

AMENDED IN SENATE MAY 22, 1997
AMENDED IN SENATE MAY 12, 1997
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,~~ *renumber, and repeal Section 35294.1 of,* to add Section 35294.2 to, and to add *and repeal* Sections 35294.1, 35294.6, 35294.7, 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 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, 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, 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 developing a comprehensive school safety plan.

The bill would provide that a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on 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 if the comprehensive school safety plan ~~greet~~s *meets* specified requirements in effect.

This bill would repeal these provisions on January 1, 2000.

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, 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.



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

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

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

23 (3) The schoolsite council shall consult with a
24 representative from a law enforcement agency in the
25 writing and development of the comprehensive school
26 safety plan.

27 (4) In the absence of a schoolsite council, the members
28 specified in paragraph (2) shall serve as the school safety
29 planning committee.

30 (c) (1) Subdivision (b) shall not apply to a small
31 school district, as defined in paragraph (2), if the small
32 school district develops a districtwide comprehensive
33 school safety plan that is applicable to each schoolsite.

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

37 (d) *This section shall remain in effect only until*
38 *January 1, 2000, and as of that date is repealed, unless a*
39 *later enacted statute, that is enacted before January 1,*
40 *2000, deletes or extends that date.*



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

4 35294.2. (a) The comprehensive school safety plan
5 shall include, but not necessarily be limited to, the
6 following:

7 (1) Assessing the current status of school crime
8 committed on school campuses and at school-related
9 functions.

10 (2) Identifying appropriate strategies and programs
11 that will provide or maintain a high level of school safety
12 and address the school's procedures for complying with
13 existing laws related to school safety, which shall include
14 the development of all of the following:

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

18 (B) Disaster procedures, routine and emergency.

19 (C) Policies pursuant to subdivision (d) of Section
20 48915 for pupils who committed an act listed in
21 subdivision (c) of Section 48915 and other
22 school-designated serious acts which would lead to
23 suspension, expulsion, or mandatory expulsion
24 recommendations pursuant to Article 1 (commencing
25 with Section 48900) of Chapter 6 of Part 27.

26 (D) Procedures to notify teachers of dangerous pupils
27 pursuant to Section 49079.

28 (E) A sexual harassment policy.

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



1 the person designated by the principal. For the purposes
2 of this paragraph, “gang-related apparel” shall not be
3 considered a protected form of speech pursuant to
4 Section 48950.

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

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

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

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

22 (c) Grants to assist schools in implementing their
23 comprehensive school safety plan shall be made available
24 through the School Safety Partnership as authorized by
25 Section 32262.

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

33 (e) The comprehensive school safety plan, as written
34 and updated by the school safety planning committee,
35 shall be subject to approval by a majority vote of the
36 employees present at the schoolsite on the day of the
37 election before it is adopted.

38 (f) *This section shall remain in effect only until*
39 *January 1, 2000, and as of that date is repealed, unless a*



1 later enacted statute, that is enacted before January 1,
2 2000, deletes or extends that date.

3 SEC. 4. Section 35294.2 is added to the Education
4 Code, to read:

5 35294.2. (a) School safety planning may include, but
6 is not limited to the following:

7 (1) Assessing the current status of school crime
8 committed on school campuses and at school-related
9 functions.

10 (2) Identifying appropriate strategies and programs
11 that will provide or maintain a high level of school safety.

12 (3) Developing an action plan, in conjunction with
13 local law enforcement agencies, for implementing
14 appropriate safety strategies and programs and
15 determining the fiscal impact of executing the strategies
16 and programs. The action plan may identify available
17 resources which will provide for implementation of the
18 plan.

19 (4) Establishing a schoolwide dress code, pursuant to
20 Section 35183, that prohibits pupils from wearing
21 “gang-related apparel.” For those purposes, the parties
22 participating in the development of the comprehensive
23 school safety plan shall define “gang-related apparel.”
24 The definition shall be limited to apparel that, if worn or
25 displayed on a school campus reasonably could be
26 determined to threaten the health and safety of the school
27 environment. Any schoolwide dress code established
28 pursuant to this section shall be enforced on the school
29 campus and at any school-sponsored activity by the
30 principal of the school or the person designated by the
31 principal. For the purposes of this paragraph,
32 “gang-related apparel” shall not be considered a
33 protected form of speech pursuant to Section 48950.

