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AMENDED IN ASSEMBLY JULY 18, 1997

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AMENDED IN SENATE MARCH 4, 1997

SENATE BILL

No. 187

Introduced by Senator Hughes

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

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 make each school district and county office of education 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 authorize schoolsite councils 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 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, 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 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 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, 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 ~~(e)~~ (d) 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.



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

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

6 (d) (1) Subdivision (b) shall not apply to a small
7 school district, as defined in paragraph (2), if the small
8 school district develops a districtwide comprehensive
9 school safety plan that is applicable to each schoolsite.

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

13 (e) This section shall remain in effect only until
14 January 1, 2000, and as of that date is repealed, unless a
15 later enacted statute, that is enacted before January 1,
16 2000, deletes or extends that date.

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

20 35294.2. (a) The comprehensive school safety plan
21 shall include, but not necessarily be limited to, the
22 following:

23 (1) Assessing the current status of school crime
24 committed on school campuses and at school-related
25 functions.

26 (2) Identifying appropriate strategies and programs
27 that will provide or maintain a high level of school safety
28 and address the school’s procedures for complying with
29 existing laws related to school safety, which shall include
30 the development of all of the following:

31 (A) Child abuse reporting procedures consistent with
32 Article 2.5 (commencing with Section 11164) of Title 1 of
33 Part 4 of the Penal Code.

34 (B) Disaster procedures, routine and emergency.

35 (C) Policies pursuant to subdivision (d) of Section
36 48915 for pupils who committed an act listed in
37 subdivision (c) of Section 48915 and other
38 school-designated serious acts which would lead to
39 suspension, expulsion, or mandatory expulsion



1 recommendations pursuant to Article 1 (commencing
2 with Section 48900) of Chapter 6 of Part 27.

3 (D) Procedures to notify teachers of dangerous pupils
4 pursuant to Section 49079.

5 (E) A sexual harassment policy, pursuant to
6 subdivision (b) of Section 212.6.

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

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

25 (H) A safe and orderly environment conducive to
26 learning at the school.

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

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

39 (c) Grants to assist schools in implementing their
40 comprehensive school safety plan shall be made available



1 through the School Safety Partnership as authorized by
2 Section 32262.

3 (d) Each schoolsite council or school safety planning
4 committee in developing and updating a comprehensive
5 school safety plan shall, where practical, consult,
6 cooperate, and coordinate with other schoolsite councils
7 or school safety planning committees.

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

15 (f) The comprehensive school safety plan, as written
16 and updated by the schoolsite council, or school safety
17 planning committee, shall be submitted for approval
18 under subdivision (a) of Section 35294.8.

19 (g) 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. 4. Section 35294.2 is added to the Education
24 Code, to read:

25 35294.2. (a) School safety planning may include, but
26 is not limited to, the following:

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

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

32 (3) Developing an action plan, in conjunction with
33 local law enforcement agencies, for implementing
34 appropriate safety strategies and programs and
35 determining the fiscal impact of executing the strategies
36 and programs. The action plan may identify available
37 resources which will provide for implementation of the
38 plan.

39 (4) Establishing a schoolwide dress code, pursuant to
40 Section 35183, that prohibits pupils from wearing



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

14 (b) Existing schoolsite councils may be responsible for
15 developing a safety plan. In any event, the plan may be
16 developed with the participation of teachers, classified
17 employees, parents, law enforcement, school
18 administrators, and, if deemed appropriate, students.

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

29 (d) It is the intent of the Legislature that schools shall
30 not contract with private consultants to develop school
31 safety plans.

32 (e) Grants to assist schools in implementing their
33 school safety plan shall be made available through the
34 School Safety Partnership as authorized by Section 32262
35 of the Education Code.

36 (f) Comprehensive school safety plans developed
37 pursuant to Section 35294.1 and 35294.2, as those sections
38 existed on December 31, 1999, shall be evaluated and
39 amended, as needed, by the schoolsite council or the
40 school safety planning committee, no less than once a



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

5 (g) This section shall become operative on January 1,
6 2000.

7 SEC. 5. Section 35294.6 is added to the Education
8 Code, to read:

9 35294.6. (a) Each school shall adopt its
10 comprehensive school safety plan by September 1, 1998.

11 (b) This section shall remain in effect only until
12 January 1, 2000, and as of that date is repealed, unless a
13 later enacted statute, that is enacted before January 1,
14 2000, deletes or extends that date.

15 SEC. 6. Section 35294.7 is added to the Education
16 Code, to read:

17 35294.7. (a) In the event that the Superintendent of
18 Public Instruction determines that there has been a
19 willful failure to make any report required by this article,
20 the Superintendent of Public Instruction shall do both of
21 the following:

22 (1) Notify the school district or the county office of
23 education in which the willful failure has occurred of the
24 determination.

25 (2) Make an assessment of not more than five hundred
26 dollars (\$500) against that school district or county office
27 of education. This may be accomplished by the deduction
28 of the amount of the assessment from an apportionment
29 made subsequent to the determination.

30 (b) 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. 7. Section 35294.8 is added to the Education
35 Code, to read:

36 35294.8. (a) In order to ensure compliance with this
37 article, each school shall forward its comprehensive
38 school safety plan to the school district or county office of
39 education for approval.



1 (b) Before adopting its comprehensive school safety
2 plan, the schoolsite council or school safety planning
3 committee shall hold a public meeting at the schoolsite in
4 order to allow members of the public the opportunity to
5 express an opinion about the school safety plan.

6 (c) In order to ensure compliance with this article,
7 each school district or county office of education shall
8 notify the State Department of Education by October 15,
9 1998, of any schools that have not complied with Section
10 35294.1.

11 (d) This section shall remain in effect only until
12 January 1, 2000, and as of that date is repealed, unless a
13 later enacted statute, that is enacted before January 1,
14 2000, deletes or extends that date.

15 SEC. 8. Section 35294.9 is added to the Education
16 Code, to read:

17 35294.9. (a) Notwithstanding any other provision of
18 law, a school, other than a school in a small school district,
19 that submits a comprehensive school safety plan in
20 existence on December 31, 1997, shall be deemed to have
21 satisfied the requirements of this article as it exists on and
22 after the effective date of the act that adds this section if
23 the comprehensive school safety plan meets all of the
24 requirements of Section 35294.2.

25 (b) This section shall remain in effect only until
26 January 1, 2000, and as of that date is repealed, unless a
27 later enacted statute, that is enacted before January 1,
28 2000, deletes or extends that date.

29 SEC. 9. Notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains costs mandated by the
32 state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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