

AMENDED IN ASSEMBLY JULY 18, 1997  
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**

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**Introduced by Senator Hughes**

*(Coauthors: Assembly Members Alquist, Campbell, Davis, Lempert, Martinez, Pacheco, Scott, Strom-Martin, Sweeney, Wayne, and Wildman)*

January 23, 1997

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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~~ *make* 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~~ *authorize* schoolsite councils ~~may to~~ delegate this responsibility to a school safety planning committee, to be composed as specified. *This bill would not limit or remove the authority of school boards as guaranteed in the Education Code.*

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 *schoolsite council or 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 comprehensive school safety plan to be submitted for approval, as specified.*

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 if~~ 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 *or county office of education*, 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 for approval.~~ *Before adopting the comprehensive school safety plan, the schoolsite council or school safety planning committee would be required to hold a public hearing to allow the members of the public to express an opinion about the school safety plan.* The bill would require 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 require~~ 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 to~~ 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.



1 (3) The schoolsite council shall consult with a  
2 representative from a law enforcement agency in the  
3 writing and development of the comprehensive school  
4 safety plan.

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

8 *(c) Nothing in this article shall limit or take away the*  
9 *authority of school boards as guaranteed under this code.*

10 ~~(e)~~

11 *(d)* (1) Subdivision (b) shall not apply to a small  
12 school district, as defined in paragraph (2), if the small  
13 school district develops a districtwide comprehensive  
14 school safety plan that is applicable to each schoolsite.

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

18 ~~(d)~~

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

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

26 35294.2. (a) The comprehensive school safety plan  
27 shall include, but not necessarily be limited to, the  
28 following:

29 (1) Assessing the current status of school crime  
30 committed on school campuses and at school-related  
31 functions.

32 (2) Identifying appropriate strategies and programs  
33 that will provide or maintain a high level of school safety  
34 and address the school’s procedures for complying with  
35 existing laws related to school safety, which shall include  
36 the development of all of the following:

37 (A) Child abuse reporting procedures consistent with  
38 Article 2.5 (commencing with Section 11164) of Title 1 of  
39 Part 4 of the Penal Code.

40 (B) Disaster procedures, routine and emergency.



1 (C) Policies pursuant to subdivision (d) of Section  
2 48915 for pupils who committed an act listed in  
3 subdivision (c) of Section 48915 and other  
4 school-designated serious acts which would lead to  
5 suspension, expulsion, or mandatory expulsion  
6 recommendations pursuant to Article 1 (commencing  
7 with Section 48900) of Chapter 6 of Part 27.

8 (D) Procedures to notify teachers of dangerous pupils  
9 pursuant to Section 49079.

10 (E) A sexual harassment policy, *pursuant to*  
11 *subdivision (b) of Section 212.6.*

12 (F) The provisions of any schoolwide dress code,  
13 pursuant to Section 35183, that prohibits pupils from  
14 wearing “gang-related apparel,” if the school has adopted  
15 such a dress code. For those purposes, the comprehensive  
16 school safety plan shall define “gang-related apparel.”  
17 The definition shall be limited to apparel that, if worn or  
18 displayed on a school campus, reasonably could be  
19 determined to threaten the health and safety of the school  
20 environment. Any schoolwide dress code established  
21 pursuant to this section and Section 35183 shall be  
22 enforced on the school campus and at any  
23 school-sponsored activity by the principal of the school or  
24 the person designated by the principal. For the purposes  
25 of this paragraph, “gang-related apparel” shall not be  
26 considered a protected form of speech pursuant to  
27 Section 48950.

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

30 ~~(H) Programs, strategies, and action plans designed to~~  
31 ~~provide a~~ A safe and orderly environment conducive to  
32 learning at the school.

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

35 (b) It is the intent of the Legislature that schools  
36 develop comprehensive school safety plans using existing  
37 resources, including the materials and services of the  
38 School Safety Partnership, pursuant to Chapter 2.5  
39 (commencing with Section 32260) of Part 19. It is also the  
40 intent of the Legislature that schools use the handbook



1 developed and distributed by the School/Law  
2 Enforcement Partnership Program entitled “Safe  
3 Schools: A Planning Guide for Action” in conjunction  
4 with developing their plan for school safety.

