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SB-323 Comprehensive school safety plans: individualized safety plans. (2023-2024)

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Senate Bill No. 323

CHAPTER 599

An act to amend Section 32282 of the Education Code, relating to pupils.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 323, Portantino. Comprehensive school safety plans: individualized safety plans.

Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program.

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 operating a kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council or school safety planning committee, before adopting the plan, to hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the plan. Existing law requires the plan to include specified components, including, among other components, disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990.

Existing law requires a petition to establish a charter school to include, among other things, a reasonably comprehensive description of the procedures that the charter school will follow to ensure the health and safety of pupils and staff, including requiring the development and annual update of a school safety plan that includes specified comprehensive school safety plan topics and procedures, including the disaster procedures.

This bill would require those disaster procedures to also include adaptations for pupils with disabilities in accordance with the federal Individuals with Disabilities Education Act and Section 504 of the federal Rehabilitation Act of 1973, and would require the annual evaluation of the comprehensive school safety plan and the annual review of a charter school's school safety plan to also include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as specified. The bill would expressly authorize a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil, after the first evaluation or review for those purposes is conducted, to bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal, and would require the school principal, if they determine there is merit to a concern, to direct the schoolsite council, school safety planning committee, or charter school, as applicable, to appropriately modify the comprehensive school safety plan or school safety plan, as applicable, as specified. The bill would also expressly provide that its provisions do not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review for those purposes.

By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 32282 of the Education Code proposed by SB 10 and SB 671 to be operative only if this bill and either or both of those bills are enacted and this bill is enacted last.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 32282 of the Education Code is amended to read:

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

- (1) Assessing the current status of school crime committed on school campuses and at school-related functions.
- (2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

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

(B) (i) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster procedures shall also include, but not 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:

(ia) 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.

(ib) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to their 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.

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

(id) 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.

(ii) The evaluation of a comprehensive school safety plan pursuant to subdivision (d) and the review of a school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, shall include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as required pursuant to clause (i).

(iii) (I) After the first evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted, and after each annual evaluation or review thereafter, a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves may bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal. If the school principal determines there is merit to a concern, the principal shall direct the schoolsite council, school safety planning

committee, or charter school, as applicable, to make appropriate modifications to the comprehensive school safety plan or school safety plan, as applicable, during the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable. The school principal may direct the schoolsite council, the school safety planning committee, or the charter school, as applicable, to make such modifications before the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable.

(II) Subclause (I) does not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted.

(iv) All deliberations of the schoolsite council, school safety planning committee, or charter school, as applicable, related to individual pupils with disabilities for purposes of the requirements of clauses (i) to (iii), inclusive, shall be subject to applicable state and federal laws regarding the privacy of pupil information.

(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 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.

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

(F) The provisions of any schoolwide dress code, pursuant to 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. A 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) The rules and procedures on school discipline adopted pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

(J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.

(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 Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

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

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

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

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

(g) The department shall maintain and conspicuously post on its internet website a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.

SEC. 1.1. Section 32282 of the Education Code is amended to read:

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

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

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

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

(B) (i) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster procedures shall also include, but not 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:

(ia) 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.

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

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

(id) 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.

(ii) The evaluation of a comprehensive school safety plan pursuant to subdivision (d) and the review of a school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, shall include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as required pursuant to clause (i).

(iii) (I) After the first evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted, and after each annual evaluation or review thereafter, a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves may bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal. If the school principal determines there is merit to a concern, the principal shall direct the schoolsite council, school safety planning committee, or charter school, as applicable, to make appropriate modifications to the comprehensive school safety plan or school safety plan, as applicable, during the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable. The school principal may direct the schoolsite council, the school safety planning committee, or the charter school, as applicable, to make such modifications before the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable.

(II) Subclause (I) does not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted.

(iv) All deliberations of the schoolsite council, school safety planning committee, or charter school, as applicable, related to individual pupils with disabilities for purposes of the requirements of clauses (i) to (iii), inclusive, shall be subject to applicable state and federal laws regarding the privacy of pupil information.

(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 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.

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

(F) The provisions of any schoolwide dress code, pursuant to 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. A 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 subparagraph, "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) The rules and procedures on school discipline adopted pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

(J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.

