

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1511

Introduced by Assembly Member De Leon

February 27, 2009

An act to add Article 6 (commencing with Section 32254.5) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1511, as amended, De Leon. Pupil safety: interagency strategies: school campus prosecutors.

Existing law, the Interagency School Safety Demonstration Act of 1985, states that the intent of the Legislature in enacting its provisions is to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will, among other things, reduce school crime and violence. Existing law establishes the School/Law Enforcement Partnership and charges it with undertaking several efforts intended to reduce school crime, as specified.

This bill would authorize a governing board of a school district or county superintendent of schools to enter into a memorandum of understanding with a prosecuting city attorney's office or district attorney's office having filing jurisdiction over the school district in order to facilitate the placement of one or more prosecutors on one or more school district campuses in order to promote public safety.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The health, safety, and welfare of the people
2 of California depend upon the ability to provide a proper education
3 for our children. Unfortunately, children simply cannot learn in
4 an environment that is unsafe. Strong partnerships between law
5 enforcement, schools, and communities are essential in ensuring
6 that school campuses remain safe havens that are conducive to
7 learning and achievement instead of serving as recruitment centers
8 for gangs and criminal activity. Therefore, the purpose of this act
9 is to enable local municipalities, local school districts, and local
10 law enforcement to form these strong partnerships to better provide
11 for the safety and security of our children.

12 (b) It is the criminal prosecutor's responsibility to ensure that
13 children feel safe in and around schools so that they can focus on
14 learning, and it is the educator's responsibility to provide that
15 learning. Although the roles of schools and law enforcement
16 agencies differ, the Legislature finds that there are some significant
17 areas of commonality. First, both schools and law enforcement
18 agencies are responsible for the safety and well-being of pupils.
19 Second, schools represent the natural centers of our communities.
20 Working within the schools is a logical extension of law
21 enforcement's responsibility for public safety in the broader
22 community. Third, both schools and law enforcement agencies
23 can play an important role in helping youth become productive,
24 law-abiding residents. With these complimentary roles in mind, it
25 is declared that the local prosecutor's office is in an ideal position
26 to work with the corresponding local school district to implement
27 strategies aimed at reversing conditions that produce and perpetuate
28 an unsafe school environment.

29 (c) A successful partnership between prosecutor and school
30 district has already proven successful under the toughest
31 circumstances. Markham Middle School, located in the Watts area
32 of South Los Angeles, had long been plagued by crime and gang
33 violence. The area surrounding the Markham campus was home
34 to seven criminal street gangs, and the school was widely
35 considered to be among the most dangerous within the Los Angeles

1 Unified School District. In February 2007, the Los Angeles City
2 Attorney partnered with the Los Angeles Unified School District
3 to place a prosecutor on campus. From the beginning, the city
4 attorney's team understood that school safety requires a
5 broad-based effort by the entire community, including educators,
6 pupils, parents, law enforcement agencies, businesses, and
7 community-based organizations. At the end of the first full
8 academic year, without any change to the teaching or the
9 curriculum, the city attorney, the Los Angeles Unified School
10 District, the Los Angeles Police Department, and the Los Angeles
11 School Police Department observed that:

12 (1) Markham was significantly safer than at any point in recent
13 memory.

14 (2) Markham's pupil standardized test scores rose for the first
15 time in years, going from 519 to 542, beating the academic
16 performance index target set by the State Department of Education
17 by more than 55 percent.

18 (3) Markham's 8th grade graduation rate increased 14 percent
19 from the year before, going from 66 percent to 80 percent.

20 (d) The Markham Middle School Safety Prosecutor Program
21 demonstrated that a renewed dedication to pupils in the most
22 underserved schools can create an environment where crime
23 decreases, test scores rise, and pupils once again focus on learning.
24 It is therefore declared that this educator-prosecutor partnership
25 is a hopeful model for school safety reform, and its replication
26 should be encouraged in other jurisdictions.

27 SEC. 2. Article 6 (commencing with Section 32254.5) is added
28 to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education
29 Code, to read:

30
31 Article 6. Prosecutors on School Campuses
32

33 32254.5. (a) The governing board of a school district or a
34 county superintendent of schools may enter into a memorandum
35 of understanding (MOU) with a district attorney or prosecuting
36 city attorney having filing jurisdiction over the school district in
37 order to facilitate the placement of one or more prosecutors on one
38 or more school district campuses in order to promote public safety.

1 (b) Participation shall be at the option of each agency. A school
2 district, district attorney, or prosecuting city attorney shall not be
3 required by the other party to enter into the MOU.

4 (c) The two agencies shall work together to develop the terms
5 and conditions of the MOU. The MOU shall incorporate the
6 conditions described in this section, and provisions deemed by the
7 agencies as reasonably necessary to fulfill the purpose of school
8 safety and to ensure compliance with the MOU and this section.
9 The MOU shall include, but is not limited to, the following
10 provisions:

11 (1) The time period for the agencies' participation in the school
12 safety program and the procedures for the placement of one or
13 more prosecutors directly onto one or more campuses under the
14 jurisdiction of the school district.

15 (2) The scope of work to be given to the prosecutor and how
16 the prosecutor is to work with the administration of the specific
17 school.

18 (3) A procedure for funding the school safety program that
19 includes, but is not limited to, declarations that the agencies have
20 adequate funds available to provide for the costs that arise from
21 placing a prosecutor on a school campus.

22 (4) Performance measures to evaluate the effectiveness of the
23 school safety program, including, but not limited to, annual
24 progress reports.

25 (5) A statement that the primary purpose of the partnership is
26 to promote pupil safety and that the prosecutor shall attempt,
27 whenever possible, to prevent problems before they escalate.

28 (d) For purposes of this section:

29 (1) "Agency" means a governing board of a school district, a
30 county superintendent of schools, a district attorney, or a
31 prosecuting city attorney.

32 (2) "School safety program" means the placement of one or
33 more prosecutors on one or more local school district campuses
34 in order to promote public safety.

35 32254.6. *Nothing in this article prohibits a governing board*
36 *of a school district or a county superintendent of schools from*
37 *adopting an alternative model of collaboration.*