

ASSEMBLY BILL

No. 1747

Introduced by Assembly Member Rodriguez

January 3, 2018

An act to amend Sections 32262, 32281, 32282, and 32288 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, 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 its schools, as provided. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of that particular school. Existing law requires the schoolsite council to consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan. Existing law requires the comprehensive school safety plan to contain certain things including assessing the current status of school crime committed on school campuses. Existing law authorizes a school district or county office of education to, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents, as defined, that may result in death or serious bodily injury at the schoolsite.

This bill would require the schoolsite council to additionally consult with other first responder entities in the writing and development of the comprehensive school safety plan and would require the comprehensive school safety plan and any updates made to the plan to be shared with

the law enforcement agency and the other first responder entities. The bill would require tactical responses to criminal incidents to include procedures related to individuals with guns on school campuses and at school-related functions. By expanding the responsibility of a school district or county offices of education with respect to the development of a comprehensive school safety plan, the bill would impose a state-mandated local program.

Existing law requires the comprehensive school safety plan to include disaster procedures, including establishing an earthquake emergency procedure system in every public school building, as provided. Existing law requires the system to include a school building disaster plan. Existing law requires each school to forward its comprehensive safety plan to the school district or county office of education for approval.

This bill would require the State Department of Education to provide general direction to school districts and county offices of education on what to include in the school building disaster plan. The bill would also require the department to develop and provide to each school district or county office of education best practices for reviewing and approving comprehensive school safety plans. The bill would additionally require the department to maintain and conspicuously post on the home page of its Internet Web site a compliance checklist for developing a comprehensive school safety plan, and would require the department to update the checklist when necessary.

Existing law requires each school district or county office of education to annually notify the department of any schools that have not complied with the law relating to developing a comprehensive school safety plan.

This bill would require, on or before January 1, 2020, and every other year thereafter, the department to conduct a statewide survey to determine whether schools have forwarded their comprehensive school safety plans to the school district or county office of education for approval and whether those plans have been approved. The bill would require, on or before November 1, 2020, and every other year thereafter, the department to submit a report to the Legislature detailing the results of the survey.

Existing law establishes the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General. Existing law requires the partnership to, among other things, develop programs and policies necessary to implement law relating to comprehensive school safety plans.

This bill would also require the partnership to periodically review comprehensive school safety plan requirements to ensure that they keep pace with evolving school environments and updated educational research.

(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 the statutory provisions noted above.

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 32262 of the Education Code is amended
2 to read:

3 32262. (a) There is hereby established the School/Law
4 Enforcement Partnership, comprised of the Superintendent of
5 Public Instruction and the Attorney General. The duties of the
6 partnership shall consist of all of the following:

7 (1) The development of programs and policies necessary to
8 implement the provisions of Article 5 (commencing with Section
9 32280), and the periodic reviewing of comprehensive
10 school safety plan requirements to ensure that the school safety
11 plans keep pace with evolving school environments and updated
12 educational research.

13 (2) The administration of safe school programs and all training,
14 procedures, and activities conducted pursuant to this chapter.

15 (3) Cooperation with other states and state and federal agencies
16 on matters relating to school safety.

17 (b) As used in this chapter, the term “partnership” means the
18 School/Law Enforcement Partnership established by this section.

19 SEC. 2. Section 32281 of the Education Code is amended to
20 read:

21 32281. (a) Each school district and county office of education
22 is responsible for the overall development of all comprehensive
23 school safety plans for its schools operating kindergarten or any
24 of grades 1 to 12, inclusive.

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

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

(A) The principal or the principal's designee.

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

(C) One parent whose child attends the school.

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

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency *and other first responder entities* in the writing and development of the comprehensive school safety plan. *The comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency and the other first responder entities.*

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

~~(c) Nothing in this article shall~~ *This article does not* limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

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

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal

guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular ~~work day~~ *workday* after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act ~~that is~~ considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

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

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

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

(3) (A) *Tactical responses to criminal incidents shall include procedures related to individuals with guns on school campuses and at school-related functions. 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*

1 *consider the most cost-effective method of preparing pupils and*
2 *staff for an active shooter situation while balancing the physical*
3 *and psychological risks associated with these drills. Regardless*
4 *of the nature of the drills a school chooses, the school resource*
5 *officer and school-employed mental health professionals shall be*
6 *integrally involved in the planning and evaluation process to*
7 *ensure appropriate implementation.*

