

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 35294.1, 35294.2, 35294.6 and 35294.8, as added and amended by Statutes of 1997, Chapter 736; and Statutes of 1999, Chapter 996; and

Filed on June 29, 1998; and amended on June 12, 2000;

By the Kern High School District, Claimant.

No. CSM 99-TC-10 and (amended 98-TC-01)

Comprehensive School Safety Plans

STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7

(Adopted on August 23, 2001)

(Reconsidered and amended on July 30, 2002)

STATEMENT OF DECISION

The Commission on State Mandates (Commission), after hearing on petitions for reconsideration on July 30, 2002, by a vote of 6-0, approved amendments to the Statement of Decision adopted on August 23, 2001. Mr. David Scribner appeared for Long Beach Unified School District; Dr. Carol Berg appeared for Education Mandated Cost Network; Ms. Cheryl Black appeared for the Department of Finance; and Mr. Shawn Silva appeared for the State Controller's Office. This action was taken in accordance with Government Code section 17559, subdivision (a), and California Code of Regulations, title 2, section 1184.4 (reconsideration of a prior final decision). The approved final Statement of Decision, as amended, is attached.

This Decision shall become effective on August 8, 2002.



PAULA HIGASHI, Executive Director

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STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim on June 28, 2001, during a regularly scheduled hearing. Mr. Keith Petersen, appeared for Kern High School District. Mr. Paul Minney, appeared for Mandated Cost Systems. Ms. Cheryl Black, appeared for Department of Finance.

The law applicable to the Commission's determination of a reimbursable state mandated program is article XIII B, section 6 of the California Constitution; Government Code section 17500 et seq. and related case law.

The Commission, by a vote of 6 to 1, approved this test claim.

BACKGROUND

The test claim legislation deals with the prevention of crime and violence in California's public schools. This is done, in part, through writing, developing and adopting comprehensive school safety plans (safety plans).

In 1989, the state enacted legislation that encouraged school sites to write, develop and adopt safety plans.¹ This was accomplished by offering implementation grants. By doing so, it was the legislative intent to provide student safety through cooperative community planning. Specifically, the legislative intent read:

[A]ll California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a

¹ Statutes of 1989, chapter 1253.

comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.²

In 1997, the Legislature passed and the Governor signed into law the provisions of the test claim legislation.³ These provisions became effective in 1998, and amended the 1989 legislation. As a result, school sites were now *required* to write, develop and adopt safety plans by September 1, 1998.⁴ However, this requirement was only to remain in effect through January 1, 2000, and would automatically sunset unless a later statute deleted or extended this date?

The 1997 test claim legislation made school districts and county offices of education (COEs) responsible for the overall development of safety plans.⁶ And made school sites responsible for the actual writing, developing and adopting of safety plans.^{7, 8} Specifically, the 1997 test claim legislation required each school site to:

- Consult with a law enforcement representative in the writing and developing of their safety plans.⁹
- Consult, cooperate and coordinate with other school sites, *ifpractical*, in developing and updating their safety plan.¹⁰
- Assess the current status of school crime committed on school campuses and at school-related functions.¹¹
- Identify 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?
 - o Child abuse reporting procedures consistent with Article 2.5 (commencing with section 11164) of Title 1 of Part 4 of the Penal Code.

² Education Code section 35294.

³ Statutes of 1997, chapter 736.

⁴ Education Code sections 35294.1, subdivision (b)(1), 35294.6, subdivision (a).

⁵ Statutes of 1997, chapter 736.

⁶ Education Code section 35294.1, subdivision (a).

⁷ Education Code sections 35294.1, subdivision (b)(1), 35294.6, subdivision (a).

⁸ The school site council is charged with writing and developing the school safety plan. However, it may delegate this responsibility to a safety planning committee. If this is done, the safety planning council must consist of at least the following people: 1) the principal or principal's designee; 2) one teacher representing the recognized certificated employee organization; 3) one parent whose child attends the school; 4) one classified employee who is a representative of the recognized classified employee organization. Also, in the absence of the school site council, the above members shall serve as the school safety planning committee. (Ed. Code,- § 35294.1, subs. (b)(2) & (b)(4).)

⁹ Education Code section 35294.1, subdivision (b)(3).

¹⁰ Education Code section 3294.2, subdivision (d).

