

ASSEMBLY BILL

No. 58

Introduced by Assembly Member Rodriguez

December 2, 2014

An act to amend Sections 32280, 32281, 32282, 32286, and 32288 of, to add Sections 32286.1, 32288.1, and 32289.5 to, and to repeal Section 32289 of, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 58, as introduced, Rodriguez. 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 require each school to adopt its comprehensive school safety plan by March 1, 2016, and to review and update its plan by March 1 of every 3rd year thereafter. The bill would require, no later than October 15, 2016, and every 3rd year thereafter, each superintendent of a school district or county office of education to provide written notification to

the Superintendent of Public Instruction identifying each school within the school district or county that has not complied with the requirement to adopt a comprehensive school safety plan. The bill would require certain school administrators to keep and maintain a copy of the most recent comprehensive school safety plan, as provided. The bill would require the department to monitor compliance with these provisions using an existing monitoring framework. By requiring school and local educational agency officers to perform additional duties, 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, 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 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, in kindergarten, and grades 1 to 12, inclusive,
5 operated by school districts, in cooperation with local law
6 enforcement agencies, community leaders, parents, pupils, teachers,
7 administrators, and other persons who may be interested in the
8 prevention of campus crime and violence, develop a comprehensive
9 school safety plan that addresses the safety concerns identified
10 through a systematic planning process. ~~For the purposes of this~~
11 ~~section, law enforcement agencies include local police departments,~~
12 ~~county sheriffs' offices, school district police or security~~
13 ~~departments, probation departments, and district attorneys' offices.~~
14 ~~For purposes of this section, a "safety plan" means a plan to~~
15 ~~develop strategies aimed at the prevention of, and education about,~~
16 ~~potential incidents involving crime and violence on the school~~
17 ~~campus.~~
18 (b) (1) *For purposes of this article, law enforcement agencies*
19 *include local police departments, county sheriffs' offices, school*

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

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

7 (3) *For purposes of Sections 32281 and 32282, “principal”*
8 *includes the principal’s designee.*

9 SEC. 2. Section 32281 of the Education Code is amended to
10 read:

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

15 (b) (1) Except as provided in subdivision (d) with regard to a
16 small school district, the schoolsite council established pursuant
17 to former Section 52012, as it existed before July 1, 2005, or
18 Section 52852 shall write and develop a comprehensive school
19 safety plan relevant to the needs and resources of that particular
20 school.

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

24 (A) ~~The principal or the principal’s designee.~~ *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 comprehensive school safety plan.

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

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

39 (d) (1) Subdivision (b) shall not apply to a small school district,
40 as defined in paragraph (2), if the small school district develops a

1 districtwide comprehensive school safety plan that is applicable
2 to each schoolsite.

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

6 (e) (1) ~~When~~ ~~If~~ a principal ~~or his or her designee~~ verifies
7 through local law enforcement officials that a report has been filed
8 of the occurrence of a violent crime on the schoolsite of an
9 elementary or secondary school at which he or she is the principal,
10 the principal ~~or the principal’s designee~~ may send to each pupil’s
11 parent or legal guardian and each school employee a written notice
12 of the occurrence and general nature of the crime. If the principal
13 ~~or his or her designee~~ chooses to send the written notice, the
14 Legislature encourages the notice be sent no later than the end of
15 business on the second regular ~~work day~~ *workday* after the
16 verification. If, at the time of verification, local law enforcement
17 officials determine that notification of the violent crime would
18 hinder an ongoing investigation, the notification authorized by this
19 subdivision shall be made within a reasonable period of time, to
20 be determined by the local law enforcement agency and the school
21 district. For purposes of this section, ~~an act that is considered a~~
22 ~~“violent crime” shall meet the definition~~ *means a Part 1 violent*
23 *crime as defined in paragraph (2) of subdivision (i) of Section*
24 *67381 and* ~~be~~ *is* an act for which a pupil could or would be expelled
25 pursuant to Section 48915.

