

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2501**

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**Introduced by Assembly Member Lieu**

February 19, 2010

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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 amended, 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~~ *make* the requirement to develop and adopt a school safety plan ~~applies~~ *applicable* 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.

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

1 departments, probation departments, the Attorney General, any  
2 district attorney, or any city attorney.

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 school’s chief officer in a school  
24 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 enforcement  
35 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 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 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 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, a “violent crime” 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 school safety, which shall include the development of all of the following:

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

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

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

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

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

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

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

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

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

1 pursuant to Article 1 (commencing with Section 48900) of Chapter  
2 6 of Part 27 of Division 4 of Title 2.

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

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

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

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

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

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

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

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

39 (d) Each schoolsite council or school safety planning committee  
40 in developing and updating a comprehensive school safety plan

1 shall, where practical, consult, cooperate, and coordinate with  
2 other schoolsite councils or school safety planning committees.

3 (e) The comprehensive school safety plan may be evaluated and  
4 amended, as needed, by the school safety planning committee, but  
5 shall be evaluated at least once a year, to ensure that the  
6 comprehensive school safety plan is properly implemented. An  
7 updated file of all safety-related plans and materials shall be readily  
8 available for inspection by law enforcement.

9 (f) (1) Before adopting its initial comprehensive school safety  
10 plan, the schoolsite council or school safety planning committee  
11 is strongly encouraged to hold a public meeting at the schoolsite  
12 to hear public comment about the school safety plan.

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

16 (A) A representative of the local school employee organization.

17 (B) A representative of each parent organization registered at  
18 the schoolsite, including the parent teacher association and parent  
19 teacher clubs.

20 (C) A representative of each teacher organization at the  
21 schoolsite.

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

23 SEC. 4. Section 32285 of the Education Code is amended to  
24 read:

25 32285. (a) The governing board of a school district, on behalf  
26 of one or more schools within the district that have developed a  
27 school safety plan, may apply to the Superintendent for a grant to  
28 implement school safety plans. The partnership may award grants  
29 for school safety plans that include, but are not limited to, the  
30 following criteria:

31 (1) Assessment of the recent incidence of crime committed on  
32 the school campus.

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

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

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

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

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

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

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

(c) No later than July 31 of each year, the principal or chief officer shall accurately report on the status of the school's safety plan for the upcoming school year, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256. The report shall include, but is not limited to, whether or not a school safety plan



1 was adopted for the upcoming year, the date the school safety plan  
2 was adopted, the date the adopted school safety plan was forwarded  
3 to the school district or county office pursuant to subdivision (b),  
4 and a description of the safety plan's elements as set forth in  
5 Section 32282.

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

9 SEC. 6. Section 32286.1 is added to the Education Code, to  
10 read:

11 32286.1. No later than October 15 of each year, each  
12 superintendent of a school district or county office of education,  
13 or each chief officer of a district or county office without a  
14 superintendent, shall provide written notification to the  
15 Superintendent identifying each school within the district or county  
16 that has not complied with Section 32281 or subdivision (b) of  
17 Section 32286 for that school year.

18 SEC. 7. Section 32287.1 is added to the Education Code, to  
19 read:

20 32287.1. (a) No later than December 31 of each year, the  
21 Superintendent shall publish on the department's Internet Web  
22 site the names of each school reported pursuant to Section 32286.1.

23 (b) No later than 60 days after a notification pursuant to Section  
24 32287, the Superintendent shall publish on the department's  
25 Internet Web site the name of every school district and county  
26 office so notified and the date of notification.

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

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

29 32288. (a) Each principal or chief officer shall ~~furnish to a~~  
30 ~~law enforcement agency described in Section 32280, upon request,~~  
31 *keep and maintain* a copy of the most recent comprehensive school  
32 safety plan for that school ~~and a copy of the most recent notification~~  
33 ~~made pursuant to Section 32286.1.~~

34 (b) Each superintendent of a school district or county office of  
35 education, or each chief officer of a district or county office without  
36 a superintendent, shall ~~furnish to a law enforcement agency~~  
37 ~~described in Section 32280, upon request, keep and maintain~~ a  
38 copy of the most recent comprehensive school safety plan filed  
39 pursuant to *Section 32286 and a copy of every notification made*  
40 *pursuant to Section 32286.1.*

1 (c) All books, documents, records, and other papers kept and  
2 maintained pursuant to subdivisions (a) and (b) shall be open for  
3 inspection and copying on business days, excluding legal holidays,  
4 during the hours of 9 a.m. and 5 p.m., within 48 hours of a written,  
5 verbal, or electronic request by a law enforcement agency  
6 described in Section 32280.

7 (e)

8 (d) 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 SEC. 11. Section 32289.1 is added to the Education Code, to  
14 read:

15 32289.1. (a) Each principal or chief officer who knowingly  
16 violates Section 32286 is guilty of an infraction punishable by a  
17 fine of not less than two hundred fifty dollars (\$250) nor more  
18 than one thousand dollars (\$1,000).

19 (b) Each superintendent of a school district or a county office  
20 of education, and each chief officer of a district or county office  
21 without a superintendent, who knowingly violates Section 32286.1  
22 is guilty of an infraction punishable by a fine of not less than two  
23 hundred fifty dollars (\$250) nor more than one thousand dollars  
24 (\$1,000).

25 (c) Before an infraction may be charged against any person for  
26 a violation described in this section, the prosecuting agency shall  
27 provide a written notice of correction to the person. If the person  
28 delivers written proof of correction to the prosecuting agency  
29 within 60 days of delivery of the notice, the infraction shall not be  
30 charged.

31 SEC. 12. Section 32289.2 is added to the Education Code, to  
32 read:

33 32289.2. In addition to other proceedings provided for in this  
34 chapter, whenever any person has engaged, or is about to engage,  
35 in any acts or practices that constitute, or will constitute, a violation  
36 of this article, the superior court in and for the county wherein the  
37 acts or practices take place, or are about to take place, may issue  
38 an injunction, or other appropriate order restraining the conduct,  
39 on application of the Attorney General, the district attorney of the  
40 county, a city attorney, or any aggrieved person.

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

10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.