¹¹ Education Code section 35294.2, subdivision (a)(1).

¹² Education Code section 35294.2, subdivision (a)(2).

- o Disaster procedures, routine and emergency.
 - o Policies pursuant to subdivision (d) of section 48915 for pupils who committed an act listed in subdivision (c) of section of 489 15 and other school-designated serious acts which could lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with section 48900) of Chapter 6 of Part 27.
 - o Procedures to notify teachers of dangerous pupils pursuant to section 49079.
 - o A sexual harassment policy, pursuant to subdivision (b) of section 23 1.5.
 - o Provisions of any schoolwide dress code . . . that. prohibits pupils from wearing “gang-related apparel,” if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.”
 - o Procedures for safe ingress and egress of pupils, parents and school employees to and from school.
 - o A safe and orderly environment conducive to learning at the school.
 - o The rules and procedures on school discipline adopted pursuant to sections 35291 and 35291.5.
- z Evaluate and amend the safety plan, as needed, once a year to ensure proper implementation.¹³
 - z Hold a public meeting at the school site before adopting the safety plan in order to allow members of the public the opportunity to express an opinion about the safety plan.¹⁴
 - z Submit the safety plan to the school district or COE for approval?
 - z Make available an updated file of all safety-related plans and materials for public inspection.”

And the test claim legislation required each school district and COE to:

- Notify the State Department of Education by October 15, 1998 of any schools that have not complied with writing and developing a safety plan in accordance with section 35294.1.¹⁷

The test claim legislation was amended in 1999.¹⁸ As a result, school sites were given until March 1, 2000, to adopt their safety plans;¹⁹ the January 1, 2000 sunset provisions were deleted;²⁰ and school sites were required to perform these additional activities:

¹³ Education Code section 35294.2, subdivision (e).

¹⁴ Education Code section 35294.8, subdivision (b).

¹⁵ Education Code sections 35294.2, subdivision (f), 35294.8, subdivision (a).

¹⁶ Education Code section 35294.2, subdivision (e).

¹⁷ Education Code section 35294.8, subdivision (c).

¹⁸ Statutes of 1999, chapter 996.

- ⌘ Annually review and update their safety plans by March 1 .²¹
- ⌘ Commencing in July 2000, and every July thereafter, report on the status of their safety plans, including a description of its key elements in the annual school accountability report card prepared pursuant to sections 33 126 and 35256.²²

School districts and COEs were also required to:

- ⌘ Annually notify the state Department of Education by October 15 of any school sites that have not complied with section 35294.1 .²³

However, Education Code section 35294.5, exempts some school sites from the initial requirement to write, develop and adopt a safety plan. Specifically, Education Code section 35294.9, provides that:

[A] school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 3 1, 1997, shall be deemed to have satisfied the requirements of [the test claim legislation] as it exists on or after the effective date of the act that adds this section, if the comprehensive school safety plan meets all of the requirements of Education Code section **35294.2.**

And the test claim legislation exempted school sites in districts with less than 2,501 average daily attendance in the 1997-98 fiscal year from writing and developing a safety plan, if a district wide safety plan exists that is applicable to each school site.²⁴

Claimant's Contentions

Claimant contends that the test claim legislation imposes a reimbursable state mandated program by requiring school districts and COEs to write, develop and adopt safety plans.

Department of Finance's Contentions

Department of Finance (DOF) contends the test claim should be denied because:

- ⌘ Grants are available to pay for the test claim legislation's cost.
- ⌘ The legislative intent requires school sites to write and develop safety plans using existing resources.

DOF also identifies two test claim activities that it claims school sites were required to perform under prior law:

- ⌘ Development of a safe and orderly school environment.

¹⁹ Education Code section 35294.6, subdivision (a).

²⁰ Statutes of 1999, chapter 996.

²¹ Education Code section 35294.6, subdivision (a).

²² Education Code section 35294.6, subdivision (b).

²³ Education Code section 35294.8, subdivision (c).

²⁴ Education Code section 35294.1, subdivisions (d)(1) & (d)(2).

Development of child abuse reporting procedures.

Finally, DOF notes that the state should only reimburse claimants for the cost in excess of existing operational costs. For example, DOF states, “it would be inappropriate to claim reimbursement for an hour of time spent by a salaried school principal to review a plan, because that hour drives no additional costs. In contrast, it would be appropriate to claim reimbursement for an hour of overtime spent by a secretary to type the plan if that overtime hour would not otherwise have been worked or paid.”