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

28 (f) (1) Notwithstanding subdivision (b), a school district or
29 county office of education may, in consultation with law
30 enforcement officials, elect to not have its schoolsite council
31 develop and write those portions of its comprehensive school safety
32 plan that include tactical responses to criminal incidents that may
33 result in death or serious bodily injury at the schoolsite. The
34 portions of a school safety plan that include tactical responses to
35 criminal incidents may be developed by administrators of the
36 school district or county office of education in consultation with
37 law enforcement officials and with a representative of an exclusive
38 bargaining unit of employees of that school district or county office
39 of education, if he or she chooses to participate. The school district
40 or county office of education may elect not to disclose those

1 portions of the comprehensive school safety plan that include
2 tactical responses to criminal incidents.

3 (2) As used in this article, “tactical responses to criminal
4 incidents” means steps taken to safeguard pupils and staff, to secure
5 the affected school premises, and to apprehend the criminal
6 perpetrator or perpetrators.

7 (3) Nothing in this subdivision precludes the governing board
8 of a school district or county office of education from conferring
9 in a closed session with law enforcement officials pursuant to
10 Section 54957 of the Government Code to approve a tactical
11 response plan developed in consultation with those officials
12 pursuant to this subdivision. Any vote to approve the tactical
13 response plan shall be announced in open session following the
14 closed session.

15 (4) Nothing in this subdivision shall be construed to reduce or
16 eliminate the requirements of Section 32282.

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

19 32282. (a) The comprehensive school safety plan shall include,
20 but not be limited to, both of the following:

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

23 (2) Identifying appropriate strategies and programs that will
24 provide or maintain a high level of school safety and address the
25 school’s procedures for complying with existing laws related to
26 school safety, which shall include the development of all of the
27 following:

28 (A) Child abuse reporting procedures consistent with Article
29 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
30 Part 4 of the Penal Code.

31 (B) Disaster procedures, routine and emergency, including
32 adaptations for pupils with disabilities in accordance with the
33 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
34 12101 et seq.). The disaster procedures shall also include, but not
35 be limited to, both of the following:

36 (i) Establishing an earthquake emergency procedure system in
37 every public school building having an occupant capacity of 50
38 or more pupils or more than one classroom. A school district or
39 county office of education may work with the Office of Emergency
40 Services and the Seismic Safety Commission to develop and

1 establish the earthquake emergency procedure system. The system
2 shall include, but not be limited to, all of the following:

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

5 (II) A drop procedure whereby each pupil and staff member
6 takes cover under a table or desk, dropping to his or her knees,
7 with the head protected by the arms, and the back to the windows.

8 A drop procedure practice shall be held at least once each school
9 quarter in elementary schools and at least once a semester in
10 secondary schools.

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

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

16 (ii) Establishing a procedure to allow a public ~~agency~~, *agency*
17 *or nongovernmental organization*, including the American Red
18 Cross, to use school buildings, grounds, and equipment for mass
19 care and welfare shelters during disasters or other emergencies
20 affecting the public health and welfare. The school district or
21 county office of education shall cooperate with the public agency
22 *or nongovernmental organization* in furnishing and maintaining
23 the services as the school district or county office of education
24 may deem necessary to meet the needs of the community.

25 (C) Policies pursuant to subdivision (d) of Section 48915 for
26 pupils who committed an act listed in subdivision (c) of Section
27 48915 and other school-designated serious acts ~~which~~ *that* would
28 lead to suspension, expulsion, or mandatory expulsion
29 recommendations pursuant to Article 1 (commencing with Section
30 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

31 (D) Procedures to notify teachers of dangerous pupils pursuant
32 to Section 49079.

