

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Alejo

February 15, 2011

An act to amend Section 32282 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Alejo. School safety: comprehensive school safety plans.

(1) Existing law requires a schoolsite council to write and develop a comprehensive school safety plan, except in the case of a small school district, as defined, that develops a districtwide comprehensive school safety plan that is applicable to each schoolsite in the *school* district. The comprehensive school safety plan is required to include routine and emergency disaster procedures.

This bill would require *disaster procedures of* the comprehensive school safety plan also to include a protocol for ensuring that all school personnel have access to classrooms and other school facilities during a disaster or other emergency if a school restricts that access during regular hours of school operation. The inclusion of this protocol would increase the duties of local officials and thus 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, 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. Section 32282 of the Education Code is amended
2 to read:
3 32282. (a) The comprehensive school safety plan shall include,
4 but not be limited to, both of the following:
5 (1) Assessing the current status of school crime committed on
6 school campuses and at school-related functions.
7 (2) Identifying appropriate strategies and programs that will
8 provide or maintain a high level of school safety and address the
9 school's procedures for complying with existing laws related to
10 school safety, which shall include the development of all of the
11 following:
12 (A) Child abuse reporting procedures consistent with Article
13 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
14 Penal Code.
15 (B) Disaster procedures, routine and emergency, including
16 adaptations for pupils with disabilities in accordance with the
17 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
18 et seq.). The disaster procedures shall also include, but not be
19 limited to, ~~both~~ *all* of the following:
20 (i) Establishing an earthquake emergency procedure system in
21 every public school building having an occupant capacity of 50
22 or more pupils or more than one classroom. A district or county
23 office may work with the California Emergency Management
24 Agency and the Seismic Safety Commission to develop and
25 establish the earthquake emergency procedure system. The system
26 shall include, but not be limited to, all of the following:
27 (I) A school building disaster plan, ready for implementation
28 at any time, for maintaining the safety and care of pupils and staff.
29 (II) A drop procedure whereby each pupil and staff member
30 takes cover under a table or desk, dropping to his or her knees,
31 with the head protected by the arms, and the back to the windows.
32 A drop procedure practice shall be held at least once each school

1 quarter in elementary schools and at least once a semester in
2 secondary schools.

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

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

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

15 (iii) *Establishing a protocol for ensuring that all school*
16 *personnel have access to classrooms and other school facilities*
17 *during a disaster or other emergency if a school restricts that*
18 *access during regular hours of school operation.*

19 (C) Policies pursuant to subdivision (d) of Section 48915 for
20 pupils who committed an act listed in subdivision (c) of Section
21 48915 and other school-designated serious acts which would lead
22 to suspension, expulsion, or mandatory expulsion recommendations
23 pursuant to Article 1 (commencing with Section 48900) of Chapter
24 6 of Part 27.

25 (D) Procedures to notify teachers of dangerous pupils pursuant
26 to Section 49079.

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

30 (F) The provisions of any schoolwide dress code, pursuant to
31 Section 35183, that prohibits pupils from wearing “gang-related
32 apparel,” if the school has adopted that type of a dress code. For
33 those purposes, the comprehensive school safety plan shall define
34 “gang-related apparel.” The definition shall be limited to apparel
35 that, if worn or displayed on a school campus, reasonably could
36 be determined to threaten the health and safety of the school
37 environment. Any schoolwide dress code established pursuant to
38 this section and Section 35183 shall be enforced on the school
39 campus and at any school-sponsored activity by the principal of
40 the school or the person designated by the principal. For the

1 purposes of this paragraph, “gang-related apparel” shall not be
2 considered a protected form of speech pursuant to Section 48950.

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

5 (H) A safe and orderly environment conducive to learning at
6 the school.

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

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

12 ~~(K) A protocol for ensuring that all school personnel have access~~
13 ~~to classrooms and other school facilities during a disaster or other~~
14 ~~emergency if a school restricts that access during regular hours of~~
15 ~~school operation.~~

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

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

27 (d) Each schoolsite council or school safety planning committee
28 in developing and updating a comprehensive school safety plan
29 shall, where practical, consult, cooperate, and coordinate with
30 other schoolsite councils or school safety planning committees.

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

37 (f) The comprehensive school safety plan, as written and updated
38 by the schoolsite council or school safety planning committee,
39 shall be submitted for approval under subdivision (a) of Section
40 32288.

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

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