

AMENDED IN ASSEMBLY AUGUST 29, 1995

AMENDED IN ASSEMBLY JULY 6, 1995

AMENDED IN SENATE APRIL 27, 1995

SENATE BILL

No. 691

Introduced by Senator Hayden
(Principal coauthor: Assembly Member Martinez)

February 22, 1995

An act to amend ~~Sections 44014 and 48980~~ *Section 44014* 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, the employee and 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 and not more than \$200.

This bill would ~~change the fine for~~ *instead provide that the failure to make the report to is an infraction punishable by a fine of not more than \$1,000* and would also include physical threats by a pupil within the acts that must be reported. The bill would also ~~change the fine for~~ *provide that* inhibiting or

impeding the making of the report ~~to~~ *is an infraction punishable by a fine of* not less than \$500 and not more than \$1,000.

~~(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.~~

~~*This bill would provide that no reimbursement is required by this act for a specified reason.*~~

~~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 physically threatened by
6 any pupil, it shall be the duty of the employee, and the
7 duty of any person under whose direction or supervision
8 the employee is employed in the public school system
9 who has knowledge of the incident, to promptly report
10 the incident to the appropriate law enforcement
11 authorities of the county or city in which the incident
12 occurred. Failure to make the report shall be a
13 ~~misdemeanor~~ *an infraction* punishable by a fine of not
14 more than one 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~~ *an infraction*, and shall be
28 punishable by a fine of not less than five hundred dollars
29 (\$500) and not more than one thousand dollars (\$1,000).

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

37 ~~SEC. 2. Section 48980 of the Education Code is~~
38 ~~amended to read:~~



1 ~~48980. (a) At the beginning of the first semester or~~
2 ~~quarter of the regular school term, the governing board~~
3 ~~of each school district shall notify the parent or guardian~~
4 ~~of its minor pupils regarding the right or responsibility of~~
5 ~~the parent or guardian under Sections 35291, 46014, 48205,~~
6 ~~48207, 48208, 49403, 49423, 49451, 49472, 51240, and 51550~~
7 ~~and Chapter 2.3 (commencing with Section 32255) of~~
8 ~~Part 19.~~

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

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

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

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

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

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

36 ~~(h) (1) The notification shall advise the parent or~~
37 ~~guardian of all current statutory attendance options and~~
38 ~~local attendance options available in the school district.~~
39 ~~The notification shall include all options for meeting~~
40 ~~residency requirements for school attendance,~~



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

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

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

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

37 SEC. 2. *No reimbursement is required by this act*
38 *pursuant to Section 6 of Article XIII B of the California*
39 *Constitution because the only costs that may be incurred*
40 *by a local agency or school district will be incurred*



1 *because this act creates a new crime or infraction,*
2 *eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section*
4 *17556 of the Government Code, or changes the definition*
5 *of a crime within the meaning of Section 6 of Article*
6 *XIII B of the California Constitution.*

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

