

AMENDED IN SENATE MAY 5, 1997
AMENDED IN SENATE APRIL 21, 1997
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~~ 35294.8, and 35294.9 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 *comprehensive* 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~~ plans.

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 write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school, *except with regard to small school districts, as defined, which would have the option of developing districtwide comprehensive school safety plans applicable to each schoolsite.* 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 *necessarily* 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~~, *in the event that the Superintendent of Public Instruction determines that there has been a 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,~~ *the Superintendent of Public Instruction would be required to make an assessment of not more than \$500 against that school district,* as specified.

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~~ *developing* a *comprehensive* school safety ~~planning~~ *committee plan*.

The bill would provide that a school that complies with all provisions of existing law in this area as of December 31, 1997, shall be deemed to have satisfied the requirements of the law in this area on and after the effective date of this bill.

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.~~

~~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:



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) ~~The~~ *Except as provided in subdivision (c)*
 7 *with regard to a small school district, the* schoolsite
 8 council established pursuant to Section 52012 or 52852
 9 shall write and develop a comprehensive school safety
 10 plan relevant to the needs and resources of that particular
 11 school.

12 (2) The schoolsite council may delegate this
 13 responsibility to a school safety planning committee
 14 made up of the following members:

- 15 (A) The principal or the principal’s designee.
- 16 (B) One teacher who is a representative of the
 17 recognized certificated employee organization.
- 18 (C) One parent whose child attends the school.
- 19 (D) One classified employee who is a representative
 20 of the recognized classified employee organization.
- 21 (E) Other members, including representatives from
 22 law enforcement agencies, if desired.

23 (3) In the absence of a schoolsite council, the members
 24 specified in paragraph (2) shall serve as the school safety
 25 planning committee.

26 (c) (1) *Subdivision (b) shall not apply to a small*
 27 *school district, as defined in paragraph (2), if the small*
 28 *school district develops a districtwide comprehensive*
 29 *school safety plan that is applicable to each schoolsite.*

30 (2) *As used in this article, “small school district” means*
 31 *a school district that has fewer than 2,501 units of average*
 32 *daily attendance in the 1997–98 fiscal year.*

33 SEC. 3. Section 35294.1 of the Education Code, as
 34 amended by Chapter 435 of the Statutes of 1993, is
 35 amended and renumbered to read:

36 35294.2. (a) The comprehensive school safety plan
 37 shall include, but not *necessarily* be limited to, the
 38 following:



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

4 (2) Identifying appropriate strategies and programs
5 that will provide or maintain a high level of school safety
6 and address the school's procedures for complying with
7 existing laws related to school safety, which shall include
8 the development *of all* of the following:

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

12 (B) Disaster procedures, routine and emergency.

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

20 (D) Procedures to notify teachers of dangerous pupils
21 pursuant to Section 49079.

22 (E) A sexual harassment policy.

23 (F) The provisions of any schoolwide dress code,
24 pursuant to Section 35183, that prohibits pupils from
25 wearing "gang-related apparel," if the school has adopted
26 such a dress code. For those purposes, the comprehensive
27 school safety plan shall define "gang-related apparel."
28 The definition shall be limited to apparel that, if worn or
29 displayed on a school campus, reasonably could be
30 determined to threaten the health and safety of the school
31 environment. Any schoolwide dress code established
32 pursuant to this section and Section 35183 shall be
33 enforced on the school campus and at any
34 school-sponsored activity by the principal of the school or
35 the person designated by the principal. For the purposes
36 of this paragraph, "gang-related apparel" shall not be
37 considered a protected form of speech pursuant to
38 Section 48950.

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



1 (H) Programs, strategies, and action plans designed to
2 provide a safe and orderly environment conducive to
3 learning at the school.

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

6 (b) It is the intent of the Legislature that schools
7 develop comprehensive school safety plans using existing
8 resources, including the materials and services of the
9 School Safety Partnership, pursuant to Chapter 2.5
10 (commencing with Section 32260) of Part 19. It is also the
11 intent of the Legislature that schools use the handbook
12 developed and distributed by the School/Law
13 Enforcement Partnership Program entitled “Safe
14 Schools: A Planning Guide for Action” in conjunction
15 with developing their plan for school safety.

16 (c) Grants to assist schools in implementing their
17 comprehensive school safety plan shall be made available
18 through the School Safety Partnership as authorized by
19 Section 32262.

20 (d) The comprehensive school safety plan shall be
21 evaluated and amended, as needed, by the school safety
22 planning committee no less than once a year to ensure
23 that the comprehensive school safety plan is properly
24 implemented. An updated file of all safety-related plans
25 and materials shall be readily available for inspection by
26 the public.

27 (e) The comprehensive school safety plan, as written
28 and updated by the school safety planning committee,
29 shall be subject to approval by a majority vote of the
30 employees present at the schoolsite on the day of the
31 election before it is adopted.

32 SEC. 4. Section 35294.6 is added to the Education
33 Code, to read:

34 35294.6. Each school shall adopt its comprehensive
35 school safety plan by September 1, 1998.

36 SEC. 5. Section 35294.7 is added to the Education
37 Code, to read:

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 35294.7. *In the event that the Superintendent of*
4 *Public Instruction determines that there has been a*
5 *willful failure to make any report required by this article,*
6 *the Superintendent of Public Instruction shall do both of*
7 *the following:*

8 (a) *Notify the school district in which the willful*
9 *failure has occurred of the determination.*

10 (b) *Make an assessment of not more than five hundred*
11 *dollars (\$500) against that school district. This may be*
12 *accomplished by the deduction of the amount of the*
13 *assessment from an apportionment made subsequent to*
14 *the determination.*

15 SEC. 6. Section 35294.8 is added to the Education
16 Code, to read:

17 35294.8. (a) In order to ensure compliance with ~~the~~
18 ~~provisions of~~ this article, each school shall forward its
19 comprehensive school safety plan to the school district or
20 county office of education, as appropriate. *A school that*
21 *submits a comprehensive school safety plan that is in*
22 *compliance with all provisions of this article except for*
23 *the procedures set forth in subdivision (b) of Section*
24 *35294.1 shall be deemed to have satisfied the*
25 *requirements of this article.*

26 (b) In order to ensure compliance with ~~the provisions~~
27 ~~of the~~ this article, each school district or county office of
28 education shall notify the State Department of Education
29 by October 15, 1998, of any schools that have not complied
30 with Section 35294.1.

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



1 ~~However, notwithstanding~~

2 *SEC. 7. Section 35294.9 is added to the Education*
3 *Code, to read:*

4 *35294.9. Notwithstanding any other provision of law,*
5 *a school that complies with all provisions of this article as*
6 *it exists on December 31, 1997, shall be deemed to have*
7 *satisfied the requirements of this article as it exists on and*
8 *after the effective date of the act that adds this section.*

9 *SEC. 8. Notwithstanding Section 17610 of the*
10 *Government Code, if the Commission on State Mandates*
11 *determines that this act contains ~~other~~ costs mandated by*
12 *the state, reimbursement to local agencies and school*
13 *districts for those costs shall be made pursuant to Part 7*
14 *(commencing with Section 17500) of Division 4 of Title*
15 *2 of the Government Code. If the statewide cost of the*
16 *claim for reimbursement does not exceed one million*
17 *dollars (\$1,000,000), reimbursement shall be made from*
18 *the State Mandates Claims Fund.*

19 *Notwithstanding Section 17580 of the Government*
20 *Code, unless otherwise specified, the provisions of this act*
21 *shall become operative on the same date that the act*
22 *takes effect pursuant to the California Constitution.*

