

ASSEMBLY BILL

No. 2501

Introduced by Assembly Member Lieu

February 19, 2010

An act to amend Sections 32280, 32281, 32282, 32285, and 32286 of, to add Sections 32286.1, 32287.1, 32289.1, and 32289.2 to, to repeal Section 32289 of, and to repeal and add Section 32288 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as introduced, Lieu. School safety plans.

(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.

This bill would revise and recast those procedures. The bill would expressly state that the requirement to develop and adopt a school safety plan applies to charter schools authorized by the governing boards of school districts or county offices of education in addition to other public schools operated by those districts or county offices. The bill also would

impose various criminal penalties for school and local educational agency officers who fail to comply with the revised procedures. The bill would authorize the superior court in and for the county wherein acts or practices that violate the revised procedures take place, or are about to take place, to issue an injunction, or other appropriate order restraining the conduct, on application of the Attorney General, the district attorney of the county, a city attorney, or any person aggrieved. By requiring school and local educational agency officers to perform additional duties, and creating new crimes, the bill would impose a state-mandated local program.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, 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. Section 32280 of the Education Code is amended
2 to read:
3 32280. (a) It is the intent of the Legislature that all California
4 public schools, *including charter schools*, in kindergarten, and
5 grades 1 to 12, inclusive, operated by school districts, in
6 cooperation with local law enforcement agencies, community
7 leaders, parents, pupils, teachers, administrators, and other persons
8 who may be interested in the prevention of campus crime and
9 violence, develop a comprehensive school safety plan that
10 addresses the safety concerns identified through a systematic
11 planning process. For
12 (b) (1) For the purposes of this section, law enforcement
13 agencies include local police departments, *local fire departments*,
14 county sheriffs' offices, school district police or security
15 departments, probation departments, ~~and district attorneys' offices~~

1 *the Attorney General, any district attorney, or any city attorney.*

2 ~~For~~

3 (2) *For purposes of this section, a “safety plan” means a plan*
4 *to develop strategies aimed at the prevention of, and education*
5 *about, potential incidents involving crime and violence on the*
6 *school campus.*

7 SEC. 2. Section 32281 of the Education Code is amended to
8 read:

9 32281. (a) Each school district and county office of education
10 is responsible for the overall development of all comprehensive
11 school safety plans for its schools, *including charter schools it has*
12 *authorized*, operating kindergarten or any of grades 1 to 12,
13 inclusive.

14 (b) (1) Except as provided in subdivision (d) with regard to a
15 small school district, the schoolsite council established pursuant
16 to Section 52012, *as it read prior to January 1, 2006, or Section*
17 *52852, including a schoolsite council at a charter school*, shall
18 write and develop a comprehensive school safety plan relevant to
19 the needs and resources of that particular school.

20 (2) The schoolsite council may delegate this responsibility to a
21 school safety planning committee made up of the following
22 members:

23 (A) The principal or the ~~principal’s designee~~ *school’s chief*
24 *officer in a school without a principal.*

25 (B) One teacher who is a representative of the recognized
26 certificated employee organization.

27 (C) One parent whose child attends the school.

28 (D) One classified employee who is a representative of the
29 recognized classified employee organization.

30 (E) Other members, if desired.

31 (3) The schoolsite council shall consult with a representative
32 from a law enforcement agency in the writing and development
33 of the *initial* comprehensive school safety plan, *and is strongly*
34 *encouraged to consult with a representative from a law*
35 *enforcement agency for the plan’s review every year thereafter.*

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

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

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

(2) As used in this article, “small school district” means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal, or ~~his or her designee~~ *the school’s chief officer in a school without a principal*, verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal *or chief officer*, the principal ~~or the principal’s designee~~ *chief officer* may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal ~~or his or her designee~~ *chief officer* chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, ~~an act that is considered~~ a “violent crime” ~~shall meet the definition~~ *means a Part 1 violent crime as defined in paragraph (2) of subdivision (i) of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.*

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

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

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

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

(2) 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

1 school safety, which shall include the development of all of the
2 following:

3 (A) Child abuse reporting procedures consistent with Article
4 2.5 (commencing with Section 11164) of *Chapter 2* of Title 1 of
5 Part 4 of the Penal Code.