Interested Party’s Contentions

In response to the Draft Staff Analysis, Mandated Cost Systems (MCS) submitted clarifying recommendations that have been included in the Final Staff Analysis. Mandated Cost Systems also argued that the test claim legislation requires school sites and districts to *implement* their comprehensive school safety plans.

COMMISSION FINDINGS

In order for a statute or executive order, which is the subject of a test claim, to impose a reimbursable state mandated program, the language: (1) must direct or obligate an activity or task upon local governmental entities; and (2) the required activity or task must be new, thus constitute a “new program,” or it must create an increased or “higher level of service” over the former required level of service. The court has defined a “new program” or “higher level of service” as a program that carries out the governmental function of providing services to the public, or a law, which to implement a state policy, imposes unique requirements on local agencies or school districts that do not apply generally to all residents and entities in the state. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation. Finally, the newly required activity or increased level of service must impose costs mandated by the state.²⁵

The test claim legislation requires schools, in grades kindergarten through twelve, to write, develop and adopt a safety plan. Developing a safety plan is a peculiarly governmental function administered by schools as a service to the public. Moreover, the test claim legislation imposes unique requirements upon schools that do not apply generally to all residents and entities of the state. Therefore, the Commission finds that writing, developing and adopting a safety plan constitutes a “program” within the meaning of article XIII B, section 6 of the California Constitution.²⁶

However, the inquiry must continue to determine if the activities are new or impose a higher level of service and if so, whether there are costs mandated by the state. These issues are discussed below.

²⁵ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Camel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537; *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835.

²⁶ *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 172.

Issue 1

Does the test claim legislation impose a new program or higher level of service within an existing program upon schools sites or districts within the meaning of article XIII B, section 6 of the California Constitution?

To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation.

Writing and developing the safety plan

The test claim legislation makes each school district and COE responsible for the overall development of safety plans. And requires each school site to write and develop a safety plan relevant to the needs and resources of the school.²⁷

As part of writing and developing the safety plan, school sites are required to perform the following activities:

- Consult with a law enforcement representative in writing and developing of their safety plan.²⁸
- Consult, cooperate and coordinate with other school sites, *if practical*, in developing and updating their safety plan.²⁹
- Assess the current status of school crime committed on school campuses and at school-related functions.³⁰
- Identify 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.³¹
- Develop procedures on all of the following:³²
 - o Child abuse reporting procedures consistent with Article 2.5 (commencing with section 11164) of Title 1 of Part 4 of the Penal Code.
 - o Disaster procedures, routine and emergency.
 - o Policies pursuant to subdivision (d) of section 48915 for pupils who committed an act listed in subdivision (c) of section of 489 15 and other school-designated serious acts which could lead to suspension, expulsion, or mandatory expulsion

²⁷ Education Code section 35294.1, subdivisions (a) & (b)(1).

²⁸ Education Code section 35294.1, subdivision (b)(3).

²⁹ Education Code section 3294.2, subdivision (d).

³⁰ Education Code section 35294.2, subdivision (a)(1). The Commission notes that school sites and districts are already being reimbursed to compile and submit school crime data to the California Department of Education (CDE) under **School Crimes Reporting II** (CSM 97-TC-03).

³¹ Education Code section 35294.2, subdivision (a)(2).

³² *Ibid.*

recommendations pursuant to Article 1 (commencing with section 48900) of Chapter 6 of Part 27.

- Procedures to notify teachers of dangerous pupils pursuant to section 49079,
- A sexual harassment policy, pursuant to subdivision (b) of section 23 1.5.
- Provisions of any schoolwide dress code . . . that prohibits pupils from wearing “gang-related apparel,” if the school has adopted such a dress code.
- Procedures for safe ingress and egress of pupils, parents and school employees to and from school.
- A safe and orderly environment conducive to learning at the school.
- The rules and procedures on school discipline adopted pursuant to section 35291 and 35291.5.

Under prior law, school sites and districts were not required to write and develop safety plans. They were only encouraged to do so. Before enactment of test claim legislation, Education Code section 35294.1, subdivision (b) read, “[e]xisting schoolsite councils **may** be responsible for developing a safety plan.” (Emphasis added.) Now, section 3 5294.1, subdivision (b), states that “the school site council . . . **shall** write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Emphasis added.)