8 *(B) As used in this paragraph, “active shooter” means an*
9 *individual who is actively engaged in killing or attempting to kill*
10 *people in a confined and populated area.*

11 ~~(3) Nothing in this subdivision precludes the~~

12 *(4) This subdivision does not preclude the governing board of*
13 *a school district or county office of education from conferring in*
14 *a closed session with law enforcement officials pursuant to Section*
15 *54957 of the Government Code to approve a tactical response plan*
16 *developed in consultation with those officials pursuant to this*
17 *subdivision. Any vote to approve the tactical response plan shall*
18 *be announced in open session following the closed session.*

19 ~~(4) Nothing in this subdivision shall be construed to reduce~~

20 *(5) This subdivision does not reduce or eliminate the*
21 *requirements of Section 32282.*

22 SEC. 3. Section 32282 of the Education Code is amended to
23 read:

24 32282. (a) The comprehensive school safety plan shall include,
25 but not be limited to, both of the following:

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

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

33 (A) Child abuse reporting procedures consistent with Article
34 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
35 Part 4 of the Penal Code.

36 (B) Disaster procedures, routine and emergency, including
37 adaptations for pupils with disabilities in accordance with the
38 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
39 12101 et seq.). The disaster procedures shall also include, but not
40 be limited to, both of the following:

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

The system shall include, but not be limited to, all of the following:

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

The department shall provide general direction to school districts and county offices of education on what to include in the school building disaster plan.

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

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

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

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

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

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

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

4 (F) The provisions of any schoolwide dress code, pursuant to
5 Section 35183, that prohibits pupils from wearing “gang-related
6 apparel,” if the school has adopted that type of a dress code. For
7 those purposes, the comprehensive school safety plan shall define
8 “gang-related apparel.” The definition shall be limited to apparel
9 that, if worn or displayed on a school campus, reasonably could
10 be determined to threaten the health and safety of the school
11 environment. A schoolwide dress code established pursuant to this
12 section and Section 35183 shall be enforced on the school campus
13 and at any school-sponsored activity by the principal of the school
14 or the person designated by the principal. For purposes of this
15 paragraph, “gang-related apparel” shall not be considered a
16 protected form of speech pursuant to Section 48950.

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

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

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

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

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

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

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

5 (f) The comprehensive school safety plan, as written and updated
6 by the schoolsite council or school safety planning committee,
7 shall be submitted for approval pursuant to subdivision (a) of
8 Section 32288.

9 (g) *The department shall maintain and conspicuously post on*
10 *the home page of its Internet Web site a compliance checklist for*
11 *developing a comprehensive school safety plan, and shall update*
12 *the checklist when necessary.*

13 SEC. 4. Section 32288 of the Education Code is amended to
14 read:

15 32288. (a) (1) In order to ensure compliance with this article,
16 each school shall forward its comprehensive school safety plan to
17 the school district or county office of education for approval.

18 (2) *The department shall develop and provide to each school*
19 *district or county office of education best practices for reviewing*
20 *and approving school safety plans.*

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

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

29 (A) The local mayor.

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

31 (C) A representative of each parent organization at the
32 schoolsite, including the parent teacher association and parent
33 teacher clubs.

34 (D) A representative of each teacher organization at the
35 schoolsite.

36 (E) A representative of the student body government.

37 (F) All persons who have indicated they want to be notified.

38 (3) The schoolsite council or school safety planning committee
39 is encouraged to notify, in writing, the following persons and
40 entities, if available, of the public meeting:

1 (A) A representative of the local churches.

2 (B) Local civic leaders.

3 (C) Local business organizations.

4 (c) (1) In order to ensure compliance with this article, each
5 school district or county office of education shall annually notify
6 the ~~State Department of Education~~ department by October 15 of
7 any schools that have not complied with Section 32281.

8 (2) (A) *On or before January 1, 2020, and every other year*
9 *thereafter, the department shall conduct a statewide survey to*
10 *determine whether schools have forwarded their comprehensive*
11 *school safety plans pursuant to subdivision (a) and whether those*
12 *plans have been reviewed and approved by either the school district*
13 *or county office of education. On or before November 1, 2020,*
14 *and every other year thereafter, the department shall submit a*
15 *report to the Legislature detailing the results of the survey.*

16 (B) *A report submitted to the Legislature pursuant to this*
17 *paragraph shall be submitted in compliance with Section 9795 of*
18 *the Government Code.*

19 SEC. 5. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.