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

36 (F) The provisions of any schoolwide dress code, pursuant to
37 Section 35183, that prohibits pupils from wearing “gang-related
38 apparel,” if the school has adopted that type of a dress code. For
39 those purposes, the comprehensive school safety plan shall define
40 “gang-related apparel.” The definition shall be limited to apparel

1 that, if worn or displayed on a school campus, reasonably could
2 be determined to threaten the health and safety of the school
3 environment. Any schoolwide dress code established pursuant to
4 this section and Section 35183 shall be enforced on the school
5 campus and at any school-sponsored activity by the principal of
6 the school ~~or the person designated by the principal~~. For purposes
7 of this paragraph, “gang-related apparel” shall not be considered
8 a protected form of speech pursuant to Section 48950.

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

11 (H) A safe and orderly environment conducive to learning at
12 the school.

13 *(I) Procedures related to individuals with guns on school*
14 *campuses and at school-related functions, including, but not limited*
15 *to, training programs related to active shooters and active*
16 *terrorists, based on drill and exercise guidelines developed by the*
17 *National Association of School Psychologists.*

18 ~~(H)~~

19 (J) The rules and procedures on school discipline adopted
20 pursuant to Sections 35291 and 35291.5.

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

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

33 (d) The comprehensive school safety plan may be evaluated
34 and amended, as needed, by the school safety planning committee,
35 but shall be evaluated ~~at least once a year, by March 1, 2016, and~~
36 ~~every third year thereafter~~, to ensure that the comprehensive school
37 safety plan is properly implemented. An updated file of all
38 safety-related plans and materials shall be readily available for
39 inspection by ~~the public~~ law enforcement and school employees.

(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

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

SEC. 4. Section 32286 of the Education Code is amended to read:

32286. (a) Each school shall adopt its comprehensive school safety plan by March 1, ~~2000~~, 2016, and shall review and update its plan by March ~~1~~, *1 of every third 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~~, *1 of every third year* thereafter. *This subdivision does not limit a school from updating its comprehensive school safety plan prior to every third year.*

~~(b) Commencing in No later than July 2000, 31, 2016, and every July year thereafter, each school the principal shall accurately report on the status of its school the school's safety plan, 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, the date the school safety plan was adopted and a description of the safety plan's elements as set forth in Section 32282.~~

(c) Each school principal shall provide written or electronic notice to each teacher and classified employee of that school that the adopted school safety plan is readily available for inspection.

SEC. 5. Section 32286.1 is added to the Education Code, to read:

32286.1. No later than October 15, 2016, and every third year thereafter, each superintendent of a school district or county office of education shall provide written notification to the Superintendent identifying each school within the school district or county that has not complied with Section 32281 or subdivision (b) of Section 32286 for that school year.

SEC. 6. Section 32288 of the Education Code is amended to read:

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) (A) 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.

(B) *Confidential information relating to tactical responses to criminal incidents, pursuant to paragraph (1) of subdivision (f) of Section 32281, shall not be included at the public meeting.*

(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.

~~(e) 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. 7. Section 32288.1 is added to the Education Code, to read:

32288.1. (a) Each principal shall keep and maintain a copy of the most recent comprehensive school safety plan for that school.

(b) Each superintendent of a school district or county office of education shall keep and maintain a copy of the most recent comprehensive school safety plan filed pursuant to Section 32288 and a copy of every notification made pursuant to Section 32286.1.

(c) (1) All books, documents, records, and other papers kept and maintained pursuant to subdivisions (a) and (b) shall be open for inspection and copying, during business hours at a district office or during school hours at a school, on business days, excluding legal holidays, within 48 hours of a written, verbal, or electronic request by a law enforcement agency described in Section 32280.

(2) An electronic version of a book, document, record, or other paper shall be sufficient to satisfy the requirements of paragraph (1).

SEC. 8. Section 32289 of the Education Code, as added by Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

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

SEC. 9. Section 32289.5 is added to the Education Code, to read:

32289.5. The department shall monitor compliance with this article using an existing monitoring framework.

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