Accordingly, the Commission finds that writing and developing safety plans constitutes a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

Adopting and updating the safety plan

The test claim legislation requires each school site to adopt its safety plan by March 1, 2000, and annually review and update its safety plan by March 1 .³³ Before adopting or updating the safety plan each school site must perform the following activities:

- Hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the safety plan.³⁴
- Submit the safety plan to the school district or COE for approval.³⁵

These requirements were added by the test claim legislation. Accordingly, the Commission finds that adopting and annually reviewing and updating the safety plan constitutes a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

³³ Education Code sections 35294.2, subdivision (e), 35294.6, subdivision (a).

³⁴ Education Code section 35294.8, subdivision (b).

³⁵ Education Code sections 35294.2, subdivision (f), 35294.8, subdivision (a).

School site and district reporting

The test claim legislation requires school sites and districts to:

- Annually review and update their safety plans by March 1, and submit the plan to the school district or COE for approval.³⁶
- Report on the status of their safety plans, beginning in July 2000, and every July thereafter, to include a description of its key elements in the annual school accountability report card prepared pursuant to sections 33 126 and 35256.³⁷
- Provide an updated file of all safety-related plans and materials for public inspection.³⁸

And it requires school districts to:

- Annually notify the State Department of Education by October 15 of any schools that have not complied with writing and developing a safety plan in accordance with section 35294.1 .³⁹

These requirements were added by the test claim legislation. Accordingly, the Commission finds that performing the above *ongoing* activities constitutes a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

Exempt status for school sites located in small school districts

Education Code section 35294.1, subdivision (d), exempts school sites in districts with less than 2,501 average daily attendance in the 1997-98 fiscal year from writing and developing safety plans, and from consulting with law enforcement on the safety plan, as required by Education Code section 35294.1, subdivision (b), if a district wide safety plan exists that is applicable to each school site. But if this occurs, the Commission finds that school districts and COEs would be required to develop and adopt a safety plan applicable to all school sites within the district in compliance with the test claim legislation.

Exempt status under Education Code 35294.9

Education Code section 35294.9, exempts school sites from writing, developing and adopting safety plans, if they submit a safety plan in existence on December 3 1, 1997, that meets all the requirements of the test claim legislation. Specifically, Education Code section 35294.9 states:

[A] school, other than a school in a small school district, that submits a safety plan in existence on December 3 1, 1997, shall be deemed to have satisfied the requirements of [the test claim legislation] as it exists on or after the effective date of the act that adds this section, if the comprehensive school safety plan meets all of the requirements of Education Code section 35294.2.

³⁶ Education Code section 35294.6.

³⁷ Education Code section 35294.6, subdivision (b). The Commission notes that school sites and districts are already being reimbursed to report other specified information under **the School Accountability Report Cards** (CSM 97-TC-21).

³⁸ Education Code section 35294.2, subdivision (e).

³⁹ Education Code section 35294.8, subdivision (c).

Thus, school sites satisfying the requirements of Education Code section 35294.9, are exempt from writing, developing and adopting safety plans. But these school sites must still review their existing safety plans and see if they satisfy the requirements of Education Code section 35294.9. Accordingly, the Commission finds that reviewing the safety plan in existence on December 31, 1997, to determine if it satisfies the requirements of Education Code section 35294.9 constitutes a new program or higher level of service within the meaning of article XIII B, section 6.

The Commission notes, however, that Education Code section 35294.9 exempts only the initially writing, developing and adopting of safety plans; it does not exempt school sites from performing the following *ongoing* activities:

- Consult, cooperate and coordinate with other school sites, *if practical*, in updating their safety plan. (Ed. Code, § 35294.2, subdivision (d).) A school satisfying Education Code section 35294.9, is exempt from this activity for the initial development of the safety plan.
- Adopt a safety plan by March 1, 2000, and annually review and update the safety plan by March 1 to ensure proper implementation. (Ed. Code, §§ 35294.2, subd. (e), 35294.6, subd. (a) .)
- Hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the safety plan. (Ed. Code, § 35294.8, subd. (b).)
- Submit the safety plan to the school district or COE for approval. (Ed. Code, §§ 35294.2, subd. (f), 35294.8, subd. (a).)
- Annually notify the State Department of Education by October 15 of any schools that have not complied with writing and developing a safety plan in accordance with section 35294.1. (Ed. Code, § 35294.8, subd. (c).) This activity specifically applies to school districts and COEs.
- Commencing in July 2000, and every July thereafter, report on the status of the safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to sections 33126 and 35256. (Ed. Code, § 35294.6, subd. (b).) To the extent that this activity is already reimbursed under *School Accountability Report Cards* (CSM 97-TC-21), there are no costs mandated by the state.
- Make available an updated file of all safety-related plans and materials for public inspection. (Ed. Code, § 35294.2, subd. (e).)

Additional activities raised by claimant

In response to the Draft Staff Analysis, claimant states that several activities raised in the test claim were not addressed in the analysis.⁴⁰

The Commission did not analyze these activities, because they were not specifically required under the test claim legislation. Instead, these activities will be addressed in the Parameters and

⁴⁰ These activities raised by claimant include: 1) developing procedures to approve safety plans; 2) training personnel; 3) gathering necessary information; 4) scheduling, coordinating and attending safety planning meetings; 5) approving safety plan by school district or COE; and 6) making necessary revisions and resubmitting safety plan for approval after public meetings.

Guidelines phase. In that phase, the Commission will determine whether these activities are reasonably necessary to carry out the mandated program pursuant to section 1183.1 of the Commission's regulations.

Implementation of safety plan

In addition to writing and developing safety plans, Mandated Cost Systems (MCS) argues that the test claim legislation requires school sites to implement their safety plans. For support, MCS cites Education Code section 35294.2, subdivision (e):

The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee no less than once a year to ensure that the comprehensive school safety plan is properly implemented. . . .”

MCS also asserts that the Legislature intended school sites and school districts to implement their safety plan, as evidenced by Education Code section 35294.2, subdivision (c):

Grants to assist schools in implementing their comprehensive school safety plans shall be made available through the School Safety Partnership as authorized by section 32262.

The plain language of the test claim legislation, however, does not *require* school sites to implement their safety plans. Furthermore, implementation grants were offered before the enactment of the test claim legislation to encourage school sites to write, develop and adopt their safety plans.⁴¹ Thus, the existence of implementation grants is not relevant to this issue.

Moreover, legislative intent states that the purpose of the test claim legislation is to “*develop* a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.”⁴² (Emphasis added.) Legislative intent does not identify implementation as a purpose.

Accordingly, the Commission finds that the test claim legislation does not require school sites or school districts to implement their safety plans.

Issue 2

Does the test claim legislation impose costs mandated by the state?

Government Code section 175 14 defines “costs mandated by the state” as any increased costs that a school district is required to incur because of a statute or executive order. Specifically, Government Code section 175 14 provides the following definition:

[A]ny *increased* costs which a local agency or school district is *required* to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service within the meaning of section 6 of Article XIII B of the California Constitution. (Emphasis added.)

⁴¹ Statutes of 1989, chapter 82.

⁴² Education Code section 35294.

Thus, only those school districts required to incur *increased costs* are entitled to reimbursement. As DOF points out:

[W]e believe that reimbursement should be made under this test claim only for additional costs directly incurred as a result of approved reimbursable activities, not for supplantation of existing operational costs. For example, it would be inappropriate to claim reimbursement for an hour of time spent by a salaried school principal to review a plan, because that hour drives no additional cost. In contrast, it would be appropriate to claim reimbursement for an hour of overtime spent by a secretary to type the plan. . . .

Furthermore, Government Code section 17556, lists seven exceptions to reimbursement, one of which may be relevant here. Government Code section 17556, subdivision (e), states that the Commission shall not find costs mandated by the state if:

- z The *test claim statute* provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or
- z The *test claim statute* includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate .

Claimant submitted a signed declaration stating that the test claim statutes require Kern High School District to incur increased costs mandated by the state exceeding \$31,350.⁴³

DOF argues that the test claim legislation does not impose costs mandated by the state:

[W]e have concluded that section 35294.2 . . . clearly states legislative intent that “schools develop comprehensive school safety plans using existing resources.” That section further states that ““Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by section 32262.” These partnership minigrants are currently available through the School Law Enforcement Partnership for the purposes of safe school planning and implementation.