6 (B) Disaster procedures, routine and emergency, including
7 adaptations for pupils with disabilities in accordance with the
8 *federal* Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
9 12101 et seq.). The disaster procedures shall also include, but not
10 be limited to, both of the following:

11 (i) Establishing an earthquake emergency procedure system in
12 every public school building having an occupant capacity of 50
13 or more pupils or more than one classroom. A district or county
14 office may work with the ~~Office of Emergency Services~~ *California*
15 *Emergency Management Agency* and the Seismic Safety
16 Commission to develop and establish the earthquake emergency
17 procedure system. The system shall include, but not be limited to,
18 all of the following:

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

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

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

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

32 (ii) Establishing a procedure to allow a public agency or
33 *nongovernmental organization*, including the American Red Cross,
34 to use school buildings, grounds, and equipment for mass care and
35 welfare shelters during disasters or other emergencies affecting
36 the public health and welfare. The district or county office shall
37 cooperate with the public agency or *nongovernmental organization*
38 in furnishing and maintaining the services as the district or county
39 office may deem necessary to meet the needs of the community.

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

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

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

12 (F) The provisions of any schoolwide dress code, pursuant to
13 Section 35183, that prohibits pupils from wearing “gang-related
14 apparel,” if the school has adopted that type of a dress code. For
15 those purposes, the comprehensive school safety plan shall define
16 “gang-related apparel.” The definition shall be limited to apparel
17 that, if worn or displayed on a school campus, reasonably could
18 be determined to threaten the health and safety of the school
19 environment. Any schoolwide dress code established pursuant to
20 this section and Section 35183 shall be enforced on the school
21 campus and at any school-sponsored activity by the principal of
22 the school or ~~the person designated by the principal~~ *the school’s*
23 *chief officer in a school without a principal*. For the purposes of
24 this paragraph, “gang-related apparel” shall not be considered a
25 protected form of speech pursuant to Section 48950.

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

28 (H) A safe and orderly environment conducive to learning at
29 the school.

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

32 ~~(J) Hate crime reporting procedures pursuant to Chapter 1.2~~
33 ~~(commencing with Section 628) of Title 15 of Part 1 of the Penal~~
34 ~~Code.~~

35 (b) It is the intent of the Legislature that schools develop
36 comprehensive school safety plans using existing resources,
37 including the materials and services of the partnership, pursuant
38 to this chapter. It is also the intent of the Legislature that schools
39 use the handbook developed and distributed by the School/Law
40 Enforcement Partnership Program entitled “Safe Schools: A

1 Planning Guide for Action” in conjunction with developing their
2 plan for school safety.

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

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

10 (e) The comprehensive school safety plan may be evaluated and
11 amended, as needed, by the school safety planning committee, but
12 shall be evaluated at least once a year, to ensure that the
13 comprehensive school safety plan is properly implemented. An
14 updated file of all safety-related plans and materials shall be readily
15 available for inspection by the public law enforcement.

16 (f) (1) *Before adopting its initial comprehensive school safety*
17 *plan, the schoolsite council or school safety planning committee*
18 *is strongly encouraged to hold a public meeting at the schoolsite*
19 *to hear public comment about the school safety plan.*

20 (2) *The schoolsite council or school safety planning committee*
21 *shall notify, in writing, the following persons and entities, if*
22 *available, of the public meeting:*

23 (A) *A representative of the local school employee organization.*

24 (B) *A representative of each parent organization registered at*
25 *the schoolsite, including the parent teacher association and parent*
26 *teacher clubs.*

27 (C) *A representative of each teacher organization at the*
28 *schoolsite.*

29 (D) *All persons who have requested to be notified.*

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

34 SEC. 4. Section 32285 of the Education Code is amended to
35 read:

36 32285. (a) The governing board of a school district, on behalf
37 of one or more schools within the district that have developed a
38 school safety plan, may apply to the Superintendent of Public
39 Instruction for a grant to implement school safety plans. The

1 partnership ~~shall~~ *may* award grants for school safety plans that
2 include, but are not limited to, the following criteria:

3 (1) Assessment of the recent incidence of crime committed on
4 the school campus.

