

**Introduced by Senator Dills**

February 23, 1995

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An act to amend Sections 628.1, 628.2, 628.4, 628.5, and 628.6 of the Penal Code, relating to school crimes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as introduced, Dills. School crime reporting program.

(1) Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form, by June 30, 1985, for use by all school districts throughout the state. The form is required to include, among other things, the total number of pupils enrolled in the school as of November 15 and April 15.

This bill would require that form to be developed by June 30, 1995, and would include county offices of education within those provisions. The bill would modify the form to report the total number of pupils enrolled in a school- or county-operated program on October 15, as reported in the California Basic Education Data System.

(2) Existing law requires the State Department of Education to prepare and supply school crime reporting forms to local educational agencies, and requires those agencies to submit the completed reports to the department.

This bill would authorize the department to designate a person or entity to prepare, supply, and receive those reports, and to perform specified related duties.

(3) Existing law requires the department to identify criteria for validating the incidents of crime reported, and requires validation criteria to be established for each crime description, including, among other things, assault, unlawful fighting, and chemical substance offenses.

This bill instead would require the department to identify criteria for reporting and validating school crimes, would no longer require criteria to be established for assault, unlawful fighting, or chemical substance offense, but would require reporting and validation criteria to be established for, among other things, graffiti and drug and alcohol programs. The bill would make related changes.

(4) Existing law requires the department, beginning July 1, 1991, to use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

This bill instead would require the department, or its designee, beginning July 1, 1995, to use approved reporting and validation criteria for that purpose.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of  
 2 the following:  
 3 (a) There is merit in collecting information that helps  
 4 schools, school districts, and county offices of education  
 5 identify the most urgent school safety issues confronting  
 6 pupils, teachers, administrators, and community  
 7 members. This information provides an objective basis  
 8 for planning appropriate prevention and intervention  
 9 strategies to enhance the safety of school campuses.  
 10 (b) There is a need for consistent and accurate  
 11 reporting of incidents of school crime occurring on school  
 12 campuses and in county-operated education programs.  
 13 Therefore, the Legislature intends for procedures for



1 reporting school crime to be clarified in statute and  
2 regulation.

3 (c) Current statutes relating to the school crime  
4 reporting program are inconsistent with input gathered  
5 from school crime experts throughout the state. Although  
6 program operation has been suspended until July 1, 1995,  
7 the components for accurate and consistent reporting  
8 must be in place before the program can resume  
9 operation. It is the intent of the Legislature to include  
10 within those components regulations for program  
11 definitions, reporting guidelines, and required  
12 supporting documentation.

13 (d) Because regulations and statutes must support  
14 sound reporting practices, it is important that new  
15 regulations be approved in a timely manner in order to  
16 support the implementation of a consistent and accurate  
17 school crime reporting program.

18 SEC. 2. Section 628.1 of the Penal Code is amended to  
19 read:

20 628.1. By June 30, ~~1985~~ 1995, the State Department of  
21 Education, in consultation with the Department of  
22 Justice and a representative selection of school districts  
23 *and county offices of education* which currently compile  
24 school crime statistics, shall develop a standard school  
25 crime reporting form for use by all school districts *and*  
26 *county offices of education* throughout the state. No  
27 individual shall be identified by name or in any other  
28 manner on this reporting form. The form shall define  
29 what constitutes the criminal activity required to be  
30 reported and shall include, but not be limited to, all of the  
31 following:

32 (a) Description of the crime.

33 (b) Victim characteristics.

34 (c) ~~Offender~~ *Suspect* characteristics, if known.

35 (d) Total ~~students~~ *number of pupils* enrolled ~~at the~~ *on*  
36 *October 15, as reported in the California Basic Education*  
37 *Data System, for the county-operated program, site, or*  
38 *school reporting the crime on November 15 for the first*  
39 *reporting period and April 15 for the second reporting*  
40 *period.*



1 SEC. 3. Section 628.2 of the Penal Code is amended to  
2 read:

3 628.2. (a) On forms prepared and supplied by the  
4 State Department of Education, *or its designee*, each  
5 principal of a school in a school district and each principal  
6 or director of a school, program, or camp under the  
7 jurisdiction of the county superintendent of schools shall  
8 forward a completed report of crimes committed on  
9 school or camp grounds at the end of each reporting  
10 period to the district superintendent or county  
11 superintendent of schools, as the case may be.

12 (b) The district superintendent, or, as appropriate, the  
13 county superintendent of schools, shall compile the  
14 school data and submit the aggregated data to the State  
15 Department of Education, *or its designee*, not later than  
16 February 1 for the reporting period of July 1 through  
17 December 31, and not later than August 1 for the  
18 reporting period of January 1 through June 30.