Thus, the issue is whether the availability of partnership minigrants, school safety grants and the use of existing resources fall within the Government Code section 17556, subdivision (e), exception to reimbursement.

Government Code section 17556, subdivision (e), does not apply here

Minigrants

Education Code section 35294.2, subdivision (c), states that “grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by section 32262.”

⁴³ Claimant’s original test claim filing declared costs of \$31,150 for Statutes of 1997, chapter 736. Claimant’s amended filing declared costs exceeding \$200 for Statutes of 1999, chapter 996.

Education Code section 32262 establishes the School Law Enforcement Partnership. The California Department of Education's (CDE) web page states that the purpose of the School Law Enforcement Partnership is to:

[E]ncourage schools and law enforcement agencies to develop and implement interagency partnerships, programs, strategies and activities that improve school attendance, encourage good citizenship, and promote safe schools.

To achieve this purpose, the S/LE Partnership established: (1) a *statewide Cadre* of professionals and technical assistance facilitators from education, law enforcement, and other youth-serving agencies; (2) *annual conferences* that highlight current safe school issues; (3) *grant programs* to provide schools and their law enforcement partners resources to implement safe school programs and strategies? (Emphasis added.)

The School Law Enforcement Partnership offers two minigrants directly related to safety plans: (1) the Safe School Plan Implementation Grant Program; and (2) the Safe School Plans for New Schools Grant Program.

The Safe School Plan Implementation Grant Program is only available to *implement* the safety plan. It does not provide funding to write, develop or adopt the safety plan. In fact, to be eligible for this grant, a school site must already have a safety plan.⁴⁵ Thus, the Commission finds that the Safe School Plan Implementation Grant Program is not relevant to this test claim.

The Safe School Plans for New Schools Grant Program provides funding for new school sites to develop their safety plans. These funds are only available to schools meeting the following criteria: 1) newly constructed schools in their first year of operation or new schools that share sites but have separate administrative hierarchies; 2) school sites that have not yet developed a safety plan; and 3) school sites that have a new County District School (CDS) code for the calendar year 2000. The current year Budget Act provides \$3 million for the development of safety plans for eligible new school sites. Eligible school sites with less than 62 students will receive a minimum of \$5,000, and school sites with more than 63 students will receive \$80 per student (or a minimum of \$5,040).⁴⁶ Thus, these grants do not completely fund all school sites, nor do they provide funding to all school districts. But the Commission finds that the Safe School Plans for New Schools Grant Program should be identified in the parameters and guidelines as possible offsetting savings.

Accordingly, the Commission finds that the minigrants do not provide offsetting savings, which "result in no net costs to the local agencies or school districts," nor do they provide any

⁴⁴ School Law Enforcement Partnership, California Department of Education <www.cde.ca.gov/spbranch/safety/partnership.html> (as of September 19, 2000).

⁴⁵ School/Law Enforcement Partnership, Competitive Request for Application (RFA) for Safe School Plan Implementation Grant Program (Letter November 6, 2000) <<http://www.cde.ca.gov/spbranch/safety/sspirfa2000.html>> (as of March 4, 2001).

⁴⁶ School/Law Enforcement Partnership, Application for Safe School Plans for New Schools Grant Program (Letter February 15, 2001) <<http://www.cde.ca.gov/spbranch/safety/sspns2001.html>> (as of March 7, 2001).

additional revenue “in an amount sufficient to fund the cost of the state mandate.” Thus, Government Code section 17556, subdivision (e), does not apply with respect to the minigrants.

School Safety Block Grant and other funding programs

DOF further states that “no reimbursement should be made under this test claim for activities which otherwise are supportable through state, federal, or private funding. . . . Specifically, such funding would include, but not be limited to. . . . School Safety Block Grant funding, and any other funding appropriated for school safety purposes.”

