

AMENDED IN ASSEMBLY JUNE 19, 1997
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, 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 meets specified requirements in effect.

This bill would repeal these provisions on January 1, 2000, *however, the comprehensive school safety plan would continue to be evaluated and amended by the schoolsite council.*

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.

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

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 a representative of the
23 recognized certificated employee organization.
- 24 (C) One parent whose child attends the school.
- 25 (D) One classified employee who is a representative
26 of the recognized classified employee organization.
- 27 (E) Other members, if desired.

28 (3) The schoolsite council shall consult with a
29 representative from a law enforcement agency in the
30 writing and development of the comprehensive school
31 safety plan.

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

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



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

4 (d) 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. 3. Section 35294.1 of the Education Code, as
9 amended by Chapter 435 of the Statutes of 1993, is
10 amended and renumbered to read:

11 35294.2. (a) The comprehensive school safety plan
12 shall include, but not necessarily be limited to, the
13 following:

14 (1) Assessing the current status of school crime
15 committed on school campuses and at school-related
16 functions.

17 (2) Identifying appropriate strategies and programs
18 that will provide or maintain a high level of school safety
19 and address the school’s procedures for complying with
20 existing laws related to school safety, which shall include
21 the development of all of the following:

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

25 (B) Disaster procedures, routine and emergency.

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

33 (D) Procedures to notify teachers of dangerous pupils
34 pursuant to Section 49079.

35 (E) A sexual harassment policy.

36 (F) The provisions of any schoolwide dress code,
37 pursuant to Section 35183, that prohibits pupils from
38 wearing “gang-related apparel,” if the school has adopted
39 such a dress code. For those purposes, the comprehensive
40 school safety plan shall define “gang-related apparel.”



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

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

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

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

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

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

33 (d) The comprehensive school safety plan shall be
34 evaluated and amended, as needed, by the school safety
35 planning committee no less than once a year to ensure
36 that the comprehensive school safety plan is properly
37 implemented. An updated file of all safety-related plans
38 and materials shall be readily available for inspection by
39 the public.



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 (f) This section shall remain in effect only until
7 January 1, 2000, and as of that date is repealed, unless a
8 later enacted statute, that is enacted before January 1,
9 2000, deletes or extends that date.

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

12 35294.2. (a) School safety planning may include, but
13 is not limited to, the following:

14 (1) Assessing the current status of school crime
15 committed on school campuses and at school-related
16 functions.

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

19 (3) Developing an action plan, in conjunction with
20 local law enforcement agencies, for implementing
21 appropriate safety strategies and programs and
22 determining the fiscal impact of executing the strategies
23 and programs. The action plan may identify available
24 resources which will provide for implementation of the
25 plan.

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



1 (b) Existing schoolsite councils may be responsible for
2 developing a safety plan. In any event, the plan may be
3 developed with the participation of teachers, classified
4 employees, parents, law enforcement, school
5 administrators, and, if deemed appropriate, students.

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

16 (d) It is the intent of the Legislature that schools shall
17 not contract with private consultants to develop school
18 safety plans.

19 (e) Grants to assist schools in implementing their
20 school safety plan shall be made available through the
21 School Safety Partnership as authorized by Section 32262
22 of the Education Code.

23 (f) *Comprehensive school safety plans developed*
24 *pursuant to Section 35294.1 and 35294.2, as those sections*
25 *existed on December 31, 1999, shall be evaluated and*
26 *amended, as needed, by the schoolsite council no less than*
27 *once a year to ensure that the comprehensive school*
28 *safety plan is properly implemented. An updated file of*
29 *all safety-related plans and materials shall be readily*
30 *available for inspection by the public.*

31 (g) This section shall become operative on January 1,
32 2000.

33 SEC. 5. Section 35294.6 is added to the Education
34 Code, to read:

35 35294.6. (a) Each school shall adopt its
36 comprehensive school safety plan by September 1, 1998.

37 (b) 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. 6. Section 35294.7 is added to the Education
2 Code, to read:

3 35294.7. (a) 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 (1) Notify the school district in which the willful
9 failure has occurred of the determination.

10 (2) 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 (b) This section shall remain in effect only until
16 January 1, 2000, and as of that date is repealed, unless a
17 later enacted statute, that is enacted before January 1,
18 2000, deletes or extends that date.

19 SEC. 7. Section 35294.8 is added to the Education
20 Code, to read:

21 35294.8. (a) In order to ensure compliance with this
22 article, each school shall forward its comprehensive
23 school safety plan to the school district or county office of
24 education, as appropriate.

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

30 (c) This section shall remain in effect only until
31 January 1, 2000, and as of that date is repealed, unless a
32 later enacted statute, that is enacted before January 1,
33 2000, deletes or extends that date.

34 SEC. 8. Section 35294.9 is added to the Education
35 Code, to read:

36 35294.9. (a) Notwithstanding any other provision of
37 law, a school, other than a school in a small school district,
38 that submits a comprehensive school safety plan in
39 existence on December 31, 1997, shall be deemed to have
40 satisfied the requirements of this article as it exists on and



1 after the effective date of the act that adds this section if
2 the comprehensive school safety plan meets all of the
3 requirements of Section 35294.2.

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

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

