

AMENDED IN SENATE APRIL 21, 1997

AMENDED IN SENATE APRIL 10, 1997

AMENDED IN SENATE MARCH 4, 1997

**SENATE BILL**

**No. 187**

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**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 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 *comprehensive* 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 *schoolsite councils to 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. *The bill would provide that schoolsite councils may delegate this responsibility to a school safety planning committee, to be composed as specified.*

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 evaluated and amended, as needed, by the school safety planning committee no less than once 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 *the willful failure to make any report required by these provisions would be an infraction to be paid by the principal or the principal's designee, as specified* 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 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.*

~~This~~

*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 these 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.



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

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

8 ~~(b) (1) Each school shall establish a school safety  
9 planning committee to~~

10 *(b) (1) The schoolsite council established pursuant to*  
11 *Section 52012 or 52852 shall write and develop a*  
12 *comprehensive school safety plan relevant to the needs*  
13 *and resources of that particular school.*

14 ~~(2) The school safety planning committee may be~~  
15 ~~composed of members who are already part of an existing~~  
16 ~~school committee or council, provided that the school~~  
17 ~~safety planning committee shall include the following:~~

18 *(2) The schoolsite council may delegate this*  
19 *responsibility to a school safety planning committee*  
20 *made up of the following members:*

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

22 (B) One teacher who is ~~the~~ *a* representative of the  
23 recognized certificated employee organization.

24 (C) One parent whose child attends the school ~~and~~  
25 ~~who is elected at a public noticed meeting for the purpose~~  
26 ~~of selecting a committee member. .~~

27 (D) One classified employee who is ~~the~~ *a*  
28 representative of the recognized classified employee  
29 organization.

30 ~~(3) The school safety planning committee shall consult~~  
31 ~~with a representative from a law enforcement agency in~~  
32 ~~writing and developing the comprehensive school safety~~  
33 ~~plan.~~

34 ~~(4) The school safety planning committee may by~~  
35 ~~majority vote appoint a pupil who attends the school and~~  
36 ~~other members of the community to assist the committee~~  
37 ~~in writing and developing the comprehensive school~~  
38 ~~safety plan. The school safety planning committee shall~~  
39 ~~not contract with private consultants to develop the~~  
40 ~~comprehensive school safety plan.~~



1 ~~(5) The governing board of the school district or the~~  
2 ~~county office of education and the recognized employee~~  
3 ~~organization representing the certificated employees~~  
4 ~~shall establish, pursuant to a collective bargaining~~  
5 ~~agreement, the length of time that a member will serve~~  
6 ~~on the school safety planning committee and the process~~  
7 ~~for removing a committee member who has not~~  
8 ~~performed his or her duty.~~

9 *(E) Other members, including representatives from*  
10 *law enforcement agencies, if desired.*

11 *(3) In the absence of a schoolsite council the members*  
12 *specified in paragraph (2) shall serve as the school safety*  
13 *planning committee.*

14 SEC. 3. Section 35294.1 of the Education Code, as  
15 amended by Chapter 435 of the Statutes of 1993, is  
16 amended and renumbered to read:

17 35294.2. (a) The comprehensive school safety plan  
18 shall include, but not be limited to, the following:

19 (1) Assessing the current status of school crime  
20 committed on school campuses and at school-related  
21 functions.

22 (2) Identifying appropriate strategies and programs  
23 that will provide or maintain a high level of school safety  
24 and address the school's procedures for complying with  
25 existing laws related to school safety, which shall include  
26 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) Policies pursuant to subdivision (d) of Section  
32 48915 for pupils who committed an act listed in  
33 subdivision (c) of Section 48915 and other  
34 school-designated serious acts which would lead to  
35 suspension, expulsion, or mandatory expulsion  
36 recommendations pursuant to Article 1 (commencing  
37 with Section 48900) of Chapter 6 of Part 27.

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

40 (E) A sexual harassment policy.



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

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

19 (H) Programs, strategies, and action plans designed to  
20 provide a safe and orderly environment conducive to  
21 learning at the school.

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

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

34 (c) Grants to assist schools in implementing their  
35 *comprehensive* school safety plan shall be made available  
36 through the School Safety Partnership as authorized by  
37 Section 32262.

38 (d) The comprehensive school safety plan shall be  
39 evaluated and amended, as needed, by the school safety  
40 planning committee no less than once a year to ensure



1 that the comprehensive school safety plan is properly  
2 implemented. An updated file of all safety-related plans  
3 and materials shall be readily available for inspection by  
4 the public.

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

10 SEC. 4. Section 35294.6 is added to the Education  
11 Code, to read:

12 35294.6. Each school shall adopt its comprehensive  
13 school safety plan by September 1, 1998.

14 SEC. 5. Section 35294.7 is added to the Education  
15 Code, to read:

16 ~~35294.7. (a) Upon determining that a school district  
17 or county office of education has not established a  
18 comprehensive school safety plan for its schools, as  
19 required under this article, the Superintendent of Public  
20 Instruction shall withhold an amount from the next state  
21 funding apportionment to which the school district or the  
22 county office of education would otherwise be entitled.  
23 The amount so withheld shall not exceed one-half of the  
24 annual salary of the superintendent of that district or of  
25 that county superintendent of schools, respectively. The  
26 school district or county office of education shall not  
27 reduce funding for any program or service because of the  
28 amount so withheld, except for withholding the salary of  
29 the superintendent of the district or of the county  
30 superintendent of schools.~~

31 ~~(b) Any funds withheld pursuant to subdivision (a)  
32 shall be held in trust by the Superintendent of Public  
33 Instruction until he or she determines that the  
34 comprehensive school safety plan has been established;  
35 whereupon those funds shall be released to the  
36 appropriate county treasury to the credit of that school  
37 district or county office of education.~~

38 *35294.7. The willful failure to make any report  
39 required by this article is an infraction punishable by a  
40 fine of not more than five hundred dollars (\$500) to be*



1 *paid by the principal or principal's designee who is*  
2 *responsible for that failure.*

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

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

28 *SEC. 7. No reimbursement is required by this act*  
29 *pursuant to Section 6 of Article XIII B of the California*  
30 *Constitution for certain costs that may be incurred by a*  
31 *local agency or school district because in that regard this*  
32 *act creates a new crime or infraction, eliminates a crime*  
33 *or infraction, or changes the penalty for a crime or*  
34 *infraction, within the meaning of Section 17556 of the*  
35 *Government Code, or changes the definition of a crime*  
36 *within the meaning of Section 6 of Article XIII B of the*  
37 *California Constitution.*

38 *However, notwithstanding Section 17610 of the*  
39 *Government Code, if the Commission on State Mandates*  
40 *determines that this act contains other costs mandated by*



1 *the 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.*

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