The Commission could not find a grant program entitled School Safety Block Grant. But DOF may be referring to the School Improvement Pupil Achievement Block Grant (SIPA). The SIPA appropriates \$245 million to school districts and school sites. And Governor Davis “urge[d] districts to use these funds to enhance safety on their campuses.”⁴⁷ But the Commission notes that the SIPA funding can be used for other programs such as deferred maintenance, technology staff development, education technology connectivity and facility improvements.^{48, 49}

Also the CDE web page identifies other funding programs that are associated with school safety:⁵⁰

- School Safety and Violence Prevention Act
- Safe School Implementation Grant (see minigrants above)
- Conflict Resolution and Youth Mediation
- School Community Policing Partnership Act of 1998
- Student Leadership Grant Program
- Safe Drug and Free Schools and Communities Act
- High-Risk Youth Education and Public Safety Program
- Gang Risk Intervention Program
- Tolerance Education Program

None of these grants specifically require school sites to write and develop safety plans. Further, there is no evidence that the block grants and other funding programs would fully offset the costs of the mandated program. In fact, to be eligible for some of these programs, a school site must already have a safety plan in place.⁵¹

Accordingly, the Commission finds that these programs do not provide offsetting savings, which “result in no net costs to the local agencies or school districts,” nor do they provide any

⁴⁷ Governor’s Press Release PR1:084, dated March 3, 200 1.

⁴⁸ State Superintendent’s letter describing SIPA, dated December 1, 2000.

⁴⁹ State Superintendent’s letter noticing SIPA apportionment, dated March 5, 2001.

⁵⁰ Safe Schools and Violence Prevention Office, Grant Summary
< http://www.cde.ca.gov/spbranch/safety/prog_sum.html/ > (as of June 5, 2001).

⁵¹ These include the School Safety and Violence Prevention Act, Safe School Implementation Grant (see minigrants above), Conflict Resolution and Youth Mediation.

additional revenue “in an amount sufficient to fund the cost of the state mandate.” Thus, Government Code section 17556, subdivision (e), does not apply with respect to School Safety Block Grant and other funding programs. But the Commission finds that these non-restricted grants should be identified in the parameters and guidelines as possible offsetting savings.

Existing; Resources

Education Code section 35294.2, subdivision (b), provides that school sites use existing resources, and the School/Law Enforcement Partnership Program Handbook entitled “Safe Schools: A Planning Guide for Action” when developing their safety plans. Specifically, Education Code section 35294.2, subdivision (b), states:

It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to chapter 2.5 (commencing with section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

Thus, based on the Legislature’s expressed intent, the Commission finds that school sites and districts are required to use existing resources when developing their safety plans.

The existing resources include the following:

- School/Law Enforcement Partnership.⁵²
 - o Offers Cadre services to school sites. The Cadre enables school sites to contact specially trained professionals that provide technical assistance regarding school crime prevention.⁵³
 - o Sponsors statewide safe schools training based upon the document “Safe Schools: A Planning Guide for Action.”⁵⁴ This guide, along with its 1998 addendum, identifies a seven-step planning process to assist school sites and districts with writing and developing their safety plans. It also provides sample safe school strategies, safe school worksheets and questionnaires, and legal references.⁵⁵
 - o Makes available a Crisis Response Box. This box and accompanying guide assist school sites in crisis prevention planning. The Crisis Response Box is developed to help schools, local law enforcement and emergency services personnel prepare for a school emergency.⁵⁶

⁵² Education Code section 32262.

⁵³ School/Law Enforcement Partnership, California Department of Education
< <http://www.cde.ca.gov/spbranch/safety/partnership.html> > (as of September 19, 2000).

⁵⁴ *Ibid.*

⁵⁵ Safe Schools and Violence Prevention Office, Responsibilities for Local Education Agencies Resulting from Passage of Senate Bill 187, California Department of Education
< <http://www.cde.ca.gov/spbranch/safety/sb187letter.html> > (as of December 8, 2000).

⁵⁶ Crisis Response Box.

- z Safe Schools Task Force Final Report, (June 2000).⁵⁷
 - o Identifies model strategies and programs for improving school safety, determines current needs and makes recommendations to strengthen partnerships between schools and law enforcement.
- z California Safe Schools Assessment (1999-2000 Report).⁵⁸
 - o Assist school sites in assessing the current status of school crime when developing their safety plans. ⁵⁹
- z Guide to Law in the School (August 2000).⁶⁰
 - o A guide published by the California Department of Justice to assist teachers, administrators, law enforcement and school security personnel in carrying out their responsibility to provide a safe school environment.
- z Attachment C to the New School Grant Program identifies a list of websites that may assist the school sites in exploring materials and strategies to develop a safety plan?

