

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 919**

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**Introduced by Senator Lieu**

February 18, 2011

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~~An act to amend Section 12803.65 of the Government Code, relating to workforce development. An act to amend Sections 32261, 32265, 32270, and 48900 of the Education Code, relating to school safety.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 919, as amended, Lieu. ~~Labor and Workforce Development Agency: California Governor's Committee on Employment of People with Disabilities. School Safety: sexting.~~

(1) Existing law, the Interagency School Safety Demonstration Act of 1985, establishes the School/Law Enforcement Partnership, and requires the partnership to establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration to reduce school violence and crime, truancy rates, bullying, teen relationship violence, and discrimination and harassment. Existing law requires the partnership to sponsor at least 2 regional conferences to identify exemplary programs and techniques that have been effectively used to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism. The conferences may include, but need not be limited to, information on specified topics.

This bill would define sexting for purposes of that act as the sending or receiving of sexually explicit pictures or video images by means of an electronic act. The bill would require the partnership's school safety programs to also have the purpose of reducing sexting, and would

include sexting as a topic that may be included in the partnership's conferences.

(2) Existing law prohibits the suspension of a pupil from school or the recommendation of a pupil for expulsion from school unless the school district superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed any of several specified acts.

This bill would include engaging in an act of sexting directed specifically toward a pupil or school personnel as an act for which a pupil may be suspended or expelled from school.

~~Existing law provides for the establishment of the California Governor's Committee on Employment of People with Disabilities, to include a specified membership.~~

~~This bill would include the Superintendent of Public Instruction within the membership of the committee.~~

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

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

1     SECTION 1. Section 32261 of the Education Code is amended  
2     to read:

3     32261. (a) The Legislature hereby recognizes that all pupils  
4     enrolled in the state public schools have the inalienable right to  
5     attend classes on school campuses that are safe, secure, and  
6     peaceful. The Legislature also recognizes that pupils cannot fully  
7     benefit from an educational program unless they attend school on  
8     a regular basis. In addition, the Legislature further recognizes that  
9     school crime, vandalism, truancy, and excessive absenteeism are  
10    significant problems on far too many school campuses in the state.

11    (b) The Legislature hereby finds and declares that the  
12    establishment of an interagency coordination system is the most  
13    efficient and long-lasting means of resolving school and community  
14    problems of truancy and crime, including vandalism, drug and  
15    alcohol abuse, gang membership, gang violence, and hate crimes.

16    (c) It is the intent of the Legislature in enacting this chapter to  
17    support California public schools as they develop their mandated  
18    comprehensive safety plans that are the result of a systematic  
19    planning process, that include strategies aimed at the prevention  
20    of, and education about, potential incidents involving crime and

1 violence on school campuses, and that address the safety concerns  
2 of local law enforcement agencies, community leaders, parents,  
3 pupils, teachers, administrators, school police, and other school  
4 employees interested in the prevention of school crime and  
5 violence.

6 (d) It is the intent of the Legislature in enacting this chapter to  
7 encourage school districts, county offices of education, law  
8 enforcement agencies, and agencies serving youth to develop and  
9 implement interagency strategies, in-service training programs,  
10 and activities that will improve school attendance and reduce  
11 school crime and violence, including vandalism, drug and alcohol  
12 abuse, gang membership, gang violence, hate crimes, bullying,  
13 including bullying committed personally or by means of an  
14 electronic act, teen relationship violence, *sexting*, and  
15 discrimination and harassment, including, but not limited to, sexual  
16 harassment.

17 (e) It is the intent of the Legislature in enacting this chapter that  
18 the School/Law Enforcement Partnership shall not duplicate any  
19 existing gang or drug and alcohol abuse program currently provided  
20 for schools.

21 (f) As used in this chapter, “bullying” means one or more acts  
22 by a pupil or group of pupils as defined in Section 48900.2,  
23 48900.3, or 48900.4.

24 (g) As used in this chapter, an “electronic act” means the  
25 transmission of a communication, including, but not limited to, a  
26 message, text, sound, or image by means of an electronic device,  
27 including, but not limited to, a telephone, wireless telephone or  
28 other wireless communication device, computer, or pager.

