

AMENDED IN SENATE APRIL 27, 1995

SENATE BILL

No. 691

Introduced by Senator Hayden

February 22, 1995

An act to amend ~~Section 44014~~ *Sections 44014 and 48980* of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 691, as amended, Hayden. School employees: assaults.

(1) Under existing law, whenever any employee of a school district or county superintendent of schools is attacked, assaulted, or menaced by any pupil, ~~it is the duty of the employee;~~ and ~~the duty of~~ any person under whose direction or supervision the employee is employed who has knowledge of the incident *are required* to promptly report the incident to specified law enforcement authorities. Failure to make the report is a misdemeanor punishable by a fine of not more than \$200. *An act by specified persons to inhibit or impede the making of the report is a misdemeanor punishable by a fine of not less than \$100 or more than \$200.*

This bill would ~~instead require that~~ *delete the requirement that* the report be made by those persons whenever any employee of a school district or county superintendent of schools is ~~assaulted~~ *menaced* by any ~~person~~ *pupil* and would change the fine *for failure to make the report* to \$1,000; ~~thereby imposing a state-mandated local program.~~ *The bill would also change the fine for inhibiting or impeding the making of the report to not less than \$500 or more than \$1,000.*

~~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 no reimbursement is required by this act for a specified reason.~~

(2) Existing law requires the governing board of each school district, at the beginning of the first semester or quarter of the regular school term, to notify the parent or guardian of its minor pupils of various provisions of law relating to the rights and responsibilities of the parent or guardian, the availability of individualized instruction and of employment-based school attendance options, the importance of investing for future college or university education, a fingerprinting program if the district provides one, and all current statutory attendance options and local attendance options available in the school district, as specified.

This bill would require this notification also to advise the parent or guardian that the reporting to law enforcement authorities of incidents involving any pupil who attacks or assaults a school district employee or an employee of the office of county superintendent of schools is required, thereby imposing a state-mandated local program.

(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 44014 of the Education Code is
2 amended to read:

3 44014. (a) Whenever any employee of a school
4 district or of the office of a county superintendent of
5 schools is ~~attacked, assaulted, or menaced~~ *attacked or*
6 *assaulted*, by any ~~person~~ *pupil*, it shall be the duty of the
7 employee, and the duty of any person under whose
8 direction or supervision the employee is employed in the
9 public school system who has knowledge of the incident,
10 to promptly report the incident to the appropriate law
11 enforcement authorities of the county or city in which the
12 incident occurred. Failure to make the report shall be a
13 misdemeanor punishable by a fine of not more than one
14 thousand dollars (\$1,000).

15 (b) Compliance with school district governing board
16 procedures relating to the reporting of, or facilitation of
17 reporting of, the incidents specified in subdivision (a)
18 shall not exempt a person under a duty to make the report
19 prescribed by subdivision (a) from making the report.

20 (c) A member of the governing board of a school
21 district, a county superintendent of schools, or an
22 employee of any school district or the office of any county
23 superintendent of schools, shall not directly or indirectly
24 inhibit or impede the making of the report prescribed by
25 subdivision (a) by a person under a duty to make the
26 report. An act to inhibit or impede the making of a report
27 shall be a misdemeanor, and shall be punishable by a fine
28 of not less than ~~one five~~ *five* hundred dollars ~~(\$100) or more~~
29 ~~than two hundred dollars (\$200).~~ *(\$500) or more than one*
30 *thousand dollars (\$1,000).*

31 (d) Neither the governing board of a school district, a
32 member of the governing board, a county
33 superintendent of schools, nor an employee of a school
34 district or of the office of any county superintendent of
35 schools shall impose any sanctions against a person under
36 a duty to make the report prescribed by subdivision (a)
37 for making the report.

38 ~~SEC. 2. No reimbursement is required by this act~~



1 *SEC. 2. Section 48980 of the Education Code is*
2 *amended to read:*

3 48980. (a) At the beginning of the first semester or
4 quarter of the regular school term, the governing board
5 of each school district shall notify the parent or guardian
6 of its minor pupils regarding the right or responsibility of
7 the parent or guardian under Sections 35291, 46014, 48205,
8 48207, 48208, 49403, 49423, 49451, 49472, 51240, and 51550
9 and Chapter 2.3 (commencing with Section 32255) of
10 Part 19.

