school district and county office of
2 education is responsible for the overall development of
3 comprehensive school safety plans for its schools
4 operating any kindergarten and any of grades 1 to 12,
5 inclusive.

6 (b) (1) Each school shall establish a school safety
7 planning committee to write and develop a
8 comprehensive school safety plan relevant to the needs
9 and resources of that particular school.

10 (2) The school safety planning committee ~~shall be~~
11 ~~composed of~~ *may be composed of members who are*
12 *already part of an existing school committee or council,*
13 *provided that the school safety planning committee shall*
14 *include the following:*

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

16 (B) One teacher who is the representative of the
17 recognized certificated employee organization.

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

21 (D) One classified employee who is the representative
22 of the recognized classified employee organization.

23 (3) The school safety planning committee shall consult
24 with a representative from a law enforcement agency in
25 writing and developing the comprehensive school safety
26 plan.

27 (4) The school safety planning committee may by
28 majority vote appoint a pupil who attends the school and
29 other members of the community to assist the committee
30 in writing and developing the comprehensive school
31 safety plan. The school safety planning committee shall
32 not contract with private consultants to develop the
33 comprehensive school safety plan.

34 (5) The governing board of the school district or the
35 county office of education and the recognized employee
36 organization representing the certificated employees
37 shall establish, pursuant to a collective bargaining
38 agreement, the length of time that a member will serve
39 on the school safety planning committee and the process



1 for removing a committee member who has not
2 performed his or her duty.

3 ~~(6) An existing school committee or council may be
4 utilized as the school safety planning committee provided
5 the members of the existing school committee or council
6 is composed as specified in this section.~~

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

10 35294.2. (a) The comprehensive school safety plan
11 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 and address the school's procedures for complying with
18 existing laws related to school safety, which shall include
19 the development of the following:

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

23 (B) Disaster procedures, routine and emergency.

24 (C) Policies pursuant to subdivision (d) of Section
25 48915 for pupils who committed an act listed in
26 subdivision (c) of Section 48915 and other
27 school-designated serious acts which would lead to
28 suspension, expulsion, or mandatory expulsion
29 recommendations pursuant to Article 1 (commencing
30 with Section 48900) of Chapter 6 of Part 27.

31 (D) Procedures to notify teachers of dangerous pupils
32 pursuant to Section 49079.

33 (E) A sexual harassment policy.

34 (F) The provisions of any schoolwide dress code,
35 pursuant to Section 35183, that prohibits pupils from
36 wearing "gang-related apparel," if the school has adopted
37 such a dress code. For those purposes, the comprehensive
38 school safety plan shall define "gang-related apparel."
39 The definition shall be limited to apparel that, if worn or
40 displayed on a school campus, reasonably could be



1 determined to threaten the health and safety of the school
2 environment. Any schoolwide dress code established
3 pursuant to this section and Section 35183 shall be
4 enforced on the school campus and at any
5 school-sponsored activity by the principal of the school or
6 the person designated by the principal. For the purposes
7 of this paragraph, “gang-related apparel” shall not be
8 considered a protected form of speech pursuant to
9 Section 48950.

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

12 (H) Programs, strategies, and action plans designed to
13 provide a safe and orderly environment conducive to
14 learning at the school.

15 (I) *The rules and procedures on school discipline*
16 *adopted pursuant to Sections 35291 and 35291.5.*

17 (b) *It is the intent of the Legislature that schools*
18 *develop school safety plans using existing resources,*
19 *including the materials and services of the School Safety*
20 *Partnership, pursuant to Chapter 2.5 (commencing with*
21 *Section 32260) of Part 19. It is also the intent of the*
22 *Legislature that schools use the handbook developed and*
23 *distributed by the School/Law Enforcement Partnership*
24 *Program entitled “Safe Schools: A Planning Guide for*
25 *Action” in conjunction with developing their plan for*
26 *school safety.*

27 (c) *Grants to assist schools in implementing their*
28 *school safety plan shall be made available through the*
29 *School Safety Partnership as authorized by Section 32262.*

30 (d) The comprehensive school safety plan shall be
31 ~~written and updated~~ *evaluated and amended, as needed,*
32 *by the school safety planning committee no less than once*
33 *every three years. At all schools, the school safety*
34 *planning committee shall meet at least once every other*
35 *month to evaluate and ensure committee no less than*
36 *once a year to ensure that the comprehensive school*
37 *safety plan is properly implemented. An updated file of*
38 *all safety-related plans and materials shall be readily*
39 *available for inspection by the public.*

40 ~~(e)~~



1 (e) The comprehensive school safety plan, as written
2 and updated by the school safety planning committee,
3 shall be subject to approval by a majority vote of the
4 employees present at the schoolsite on the day of the
5 election before it is adopted.

6 SEC. 4. Section 35294.6 is added to the Education
7 Code, to read:

8 35294.6. Each school shall adopt its comprehensive
9 school safety plan by September 1, 1998.

10 SEC. 5. Section 35294.7 is added to the Education
11 Code, to read:

12 ~~35294.7. Any officer or administrator of a school
13 district, county office of education, or a schoolsite who
14 knowingly fails to establish a comprehensive school
15 school safety plan, as set forth in this article, shall be guilty
16 of a misdemeanor, which is punishable by confinement in
17 the county jail for a period not to exceed six months, or
18 by a fine not to exceed one thousand dollars (\$1,000), or
19 both.~~

20 35294.7. (a) *Upon determining that a school district
21 or county office of education has not established a
22 comprehensive school safety plan for its schools, as
23 required under this article, the Superintendent of Public
24 Instruction shall withhold an amount from the next state
25 funding apportionment to which the school district or the
26 county office of education would otherwise be entitled.
27 The amount so withheld shall not exceed one-half of the
28 annual salary of the superintendent of that district or of
29 that county superintendent of schools, respectively. The
30 school district or county office of education shall not
31 reduce funding for any program or service because of the
32 amount so withheld, except for withholding the salary of
33 the superintendent of the district or of the county
34 superintendent of schools.*

35 (b) *Any funds withheld pursuant to subdivision (a)
36 shall be held in trust by the Superintendent of Public
37 Instruction until he or she determines that the
38 comprehensive school safety plan has been established,
39 whereupon those funds shall be released to the*



1 *appropriate county treasury to the credit of that school*
2 *district or county office of education.*

3 SEC. 6. Section 35294.8 is added to the Education
4 Code, to read:

5 35294.8. (a) In order to ensure compliance with the
6 provisions of this article, each school shall forward its
7 comprehensive school safety plan to the school district or
8 county office of education, as appropriate.

9 (b) In order to ensure compliance with the provisions
10 of the article, each school district or county office of
11 education shall notify the State Department of Education
12 by October 15, 1998, of any schools that have not complied
13 with Section 35294.1.

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

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

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

38 *SEC. 7. Notwithstanding Section 17610 of the*
39 *Government Code, if the Commission on State Mandates*
40 *determines that this act contains costs mandated by the*



1 *state, reimbursement to local agencies and school*
2 *districts for those costs shall be made pursuant to Part 7*
3 *(commencing with Section 17500) of Division 4 of Title*
4 *2 of the Government Code. If the statewide cost of the*
5 *claim for reimbursement does not exceed one million*
6 *dollars (\$1,000,000), reimbursement shall be made from*
7 *the State Mandates Claims Fund.*

8 *Notwithstanding Section 17580 of the Government*
9 *Code, unless otherwise specified, the provisions of this act*
10 *shall become operative on the same date that the act*
11 *takes effect pursuant to the California Constitution.*