34 (b) Existing schoolsite councils may be responsible for
35 developing a safety plan. In any event, the plan may be
36 developed with the participation of teachers, classified
37 employees, parents, law enforcement, school
38 administrators, and, if deemed appropriate, students.

39 (c) It is the intent of the Legislature that schools
40 develop school safety plans using existing resources,



1 including the materials and services of the School Safety
 2 Partnership, pursuant to Chapter 2.5 (commencing with
 3 Section 32260) of Part 19. It is also the intent of the
 4 Legislature that schools use the handbook developed and
 5 distributed by the School/Law Enforcement Partnership
 6 Program entitled "Safe Schools: A Planning Guide for
 7 Action" in conjunction with developing their plan for
 8 school safety.

9 (d) It is the intent of the Legislature that schools shall
 10 not contract with private consultants to develop school
 11 safety plans.

12 (e) Grants to assist schools in implementing their
 13 school safety plan shall be made available through the
 14 School Safety Partnership as authorized by Section 32262
 15 of the Education Code.

16 (f) This section shall become operative on January 1,
 17 2000.

18 SEC. 5. Section 35294.6 is added to the Education
 19 Code, to read:

20 35294.6. (a) Each school shall adopt its
 21 comprehensive school safety plan by September 1, 1998.

22 ~~SEC. 5.—~~

23 (b) This section shall remain in effect only until
 24 January 1, 2000, and as of that date is repealed, unless a
 25 later enacted statute, that is enacted before January 1,
 26 2000, deletes or extends that date.

27 SEC. 6. Section 35294.7 is added to the Education
 28 Code, to read:

29 35294.7. (a) In the event that the Superintendent of
 30 Public Instruction determines that there has been a
 31 willful failure to make any report required by this article,
 32 the Superintendent of Public Instruction shall do both of
 33 the following:

34 ~~(a)~~

35 (1) Notify the school district in which the willful
 36 failure has occurred of the determination.

37 ~~(b)~~

38 (2) Make an assessment of not more than five hundred
 39 dollars (\$500) against that school district. This may be
 40 accomplished by the deduction of the amount of the



1 assessment from an apportionment made subsequent to
2 the determination.

3 ~~SEC. 6.—~~

4 *(b) This section shall remain in effect only until*
5 *January 1, 2000, and as of that date is repealed, unless a*
6 *later enacted statute, that is enacted before January 1,*
7 *2000, deletes or extends that date.*

8 SEC. 7. Section 35294.8 is added to the Education
9 Code, to read:

10 35294.8. (a) In order to ensure compliance with this
11 article, each school shall forward its comprehensive
12 school safety plan to the school district or county office of
13 education, as appropriate.

14 (b) In order to ensure compliance with this article,
15 each school district or county office of education shall
16 notify the State Department of Education by October 15,
17 1998, of any schools that have not complied with Section
18 35294.1.

19 ~~SEC. 7.—~~

20 *(c) This section shall remain in effect only until*
21 *January 1, 2000, and as of that date is repealed, unless a*
22 *later enacted statute, that is enacted before January 1,*
23 *2000, deletes or extends that date.*

24 SEC. 8. Section 35294.9 is added to the Education
25 Code, to read:

26 35294.9. (a) Notwithstanding any other provision of
27 law, a school, other than a school in a small school district,
28 that submits a comprehensive school safety plan in
29 existence on December 31, 1997, shall be deemed to have
30 satisfied the requirements of this article as it exists on and
31 after the effective date of the act that adds this section if
32 the comprehensive school safety plan meets all of the
33 requirements of Section 35294.2.

34 ~~SEC. 8.—~~

35 *(b) This section shall remain in effect only until*
36 *January 1, 2000, and as of that date is repealed, unless a*
37 *later enacted statute, that is enacted before January 1,*
38 *2000, deletes or extends that date.*

39 SEC. 9. Notwithstanding Section 17610 of the
40 Government Code, if the Commission on State Mandates



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

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