11 (b) The notification also shall advise the parent or
12 guardian of the availability of individualized instruction
13 as prescribed by Section 48206.3, and of the program
14 prescribed by Article 9 (commencing with Section 49510)
15 of Chapter 9.

16 (c) The notification also may advise the parent or
17 guardian of the importance of investing for future college
18 or university education for their children and of
19 considering appropriate investment options including,
20 but not limited to, United States Savings Bonds.

21 (d) Each school district that elects to provide a
22 fingerprinting program pursuant to Article 10
23 (commencing with Section 32390) shall inform parents or
24 guardians of the program as specified in Section 32390.

25 (e) Until July 1, 1998, the notification ~~shall~~ also *shall*
26 advise the parent or guardian of the availability of the
27 employment-based school attendance options pursuant
28 to subdivision (f) of Section 48204.

29 (f) The notification ~~shall~~ also *shall* include a copy of the
30 district's written policy on sexual harassment established
31 pursuant to Section 212.6, as it relates to pupils.

32 (g) *The notification also shall advise the parent or*
33 *guardian that Section 44014 requires the reporting to law*
34 *enforcement authorities of incidents involving any pupil*
35 *who attacks or assaults a school district employee or an*
36 *employee of the office of county superintendent of*
37 *schools.*

38 (h) (1) The notification shall advise the parent or
39 guardian of all current statutory attendance options and
40 local attendance options available in the school district.



1 ~~That~~ *The* notification shall include all options for meeting
2 residency requirements for school attendance,
3 programmatic options offered within the local
4 attendance areas, and any special programmatic options
5 available on both an interdistrict and intradistrict basis.
6 ~~That~~ *The* notification shall also *shall* include a description
7 of all options, a description of the procedure for
8 application for alternative attendance areas or programs,
9 an application form from the district for requesting a
10 change of attendance, and a description of the appeals
11 process available, if any, for a parent or guardian denied
12 a change of attendance. The notification shall also *shall*
13 include an explanation of the current statutory
14 attendance options including, but not limited to, those
15 available under Section 35160.5, Chapter 5 (commencing
16 with Section 46600) of Part 26, subdivision (f) of Section
17 48204, and Article 1.5 (commencing with Section 48209)
18 of Chapter 2 of Part 27. The State Department of
19 Education shall produce this portion of the notification
20 and shall distribute it to all school districts.

21 (2) It is the intent of the Legislature that the
22 governing board of each school district annually review
23 the enrollment options available to the pupils within their
24 districts and that the school districts strive to make
25 available enrollment options that meet the diverse needs,
26 potential, and interests of California's pupils.

27 *SEC. 3. The California Constitution requires the state*
28 *to reimburse local agencies and school districts for certain*
29 *costs mandated by the state. Statutory provisions*
30 *establish procedures for making that reimbursement,*
31 *including the creation of a State Mandates Claims Fund*
32 *to pay the costs of mandates that do not exceed \$1,000,000*
33 *statewide and other procedures for claims whose*
34 *statewide costs exceed \$1,000,000.*

35 *This bill would provide that, if the Commission on State*
36 *Mandates determines that the bill contains costs*
37 *mandated by the state, reimbursement for those costs*
38 *shall be made pursuant to these statutory provisions.*

39 ~~pursuant to Section 6 of Article XIII B of the California~~
40 ~~Constitution because the only costs that may be incurred~~



1 ~~by a local agency or school district will be incurred~~
2 ~~because this act creates a new crime or infraction,~~
3 ~~eliminates a crime or infraction, or changes the penalty~~
4 ~~for a crime or infraction, within the meaning of Section~~
5 ~~17556 of the Government Code, or changes the definition~~
6 ~~of a crime within the meaning of Section 6 of Article~~
7 ~~XIII B of the California Constitution.~~

8 ~~Notwithstanding Section 17580 of the Government~~
9 ~~Code, unless otherwise specified, the provisions of this act~~
10 ~~shall become operative on the same date that the act~~
11 ~~takes effect pursuant to the California Constitution.~~

