

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 the comprehensive school safety plan to include procedures related to individuals with guns on~~

school campuses and at school-related functions, as provided. The bill would remove the duties of school districts described above. 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.~~
11 ~~(b) (1) For purposes of this article, law enforcement agencies~~
12 ~~include local police departments, county sheriffs' offices, school~~
13 ~~district police or security departments, probation departments, the~~
14 ~~Attorney General, any district attorney, or any city attorney.~~

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

5 ~~(3) For purposes of Sections 32281 and 32282, “principal”~~
6 ~~includes the principal’s designee.~~

7 ~~SEC. 2.~~

8 ~~SECTION 1.~~ Section 32281 of the Education Code is amended
9 to read:

10 32281. (a) Each ~~school district and~~ county office of education
11 is responsible for the overall development of all comprehensive
12 school safety plans for its schools operating kindergarten or any
13 of grades 1 to 12, 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 former Section 52012, as it existed before July 1, 2005, or
17 Section 52852 shall write and develop a comprehensive school
18 safety plan relevant to the needs and resources of that particular
19 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*.

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

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

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

29 (E) Other members, if desired.

30 (3) The schoolsite council shall consult with a representative
31 from a law enforcement agency in the writing and development
32 of the comprehensive school safety plan.

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

36 ~~(c) Nothing in this article shall~~ *This article does not* limit or
37 take away the authority of school boards as guaranteed under this
38 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) If a principal *or the principal’s designee* verifies through
7 local law enforcement officials that a report has been filed of the
8 occurrence of a violent crime on the schoolsite of an elementary
9 or secondary school at which he or she is the principal, the principal
10 *or the principal’s designee* may send to each pupil’s parent or legal
11 guardian and each school employee a written notice of the
12 occurrence and general nature of the crime. If the principal *or*
13 *designee* chooses to send the written notice, the Legislature
14 encourages the notice be sent no later than the end of business on
15 the second regular workday after the verification. If, at the time
16 of verification, local law enforcement officials determine that
17 notification of the violent crime would hinder an ongoing
18 investigation, the notification authorized by this subdivision shall
19 be made within a reasonable period of time, to be determined by
20 the local law enforcement agency and the school district. For
21 purposes of this section, *an act considered a “violent crime” means*
22 ~~a Part 1 violent crime as defined in paragraph (2) of subdivision~~
23 ~~(i) shall meet the definition of~~ Section 67381 and is an act for
24 which a pupil could or would be expelled pursuant to Section
25 48915.

26 (2) ~~Nothing in this~~ *This subdivision shall does not* create any
27 liability in a school district or its employees for complying with
28 paragraph (1).

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

1 to participate. The ~~school district or~~ county office of education
2 may elect not to disclose those portions of the comprehensive
3 school safety plan that include tactical responses to criminal
4 incidents.

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

9 ~~Nothing in this~~ *This subdivision precludes does not preclude*
10 ~~the governing board of a school district or~~ county office of
11 education from conferring in a closed session with law enforcement
12 officials pursuant to Section 54957 of the Government Code to
13 approve a tactical response plan developed in consultation with
14 those officials pursuant to this subdivision. ~~Any~~ A vote to approve
15 the tactical response plan shall be announced in open session
16 following the closed session.

17 (4) ~~Nothing in this~~ *This subdivision shall be construed to does*
18 *not* reduce or eliminate the requirements of Section 32282.

19 ~~SEC. 3.~~

20 *SEC. 2.* Section 32282 of the Education Code is amended to
21 read:

22 32282. (a) The comprehensive school safety plan shall include,
23 but not be limited to, both of the following:

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

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

31 (A) Child abuse reporting procedures consistent with Article
32 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
33 Part 4 of the Penal Code.

34 (B) Disaster procedures, routine and emergency, including
35 adaptations for pupils with disabilities in accordance with the
36 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
37 12101 et seq.). The disaster procedures shall also include, but not
38 be limited to, both of the following:

39 (i) Establishing an earthquake emergency procedure system in
40 every public school building having an occupant capacity of 50

1 or more pupils or more than one classroom. A ~~school district or~~
2 county office of education may work with the Office of Emergency
3 Services and the Seismic Safety Commission to develop and
4 establish the earthquake emergency procedure system. The system
5 shall include, but not be limited to, all of the following:

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

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

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

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

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

28 (C) Policies pursuant to subdivision (d) of Section 48915 for
29 pupils who committed an act listed in subdivision (c) of Section
30 48915 and other school-designated serious acts that would lead to
31 suspension, expulsion, or mandatory expulsion recommendations
32 pursuant to Article 1 (commencing with Section 48900) of Chapter
33 6 of Part 27 of Division 4 of Title 2.