5 (2) Identification of appropriate strategies and programs that
6 will provide or maintain a high level of school safety.

7 (3) Development of an action plan, in conjunction with local
8 law enforcement agencies, for implementing appropriate safety
9 strategies and programs, and determining the fiscal impact of
10 executing the strategies and programs. The action plan shall
11 identify available resources which will provide for implementation
12 of the plan.

13 (b) The Superintendent of Public Instruction shall award grants
14 pursuant to this section to school districts for the implementation
15 of individual school safety plans in an amount not to exceed five
16 thousand dollars (\$5,000) for each school. No grant shall be made
17 unless the school district makes available, for purposes of
18 implementing the school safety plans, an amount of funds equal
19 to the amount of the grant. Grants should be awarded through a
20 competitive process, based upon criteria including, but not limited
21 to, the merit of the proposal and the need for imposing school
22 safety, based on school crime rates.

23 (c) Any school receiving a grant under this section shall submit
24 to the Superintendent of Public Instruction verified copies of its
25 schoolsite crime report annually for three consecutive years
26 following the receipt of the grant to study the impact of the
27 implementation of the school safety plan on the incidence of crime
28 on the campus of the school.

29 SEC. 5. Section 32286 of the Education Code is amended to
30 read:

31 32286. (a) Each school shall adopt its comprehensive school
32 safety plan ~~by for the upcoming school year no later than the~~
33 ~~preceding March 1, 2000,~~ and shall review and update its plan by
34 March 1, ~~every~~ *of each* year thereafter. A new school campus that
35 begins offering classes to pupils after March 1, 2001, shall adopt
36 a comprehensive school safety plan within one year of initiating
37 operation, and shall review and update its plan by March 1, every
38 year thereafter.

39 (b) ~~Commencing in July 2000, and every July thereafter, each~~
40 ~~school shall report on the status of its school safety plan, including~~

1 a description of its key elements in the annual school accountability
2 report card prepared pursuant to Sections 33126 and 35256.

3 (b) The principal or chief officer of each school shall forward
4 the school's comprehensive school safety plan for the upcoming
5 school year to the superintendent of the school district or county
6 office of education, or to the chief officer where there is no
7 superintendent, no later than March 31 of each year. The school
8 district or county office of education may approve the plan or
9 determine that the plan does not comply with this article and return
10 it to the school for amendment. The principal or chief officer shall
11 return an amended plan within 60 days of the date each rejected
12 plan is returned for amendment.

13 (c) No later than July 31 of each year, the principal or chief
14 officer shall accurately report on the status of the school's safety
15 plan for the upcoming school year, including a description of its
16 key elements in the annual school accountability report card
17 prepared pursuant to Sections 33126 and 35256. The report shall
18 include, but is not limited to, whether or not a school safety plan
19 was adopted for the upcoming year, the date the school safety plan
20 was adopted, the date the adopted school safety plan was
21 forwarded to the school district or county office pursuant to
22 subdivision (b), and a description of the safety plan's elements as
23 set forth in Section 32282.

24 (d) Each school principal or chief officer shall provide each
25 teacher and classified employee a written or electronic copy of
26 the adopted school safety plan.

