

ASSEMBLY BILL

No. 506

Introduced by Assembly Member Montanez

February 16, 2005

An act to amend Section 32282 of, to add Section 51210.5 to, and to add Article 3.7 (commencing with Section 32239) to Chapter 2 of Part 19 of, the Education Code, relating to teen dating violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 506, as introduced, Montanez. Teen dating violence: prevention and education.

Existing law establishes various school safety programs, including, among others, the Carl Washington School Safety and Violence Prevention Act, which requires the Superintendent of Public Instruction to provide funds to school districts serving pupils in any of grades 8 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence.

This bill would establish the Teen Dating Violence Prevention Program and would require each school district, by an unspecified date, to establish a policy and protocol, including reporting procedures and response requirements, for dealing with teen dating violence, as defined, in middle schools and in high schools.

The bill would also require the State Department of Education to incorporate teen dating violence education curriculum into the health curriculum framework at its next revision.

The bill would provide that the program or the incorporation of the teen dating violence education curriculum into the health education framework may not result in any redirection of funding from core academic programs.

Because this bill would require school districts to establish a policy and protocol, including reporting procedures and response requirements, for dealing with incidents of teen dating violence, it 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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) The Harvard School of Public Health reported in 2001 that
4 20 percent of all female pupils in grades 9 to 12, inclusive,
5 reported that they had experienced physical or sexual violence, or
6 both, perpetrated by a dating partner.
- 7 (2) The 2003–04 California Student Survey found that 8.2
8 percent of pupils in 11th grade, both male and female, said that
9 they have been “hit, slapped, or physically hurt on purpose” by
10 their partner in the last 12 months.
- 11 (3) Victims of teen dating violence are at a considerably
12 higher risk of using drugs and alcohol, of becoming pregnant,
13 and of considering or attempting suicide, according to a study in
14 the Journal of the American Medical Association.
- 15 (4) When a pupil is a victim of teen dating violence, his or her
16 academic life suffers and his or her safety at school is
17 jeopardized.
- 18 (5) In order for pupils to be able to focus on academic
19 achievement, they must feel safe.
- 20 (b) The Legislature encourages school districts to educate
21 pupils, counselors, and administrators regarding teen dating
22 violence, and to work with local law enforcement agencies,
23 domestic violence shelters, and rape crisis centers that are trained

1 to provide domestic violence prevention training, in order to
2 prevent teen dating violence and to address situations involving
3 teen dating violence.

4 (c) It is the intent of the Legislature to enact legislation that
5 would require each school district to establish a policy and
6 protocol for responding to incidents of teen dating violence in
7 high schools and in middle schools, and that would require that
8 each school's comprehensive safety plan include teen dating
9 violence reporting procedures and response requirements.

10 SEC. 2. Article 3.7 (commencing with Section 32239) is
11 added to Chapter 2 of Part 19 of the Education Code, to read:

12

13 Article 3.7. Teen Dating Violence Prevention Program

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15 32239. For purposes of this article, “teen dating violence”
16 means a pattern of behavior where one person uses threats of, or
17 actually uses, physical, sexual, verbal, or emotional abuse to
18 control his or her dating partner, where one or both of the
19 partners is a teenager.

20 32239.1. Each school district shall, by _____, establish a
21 policy and protocol, which shall include reporting procedures and
22 response requirements, for dealing with incidents of teen dating
23 violence involving pupils enrolled in middle schools and in high
24 schools.

25 32239.2. (a) The Legislature recommends that each school
26 district provide teen dating violence prevention instruction that is
27 age-appropriate to pupils in grades 7 to 12, inclusive.

28 (b) Each school district that provides instruction recommended
29 in subdivision (a) shall allow a pupil’s parent or guardian to
30 exempt his or her child from receiving instruction in teen dating
31 violence prevention.

32 32239.3. (a) The Legislature recommends that each school
33 district provide training to school counselors and administrators
34 with respect to teen dating violence dynamics and the available
35 resources in order to ensure that school counselors and
36 administrators are able to respond appropriately to incidents of
37 teen dating violence that occur on campus or that involve pupils.