34 (D) Procedures to notify teachers of dangerous pupils pursuant
35 to Section 49079.

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

39 (F) The provisions of any schoolwide dress code, pursuant to
40 Section 35183, that prohibits pupils from wearing “gang-related

apparel,” if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school *or the person designated by the principal*. For purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

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

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

(I) (i) Procedures related to individuals with guns on school campuses and at school-related functions, including, but not limited to, training programs related to active shooters and ~~active terrorists, based on drill and exercise guidelines developed by the National Association of School Psychologists~~ *other armed assailants. Training programs and drills to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community. Schools shall consider the most cost-effective method of preparing students and staff for an active shooter situation while balancing the physical and psychological risks associated with these drills. Regardless of the nature of the drills a school chooses, the school resource officer and school-employed mental health professionals shall be integrally involved in the planning and evaluation process to ensure appropriate implementation.*

(ii) As used in this subparagraph, “active shooter” means an individual who is actively engaged in killing or attempting to kill people in a confined and populated area.

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

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law

1 Enforcement Partnership Program entitled “Safe Schools: A
2 Planning Guide for Action” *and the report by the National*
3 *Association of School Psychologists and the National Association*
4 *of School Resource Officers on “Best Practice Considerations for*
5 *Schools in Active Shooter and Other Armed Assailant Drills”* in
6 conjunction with developing their plan for school safety.

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

11 (d) The comprehensive school safety plan may be evaluated
12 and amended, as needed, by the school safety planning committee,
13 but shall be evaluated ~~by March 1, 2016, and every third year~~
14 ~~thereafter, at least once a year~~ to ensure that the comprehensive
15 school safety plan is properly implemented. An updated file of all
16 safety-related plans and materials shall be readily available for
17 inspection by *the public*, law enforcement, and school employees.

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

22 (f) *The comprehensive school safety plan, as written and updated*
23 *by the schoolsite council or school safety planning committee,*
24 *shall be submitted for approval under subdivision (a) of Section*
25 *32288.*

26 ~~SEC. 4.~~

27 *SEC. 3.* Section 32286 of the Education Code is amended to
28 read:

29 32286. (a) Each school shall adopt its comprehensive school
30 safety plan by March 1, ~~2016~~ 2000, and shall review and update
31 its plan by March 1 ~~of every third year~~ thereafter. A new school
32 campus that begins offering classes to pupils after March 1, 2001,
33 shall adopt a comprehensive school safety plan within one year of
34 initiating operation, and shall review and update its plan by March
35 1 ~~of every third year~~ thereafter. ~~This subdivision does not limit a~~
36 ~~school from updating its comprehensive school safety plan prior~~
37 ~~to every third year.~~

38 (b) ~~No later than Commencing July 31, 2016, and 2000 and~~
39 every year thereafter, the principal *of each school* shall accurately
40 report on the status of the *principal’s* school’s safety plan for the

1 upcoming school year, including a description of its key elements
2 in the annual school accountability report card prepared pursuant
3 to Sections 33126 and 35256. The report shall include, but is not
4 limited to, the date the school safety plan was adopted and a
5 description of the safety plan's elements as set forth in Section
6 32282.

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

10 ~~SEC. 5.~~

11 *SEC. 4.* Section 32286.1 is added to the Education Code, to
12 read:

13 32286.1. No later than October 15, ~~2016, and every third year~~
14 ~~thereafter, 2016, and each year thereafter~~, each ~~superintendent of~~
15 ~~a school district or county office of education~~ shall provide written
16 notification to the Superintendent identifying each school within
17 the ~~school district or county~~ that has not complied with Section
18 32281 or subdivision (b) of Section 32286 for that school year.

19 ~~SEC. 6.~~

20 *SEC. 5.* Section 32288 of the Education Code is amended to
21 read:

22 32288. (a) In order to ensure compliance with this article, each
23 school shall forward its comprehensive school safety plan to the
24 ~~school district or county office of education~~ for approval.

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

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

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

36 (A) The local mayor.

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

38 (C) A representative of each parent organization at the
39 schoolsite, including the parent teacher association and parent
40 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.

~~SEC. 7.~~

SEC. 6. 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.~~

SEC. 7. Section 32289 of the Education Code, as added by Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

~~SEC. 9.~~

SEC. 8. 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.~~

SEC. 9. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

O