29 (h) *As used in this chapter, “sexting” means the sending or*  
30 *receiving of sexually explicit pictures or video images by means*  
31 *of an electronic act.*

32 *SEC. 2. Section 32265 of the Education Code is amended to*  
33 *read:*

34 32265. (a) The partnership shall sponsor at least two regional  
35 conferences for school districts, county offices of education,  
36 agencies serving youth, allied agencies, community-based  
37 organizations, and law enforcement agencies to identify exemplary  
38 programs and techniques that have been effectively used to reduce  
39 school crime, including hate crimes, vandalism, drug and alcohol

1 abuse, gang membership and gang violence, truancy, and excessive  
2 absenteeism.

3 (b) The conference may include, but need not be limited to,  
4 information on all of the following topics:

5 (1) Interagency collaboration between schools, agencies serving  
6 youth, law enforcement agencies, and others.

7 (2) School attendance.

8 (3) School safety.

9 (4) Citizenship education.

10 (5) Drug and alcohol abuse.

11 (6) Child abuse prevention, detection, and reporting.

12 (7) Parental education.

13 (8) Crisis response training.

14 (9) Bullying prevention, including the prevention of acts  
15 committed personally or by means of an electronic act.

16 (10) Threat assessment.

17 (11) Conflict resolution and youth mediation.

18 (12) Teen relationship violence.

19 (13) *Sexting*.

20 ~~(13)~~

21 (14) Discrimination and harassment reporting and prevention,  
22 including, but not limited to, sexual harassment reporting and  
23 prevention.

24 ~~(14)~~

25 (15) Hate crime reporting and prevention.

26 ~~(15)~~

27 (16) Reporting and prevention of abuse against pupils with  
28 disabilities.

29 *SEC. 3. Section 32270 of the Education Code is amended to*  
30 *read:*

31 32270. (a) The partnership shall establish a statewide school  
32 safety cadre for the purpose of facilitating interagency coordination  
33 and collaboration among school districts, county offices of  
34 education, agencies serving youth, allied agencies,  
35 community-based organizations, and law enforcement agencies  
36 to improve school attendance, encourage good citizenship, and to  
37 reduce school violence, school crime, including hate crimes,  
38 vandalism, drug and alcohol abuse, gang membership and gang  
39 violence, truancy rates, bullying, including acts that are committed  
40 personally or by means of an electronic act, teen relationship

1 violence, *sexting*, and discrimination and harassment, including,  
2 but not limited to, sexual harassment.

3 (b) The partnership may appoint up to 100 professionals from  
4 educational agencies, community-based organizations, allied  
5 agencies, and law enforcement to the statewide cadre.

6 (c) The partnership shall provide training to the statewide cadre  
7 representatives to enable them to initiate and maintain school  
8 community safety programs among school districts, county offices  
9 of education, agencies serving youth, allied agencies,  
10 community-based organizations, and law enforcement agencies  
11 in each region.

12 *SEC. 4. Section 48900 of the Education Code is amended to*  
13 *read:*

14 48900. A pupil shall not be suspended from school or  
15 recommended for expulsion, unless the superintendent or the  
16 principal of the school in which the pupil is enrolled determines  
17 that the pupil has committed an act as defined pursuant to any of  
18 subdivisions (a) to-~~(r)~~ (s), inclusive:

19 (a) (1) Caused, attempted to cause, or threatened to cause  
20 physical injury to another person.

21 (2) Willfully used force or violence upon the person of another,  
22 except in self-defense.

23 (b) Possessed, sold, or otherwise furnished a firearm, knife,  
24 explosive, or other dangerous object, unless, in the case of  
25 possession of an object of this type, the pupil had obtained written  
26 permission to possess the item from a certificated school employee,  
27 which is concurred in by the principal or the designee of the  
28 principal.

29 (c) Unlawfully possessed, used, sold, or otherwise furnished,  
30 or been under the influence of, a controlled substance listed in  
31 Chapter 2 (commencing with Section 11053) of Division 10 of the  
32 Health and Safety Code, an alcoholic beverage, or an intoxicant  
33 of any kind.

34 (d) Unlawfully offered, arranged, or negotiated to sell a  
35 controlled substance listed in Chapter 2 (commencing with Section  
36 11053) of Division 10 of the Health and Safety Code, an alcoholic  
37 beverage, or an intoxicant of any kind, and either sold, delivered,  
38 or otherwise furnished to a person another liquid, substance, or  
39 material and represented the liquid, substance, or material as a  
40 controlled substance, alcoholic beverage, or intoxicant.