38 (b) The Legislature also recommends that school districts use
39 existing resources within organizations such as domestic violence
40 shelters or rape crisis centers, which are trained to provide

1 domestic violence prevention training to the community at no
2 cost.

3 32239.4. The program established pursuant to this article
4 shall not result in any redirection of funding from core academic
5 programs.

6 SEC. 3. Section 32282 of the Education Code is amended to
7 read:

8 32282. (a) The comprehensive school safety plan shall
9 include, but not be limited to, both of the following:

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

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

17 (A) Child abuse reporting procedures consistent with Article
18 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
19 Penal Code.

20 (B) Disaster procedures, routine and emergency, including
21 adaptations for pupils with disabilities in accordance with the
22 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
23 et seq.). The disaster procedures shall also include, but not be
24 limited to, both of the following:

25 (i) Establishing an earthquake emergency procedure system in
26 every public school building having an occupant capacity of 50
27 or more pupils or more than one classroom. A district or county
28 office may work with the Office of Emergency Services and the
29 Seismic Safety Commission to develop and establish the
30 earthquake emergency procedure system. The system shall
31 include, but not be limited to, all of the following:

32 (I) A school building disaster plan, ready for implementation
33 at any time, for maintaining the safety and care of pupils and
34 staff.

35 (II) A drop procedure whereby each pupil and staff member
36 takes cover under a table or desk, dropping to his or her knees,
37 with the head protected by the arms, and the back to the
38 windows. A drop procedure practice shall be held at least once
39 each school quarter in elementary schools and at least once a
40 semester in secondary schools.

1 (III) Protective measures to be taken before, during, and
2 following an earthquake.

3 (IV) A program to ensure that pupils and both the certificated
4 and classified staff are aware of, and properly trained in, the
5 earthquake emergency procedure system.

6 (ii) Establishing a procedure to allow a public agency,
7 including the American Red Cross, to use school buildings,
8 grounds, and equipment for mass care and welfare shelters
9 during disasters or other emergencies affecting the public health
10 and welfare. The district or county office shall cooperate with the
11 public agency in furnishing and maintaining the services as the
12 district or county office may deem necessary to meet the needs of
13 the community.

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

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

22 (E) A discrimination and harassment policy consistent with the
23 prohibition against discrimination contained in Chapter 2
24 (commencing with Section 200) of Part 1.

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

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

1 (H) A safe and orderly environment conducive to learning at
2 the school.

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

5 (J) Hate crime reporting procedures pursuant to Chapter 1.2
6 (commencing with Section 628) of Title 15 of Part 1 of the Penal
7 Code.

8 (K) *Teen dating violence reporting procedures and response*
9 *requirements, pursuant to Article 3.7 (commencing with Section*
10 *32239).*

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

19 (c) Grants to assist schools in implementing their
20 comprehensive school safety plan shall be made available
21 through the partnership as authorized by Section 32285.

22 (d) Each schoolsite council or school safety planning
23 committee in developing and updating a comprehensive school
24 safety plan shall, where practical, consult, cooperate, and
25 coordinate with other schoolsite councils or school safety
26 planning committees.

27 (e) The comprehensive school safety plan may be evaluated
28 and amended, as needed, by the school safety planning
29 committee, but shall be evaluated at least once a year, to ensure
30 that the comprehensive school safety plan is properly
31 implemented. An updated file of all safety-related plans and
32 materials shall be readily available for inspection by the public.

33 (f) The comprehensive school safety plan, as written and
34 updated by the schoolsite council or school safety planning
35 committee, shall be submitted for approval under subdivision (a)
36 of Section 32288.

37 SEC. 4. Section 51210.5 is added to the Education Code, to
38 read:

39 51210.5. (a) Subject to subdivision (b), the department shall
40 incorporate teen dating violence education curriculum into the

1 health curriculum framework at its next revision. This curriculum
2 shall focus on educating pupils regarding teen dating violence, as
3 described in Article 3.7 (commencing with Section 32239) of
4 Part 19.

5 (b) The requirements of subdivision (a) shall be implemented
6 only if implementation will not result in any redirection of
7 money from core academic programs.

8 SEC. 5. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.