(K) For schools that serve pupils in any of grades 7 to 12, inclusive, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose.

(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 in partnership by the State Department of Education's Safe Schools and Violence Prevention Center and the Attorney General's Crime and Violence Prevention Center entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

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

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

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

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

(g) The department shall maintain and conspicuously post on its internet website a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.

SEC. 1.2. Section 32282 of the Education Code is amended to read:

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

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

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

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

(B) (i) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster procedures shall also include, but not 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:

(ia) 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.

(ib) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to their 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.

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

(id) 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.

(ii) The evaluation of a comprehensive school safety plan pursuant to subdivision (d) and the review of a school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, shall include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as required pursuant to clause (i).

(iii) (I) After the first evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted, and after each annual evaluation or review thereafter, a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves may bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal. If the school principal determines there is merit to a concern, the principal shall direct the schoolsite council, school safety planning committee, or charter school, as applicable, to make appropriate modifications to the comprehensive school safety plan or school safety plan, as applicable, during the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable. The school principal may direct the schoolsite council, the school safety planning committee, or the charter school, as applicable, to make such modifications before the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable.

(II) Subclause (I) does not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted.

(iv) All deliberations of the schoolsite council, school safety planning committee, or charter school, as applicable, related to individual pupils with disabilities for purposes of the requirements of clauses (i) to (iii), inclusive, shall be subject to applicable state and federal laws regarding the privacy of pupil information.

(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 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.

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

(F) The provisions of any schoolwide dress code, pursuant to 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. A 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) The rules and procedures on school discipline adopted pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

(J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.

(K) Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a schoolbus serving the school.

(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 Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

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

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

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

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

(g) The department shall maintain and conspicuously post on its internet website a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.

SEC. 1.3. Section 32282 of the Education Code is amended to read:

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

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

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

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

(B) (i) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Individuals with Disabilities

Education Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster procedures shall also include, but not 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:

(ia) 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.

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

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

(id) 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.

(ii) The evaluation of a comprehensive school safety plan pursuant to subdivision (d) and the review of a school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, shall include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as required pursuant to clause (i).

(iii) (I) After the first evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted, and after each annual evaluation or review thereafter, a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves may bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal. If the school principal determines there is merit to a concern, the principal shall direct the schoolsite council, school safety planning committee, or charter school, as applicable, to make appropriate modifications to the comprehensive school safety plan or school safety plan, as applicable, during the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable. The school principal may direct the schoolsite council, the school safety planning committee, or the charter school, as applicable, to make such modifications before the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable.

(II) Subclause (I) does not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted.

(iv) All deliberations of the schoolsite council, school safety planning committee, or charter school, as applicable, related to individual pupils with disabilities for purposes of the requirements of clauses (i) to (iii), inclusive, shall be subject to applicable state and federal laws regarding the privacy of pupil information.

(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 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.

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

(F) The provisions of any schoolwide dress code, pursuant to 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. A 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 subparagraph, “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) The rules and procedures on school discipline adopted pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

(J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.

(K) Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a schoolbus serving the school.

(L) For schools that serve pupils in any of grades 7 to 12, inclusive, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose.

(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 in partnership by the State Department of Education’s Safe Schools and Violence Prevention Center and the Attorney General’s Crime and Violence Prevention Center entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

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

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

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

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

(g) The department shall maintain and conspicuously post on its internet website a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.

SEC. 2. (a) Section 1.1 of this bill incorporates amendments to Section 32282 of the Education Code proposed by both this bill and Senate Bill 10. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 32282 of the education Code, (3) Senate Bill 671 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 10, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 32282 of the Education Code proposed by both this bill and Senate Bill 671. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 32282 of the Education Code, (3) Senate Bill 10 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 671, in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates amendments to Section 32282 of the Education Code proposed by this bill, Senate Bill 10, and Senate Bill 671. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2024, (2) all three bills amend Section 32282 of the Education Code, and (3) this bill is enacted after Senate Bill 10 and Senate Bill 671, in which case Sections 1, 1.1, and 1.2 of this bill shall not become operative.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division