1 (e) Committed or attempted to commit robbery or extortion.

2 (f) Caused or attempted to cause damage to school property or  
3 private property.

4 (g) Stolen or attempted to steal school property or private  
5 property.

6 (h) Possessed or used tobacco, or products containing tobacco  
7 or nicotine products, including, but not limited to, cigarettes, cigars,  
8 miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew  
9 packets, and betel. However, this section does not prohibit use or  
10 possession by a pupil of his or her own prescription products.

11 (i) Committed an obscene act or engaged in habitual profanity  
12 or vulgarity.

13 (j) Unlawfully possessed or unlawfully offered, arranged, or  
14 negotiated to sell drug paraphernalia, as defined in Section 11014.5  
15 of the Health and Safety Code.

16 (k) Disrupted school activities or otherwise willfully defied the  
17 valid authority of supervisors, teachers, administrators, school  
18 officials, or other school personnel engaged in the performance of  
19 their duties.

20 (l) Knowingly received stolen school property or private  
21 property.

22 (m) Possessed an imitation firearm. As used in this section,  
23 “imitation firearm” means a replica of a firearm that is so  
24 substantially similar in physical properties to an existing firearm  
25 as to lead a reasonable person to conclude that the replica is a  
26 firearm.

27 (n) Committed or attempted to commit a sexual assault as  
28 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal  
29 Code or committed a sexual battery as defined in Section 243.4  
30 of the Penal Code.

31 (o) Harassed, threatened, or intimidated a pupil who is a  
32 complaining witness or a witness in a school disciplinary  
33 proceeding for the purpose of either preventing that pupil from  
34 being a witness or retaliating against that pupil for being a witness,  
35 or both.

36 (p) Unlawfully offered, arranged to sell, negotiated to sell, or  
37 sold the prescription drug Soma.

38 (q) Engaged in, or attempted to engage in, hazing. For purposes  
39 of this subdivision, “hazing” means a method of initiation or  
40 preinitiation into a pupil organization or body, whether or not the

1 organization or body is officially recognized by an educational  
2 institution, which is likely to cause serious bodily injury or personal  
3 degradation or disgrace resulting in physical or mental harm to a  
4 former, current, or prospective pupil. For purposes of this  
5 subdivision, “hazing” does not include athletic events or  
6 school-sanctioned events.

7 (r) Engaged in an act of bullying, including, but not limited to,  
8 bullying committed by means of an electronic act, as defined in  
9 subdivisions (f) and (g) of Section 32261, directed specifically  
10 toward a pupil or school personnel.

11 (s) *Engaged in an act of sexting, as defined in subdivision (h)*  
12 *of Section 32261, directed specifically toward a pupil or school*  
13 *personnel.*

14 ~~(s)~~

15 (t) A pupil shall not be suspended or expelled for any of the acts  
16 enumerated in this section, unless that act is related to school  
17 activity or school attendance occurring within a school under the  
18 jurisdiction of the superintendent of the school district or principal  
19 or occurring within any other school district. A pupil may be  
20 suspended or expelled for acts that are enumerated in this section  
21 and related to school activity or attendance that occur at any time,  
22 including, but not limited to, any of the following:

23 (1) While on school grounds.

24 (2) While going to or coming from school.

25 (3) During the lunch period whether on or off the campus.

26 (4) During, or while going to or coming from, a school  
27 sponsored activity.

28 ~~(t)~~

29 (u) A pupil who aids or abets, as defined in Section 31 of the  
30 Penal Code, the infliction or attempted infliction of physical injury  
31 to another person may be subject to suspension, but not expulsion,  
32 pursuant to this section, except that a pupil who has been adjudged  
33 by a juvenile court to have committed, as an aider and abettor, a  
34 crime of physical violence in which the victim suffered great bodily  
35 injury or serious bodily injury shall be subject to discipline pursuant  
36 to subdivision (a).

37 ~~(u)~~

38 (v) As used in this section, “school property” includes, but is  
39 not limited to, electronic files and databases.