27 SEC. 6. Section 32286.1 is added to the Education Code, to
28 read:

29 32286.1. No later than October 15 of each year, each
30 superintendent of a school district or county office of education,
31 or each chief officer of a district or county office without a
32 superintendent, shall provide written notification to the
33 Superintendent identifying each school within the district or county
34 that has not complied with Section 32281 or subdivision (b) of
35 Section 32286 for that school year.

36 SEC. 7. Section 32287.1 is added to the Education Code, to
37 read:

38 32287.1. (a) No later than December 31 of each year, the
39 Superintendent shall publish on the department's Internet Web
40 site the names of each school reported pursuant to Section 32286.1.

(b) No later than 60 days after a notification pursuant to Section 32287, the Superintendent shall publish on the department's Internet Web site the name of every school district and county office so notified and the date of notification.

SEC. 8. Section 32288 of the Education Code is repealed.

~~32288. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.~~

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

~~(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:~~

~~(A) The local mayor.~~

~~(B) A representative of the local school employee organization.~~

~~(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.~~

~~(D) A representative of each teacher organization at the schoolsite.~~

~~(E) A representative of the student body government.~~

~~(F) All persons who have indicated they want to be notified.~~

~~(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:~~

~~(A) A representative of the local churches.~~

~~(B) Local civic leaders.~~

~~(C) Local business organizations.~~

~~(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.~~

SEC. 9. Section 32288 is added to the Education Code, to read:

32288. (a) Each principal or chief officer shall furnish to a law enforcement agency described in Section 32280, upon request, a copy of the most recent comprehensive school safety plan for

1 that school and a copy of the most recent notification made
2 pursuant to Section 32286.1.

3 (b) Each superintendent of a school district or county office of
4 education, or each chief officer of a district or county office without
5 a superintendent, shall furnish to a law enforcement agency
6 described in Section 32280, upon request, a copy of the most recent
7 comprehensive school safety plan filed pursuant to 32286.1.

8 (c) Each person who knowingly violates this section is guilty
9 of an infraction punishable by a fine of not less than two hundred
10 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

11 SEC. 10. Section 32289 of the Education Code, as added by
12 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

13 ~~32289. A complaint of noncompliance with the school safety~~
14 ~~planning requirements of Title IV of the federal No Child Left~~
15 ~~Behind Act of 2001, 20 U.S.C. Sec. 7114(d)(7), may be filed with~~
16 ~~the department under the Uniform Complaint Procedures as set~~
17 ~~forth in Chapter 5.1 (commencing with Section 4600) of Title 5~~
18 ~~of the California Code of Regulations.~~

19 SEC. 11. Section 32289.1 is added to the Education Code, to
20 read:

21 32289.1. (a) Each principal or chief officer who knowingly
22 violates Section 32286 is guilty of an infraction punishable by a
23 fine of not less than two hundred fifty dollars (\$250) nor more
24 than one thousand dollars (\$1,000).

25 (b) Each superintendent of a school district or a county office
26 of education, and each chief officer of a district or county office
27 without a superintendent, who knowingly violates Section 32286.1
28 is guilty of an infraction punishable by a fine of not less than two
29 hundred fifty dollars (\$250) nor more than one thousand dollars
30 (\$1,000).

31 (c) Before an infraction may be charged against any person for
32 a violation described in this section, the prosecuting agency shall
33 provide a written notice of correction to the person. If the person
34 delivers written proof of correction to the prosecuting agency
35 within 60 days of delivery of the notice, the infraction shall not be
36 charged.

37 SEC. 12. Section 32289.2 is added to the Education Code, to
38 read:

39 32289.2. In addition to other proceedings provided for in this
40 chapter, whenever any person has engaged, or is about to engage,

1 in any acts or practices that constitute, or will constitute, a violation
2 of this article, the superior court in and for the county wherein the
3 acts or practices take place, or are about to take place, may issue
4 an injunction, or other appropriate order restraining the conduct,
5 on application of the Attorney General, the district attorney of the
6 county, a city attorney, or any aggrieved person.

7 SEC. 13. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.