5 (c) Grants to assist schools in implementing their  
6 comprehensive school safety plan shall be made available  
7 through the School Safety Partnership as authorized by  
8 Section 32262.

9 (d) *Each schoolsite council or school safety planning*  
10 *committee in developing and updating a comprehensive*  
11 *school safety plan shall, where practical, consult,*  
12 *cooperate, and coordinate with other schoolsite councils*  
13 *or school safety planning committees.*

14 (e) The comprehensive school safety plan shall be  
15 evaluated and amended, as needed, by the school safety  
16 planning committee no less than once a year to ensure  
17 that the comprehensive school safety plan is properly  
18 implemented. An updated file of all safety-related plans  
19 and materials shall be readily available for inspection by  
20 the public.

21 ~~(e)~~

22 (f) The comprehensive school safety plan, as written  
23 and updated by the *schoolsite council, or school safety*  
24 *planning committee, shall be subject to approval by a*  
25 ~~majority vote of the employees present at the schoolsite~~  
26 ~~on the day of the election before it is adopted.~~ *submitted*  
27 *for approval under subdivision (a) of Section 35294.8.*

28 ~~(f)~~

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

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

35 35294.2. (a) School safety planning may include, but  
36 is not limited to, the following:

37 (1) Assessing the current status of school crime  
38 committed on school campuses and at school-related  
39 functions.



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

3 (3) Developing an action plan, in conjunction with  
4 local law enforcement agencies, for implementing  
5 appropriate safety strategies and programs and  
6 determining the fiscal impact of executing the strategies  
7 and programs. The action plan may identify available  
8 resources which will provide for implementation of the  
9 plan.

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

25 (b) Existing schoolsite councils may be responsible for  
26 developing a safety plan. In any event, the plan may be  
27 developed with the participation of teachers, classified  
28 employees, parents, law enforcement, school  
29 administrators, and, if deemed appropriate, students.

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



1 (d) It is the intent of the Legislature that schools shall  
2 not contract with private consultants to develop school  
3 safety plans.

4 (e) Grants to assist schools in implementing their  
5 school safety plan shall be made available through the  
6 School Safety Partnership as authorized by Section 32262  
7 of the Education Code.

8 (f) Comprehensive school safety plans developed  
9 pursuant to Section 35294.1 and 35294.2, as those sections  
10 existed on December 31, 1999, shall be evaluated and  
11 amended, as needed, by the schoolsite council *or the*  
12 *school safety planning committee*, no less than once a  
13 year to ensure that the comprehensive school safety plan  
14 is properly implemented. An updated file of all  
15 safety-related plans and materials shall be readily  
16 available for inspection by the public.

17 (g) This section shall become operative on January 1,  
18 2000.

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

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

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 (1) Notify the school district *or the county office of*  
35 *education* in which the willful failure has occurred of the  
36 determination.

37 (2) Make an assessment of not more than five hundred  
38 dollars (\$500) against that school district *or county office*  
39 *of education*. This may be accomplished by the deduction

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

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

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

9 35294.8. (a) In order to ensure compliance with this  
 10 article, each school shall forward its comprehensive  
 11 school safety plan to the school district or county office of  
 12 education, ~~as appropriate for approval.~~

13 (b) *Before adopting its comprehensive school safety*  
 14 *plan, the schoolsite council or school safety planning*  
 15 *committee shall hold a public meeting at the schoolsite in*  
 16 *order to allow members of the public the opportunity to*  
 17 *express an opinion about the school safety plan.*

18 (c) In order to ensure compliance with this article,  
 19 each school district or county office of education shall  
 20 notify the State Department of Education by October 15,  
 21 1998, of any schools that have not complied with Section  
 22 35294.1.

23 ~~(e)~~  
 24 (d) This section shall remain in effect only until  
 25 January 1, 2000, and as of that date is repealed, unless a  
 26 later enacted statute, that is enacted before January 1,  
 27 2000, deletes or extends that date.

28 SEC. 8. Section 35294.9 is added to the Education  
 29 Code, to read:

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

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

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