19 (c) The superintendent of any school district that  
20 maintains a police department pursuant to Section 39670  
21 of the Education Code may direct the chief of police or  
22 other administrator of that department to prepare the  
23 completed report of crimes for one or more schools in the  
24 district, to compile the school data for the district, and to  
25 submit the aggregated data to the State Department of  
26 Education, *or its designee*, in accordance with this  
27 section. If the chief of police or other designated  
28 administrator completes the report of crimes, the chief of  
29 police or other designated administrator shall provide  
30 information to each school principal about the school  
31 crime reporting program, the crime descriptions  
32 included in the reporting program, and the *reporting and*  
33 validation criteria identified by the State Department of  
34 Education for each crime description.

35 (d) The State Department of Education, *or its*  
36 *designee*, shall distribute, upon request, to each school  
37 district governing board, each office of the county  
38 superintendent of schools, each county probation  
39 department, the Attorney General, the Fair  
40 Employment and Housing Commission, county human



1 relations commissions, civil rights organizations, and  
2 private organizations, a summary of the statewide  
3 aggregated data. The department also shall distribute,  
4 upon request, to each office of the county superintendent  
5 of schools and each county probation department, a  
6 summary of that county's district reports and county  
7 reports. This information shall be supplied not later than  
8 March 1 of each year for the previous school year. The  
9 department shall also submit to the Legislature a  
10 summary of the statewide aggregated data not later than  
11 March 1 of each year for the previous school year. In  
12 addition, commencing with the second annual report, the  
13 department shall identify trends in school crime and  
14 evaluate school district and county school crime  
15 prevention programs by comparing the numbers and  
16 rates of crimes and the resulting economic losses for each  
17 year against those of previous years.

18 (e) All school district, county, and statewide reports  
19 prepared under this chapter shall be deemed public  
20 documents and shall be made available to the public at a  
21 price not to exceed the actual cost of duplication and  
22 distribution.

23 SEC. 4. Section 628.4 of the Penal Code is amended to  
24 read:

25 628.4. ~~By June 30, 1991, the~~ *The* State Department of  
26 Education, *or its designee*, shall publish and distribute to  
27 all school districts and county offices of education an  
28 annual school crime reporting update that describes  
29 typical errors in school crime reporting procedures,  
30 describes effective and efficient methods of monitoring  
31 and recording school crime data, and identifies trends in  
32 school crime drawn from the annual school crime report  
33 submitted to the Legislature.

34 SEC. 5. Section 628.5 of the Penal Code is amended to  
35 read:

36 628.5. The Legislature hereby recognizes that all  
37 pupils enrolled in California public schools have the  
38 inalienable right to attend classes on campuses that are  
39 safe, secure, and peaceful. The Legislature also  
40 recognizes the importance of accurate school crime data



1 in developing and implementing school safety strategies  
2 and programs.

3 ~~By June 30, 1990, the~~

4 *The State Department of Education, in consultation*  
5 *with school districts and county offices of education, shall*  
6 *identify criteria for reporting and validating the reported*  
7 ~~*incidence incidents*~~ *of each crime description contained*  
8 *on the standard school crime reporting forms prepared*  
9 *pursuant to Sections 628.1 and 628.2. Validation Reporting*  
10 *and validation criteria shall be established for each crime*  
11 *description, that include including, but shall not limited*  
12 *to, all of the following: assault, battery, assault with a*  
13 *deadly weapon, unlawful fighting graffiti, homicide, sex*  
14 *offenses, robbery, extortion, chemical substance drug and*  
15 *alcohol offenses, possession of weapons, destructive*  
16 *devices, arson, burglary, theft, and vandalism. By January*  
17 *1, 1991, the State Department of Education shall pilot test*  
18 ~~*the validation criteria in a representative sampling of*~~  
19 ~~*school districts and county offices of education.*~~

20 SEC. 6. Section 628.6 of the Penal Code is amended to  
21 read:

22 628.6. Beginning July 1, ~~1991~~ 1995, the State  
23 Department of Education, *or its designee*, shall use ~~tested~~  
24 *approved reporting and* validation criteria in a  
25 representative sample of school districts and county  
26 offices of education to assess the accuracy of school crime  
27 data submitted to it by those agencies.

28 The State Department of Education, *or its designee*,  
29 shall inform school districts and county offices of  
30 education of the *reporting and* validation criteria for the  
31 crime descriptions included on the standard school crime  
32 reporting forms specified in Section 628.1. Each district  
33 and county office of education shall in turn notify their  
34 respective schools, programs, and sites of the *reporting*  
35 *and* validation criteria.

36 SEC. 7. This act is an urgency statute necessary for the  
37 immediate preservation of the public peace, health, or  
38 safety within the meaning of Article IV of the  
39 Constitution and shall go into immediate effect. The facts  
40 constituting the necessity are:



1 In order to ensure that new regulations are approved  
2 in a timely manner to affect the implementation of a  
3 consistent and accurate school crime reporting program,  
4 it is necessary that this act take effect immediately.

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