40 ~~(v)~~

(w) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

~~(w)~~

(x) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

~~SECTION 1. Section 12803.65 of the Government Code is amended to read:~~

~~12803.65. (a) The Governor shall rename and establish, in the Labor and Workforce Development Agency, the existing California Governor's Committee on Employment of Disabled Persons as the "California Governor's Committee on Employment of People with Disabilities" or "CGCEPD."~~

~~(b) (1) The California Governor's Committee on Employment of People with Disabilities shall include, but not be limited to, the following:~~

~~(A) Four individuals with disabilities representing disabled persons, two appointed by the Governor and one each appointed by the Senate Committee on Rules and the Speaker of the Assembly, each for a three-year term.~~

~~(B) The Directors of the Employment Development Department, State Department of Health Care Services, State Department of Mental Health, State Department of Developmental Services, State Department of Social Services, and Department of Rehabilitation; the Superintendent of Public Instruction, and the Chair of the State Independent Living Council.~~

~~(C) Representatives from the State Department of Health Care Services' California Health Incentive Improvement Project.~~

~~(D) A representative from the California Workforce Investment Board.~~

~~(E) Representatives from any other department or program that may have a role in increasing the capacity of state programs to support the employment-related needs of individuals with disabilities.~~

~~(F) A representative from a local one-stop or local workforce investment board, to be appointed by the Governor.~~

1 ~~(G) A business representative with experience in employing~~  
2 ~~persons with disabilities, to be appointed by the Governor.~~

3 ~~(2) The members of the California Governor's Committee on~~  
4 ~~Employment of People with Disabilities shall select a chair from~~  
5 ~~among the members, and shall hold open meetings no less than~~  
6 ~~quarterly.~~

7 ~~(c) The California Governor's Committee on Employment of~~  
8 ~~People with Disabilities shall consult with and advise the Labor~~  
9 ~~and Workforce Development Agency and the California Health~~  
10 ~~and Human Services Agency on all issues related to full inclusion~~  
11 ~~in the workforce of persons with disabilities, including~~  
12 ~~development of the comprehensive strategy required pursuant to~~  
13 ~~Section 12803.6 and implementation of the grant program~~  
14 ~~established pursuant to Section 12803.7.~~

15 ~~(d) The California Governor's Committee on Employment of~~  
16 ~~People with Disabilities shall also:~~

17 ~~(1) Coordinate and provide leadership, as necessary, with regard~~  
18 ~~to efforts to increase inclusion in the workforce of persons with~~  
19 ~~disabilities.~~

20 ~~(2) Report annually to the Legislature and the Governor on the~~  
21 ~~employment status of Californians with disabilities.~~

22 ~~(e) The California Governor's Committee on Employment of~~  
23 ~~People with Disabilities shall provide support to the State~~  
24 ~~Workforce Investment Board and the local one-stop centers in~~  
25 ~~their efforts to achieve full compliance with Sections 18002, 18004,~~  
26 ~~18006, and 18008 of the Unemployment Insurance Code, and shall~~  
27 ~~identify the extent to which any one-stop centers are not in full~~  
28 ~~compliance with those sections and the reasons for the lack of~~  
29 ~~compliance, including the need for additional resources.~~

30 ~~(f) The California Governor's Committee on Employment of~~  
31 ~~People with Disabilities shall meet quarterly with the California~~  
32 ~~Health Incentive Improvement Project, administered by the State~~  
33 ~~Department of Health Care Services, and the project's steering~~  
34 ~~committee, to the extent funding for the project continues and the~~  
35 ~~activities of the California Governor's Committee on Employment~~  
36 ~~of People with Disabilities are not inconsistent with the charge of~~  
37 ~~the California Health Incentive Improvement Project.~~

38 ~~(g) Using existing funding, the California Governor's Committee~~  
39 ~~on Employment of People with Disabilities shall facilitate, promote,~~  
40 ~~and coordinate collaborative dissemination of information on~~

1 employment supports and benefits, which shall include the Ticket  
2 to Work program and health benefits, to individuals with  
3 disabilities, consumers of public services, employers, service  
4 providers, and state and local agency staff.  
5 (h) Using existing funding, the California Governor's Committee  
6 on Employment of People with Disabilities shall receive primary  
7 administrative and staff support from the State Employment  
8 Development Department.