These “existing resources” do provide *assistance* to school sites and districts with writing and developing their safety plans. However, school sites and districts are still required by the test claim legislation to write, develop and adopt their own safety plans to address the particular safety concerns of their school site or district. Accordingly, the Commission finds that the “existing resources” do not provide offsetting savings which “result in no net costs to the local agencies or school districts,” nor do they provide any additional revenue “in an amount sufficient to fund the cost of the state mandate.” Therefore, Government Code section 17556, subdivision (e), does not apply to this test claim.

Some activities identified in Education Code section 35294.2, subdivision (a)(2), do not impose costs mandated by the state

Education Code section 35294.2, subdivision (a)(2), requires that the safety plan include appropriate strategies and programs that will provide or maintain a high level of school safety and address the school site’s procedures for complying with existing laws related to school safety. School sites are also required to develop the following nine strategies and procedures:⁶²

⁵⁷ Safe School Task Force, Final Report (June 2000) Attorney General and State Superintendent of Public Instruction < <http://www.caag.state.ca.us/publications/safeschool.pdf> > (as of March 8, 2001).

⁵⁸ California Safe Schools Assessment, California Department of Education < <http://www.cde.ca.gov/spbranch/safety/cssa2000.pdf> > (as of March 8, 2001).

⁵⁹ Safe Schools and Violence Prevention Office, Responsibilities for Local Education Agencies Resulting from Passage of Senate Bill 187, California Department of Education < <http://www.cde.ca.gov/spbranch/safety/sb187letter.html> > (as of December 8, 2000).

⁶⁰ Law in the School (6th edition), California Attorney General’s Office & Crime and Violence Prevention Center < <http://www.caag.state.ca.us/cvpc/lawinschool.htm> > (as of March 8, 2001).

⁶¹ School/Law Enforcement Partnership, Application for Safe School Plans for New Schools Grant Program (Letter February 15, 2001) < <http://www.cde.ca.gov/spbranch/safety/sspns2001.html> > (as of March 7, 2001).

⁶² Education Code section 35294.2 (a)(2)(A)-(I).

- Child abuse reporting procedures consistent with Article 2.5 (commencing with section 11164) of Title 1 of Part 4 of the Penal Code.
- Disaster procedures, routine and emergency.
- Policies pursuant to subdivision (d) of section 48915 for pupils who committed an act listed in subdivision (c) of section of 48915 and other school-designated serious acts which could lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with section 48900) of Chapter 6 of Part 27.
- Procedures to notify teachers of dangerous pupils pursuant to section 49079.
- A sexual harassment policy, pursuant to subdivision (b) .of section 23 1.5.
- Provisions of any schoolwide dress code . . . that prohibits pupils from wearing “gang-related apparel,” if the school site has adopted such a dress code. For those purpose, the comprehensive school safety plan shall define “gang-related apparel.”
- Procedures for safe ingress and egress of pupils, parents and school employees to and from school.
- A safe and orderly environment conducive to learning at the school.
- The rules and procedures on school discipline adopted pursuant to sections 35291 and 35291.5.

But as discussed below, some of these activities do not impose costs mandated by the state, because some were required under prior law and some are currently reimbursed under existing parameters and guidelines.

Development of child abuse reporting: procedures

The test claim legislation states that school sites shall develop child abuse reporting procedures consistent with article’2.5 (commencing with Penal Code section 11164) of the Penal Code.

DOF contends that this activity does not impose costs mandated by the state. DOF argues that child abuse reporting procedures should not be reimbursable under this test claim, because Penal Code section 11164 et seq. already requires school personnel to report suspected child abuse. Thus, DOF argues that school sites were required under prior law to develop child abuse reporting procedures.

The Commission disagrees. Enacted in 1963, Penal Code section 11164 et seq., requires individuals (e.g., teachers and childcare providers) to report suspected or known child abuse to the authorities. Penal Code section 11164 et seq., does not require school sites to develop child abuse reporting procedures. Thus, the Commission finds that school sites were not required under prior law to develop child abuse reporting procedures.

Accordingly, the Commission finds that Education Code section 3 5294.2, subdivision (a)(2)(A), which requires the development of child abuse reporting procedures, imposes costs mandated by the state.

Development of procedures for a safe and orderly environment conducive to learning at the school

The test claim legislation states that school sites shall develop procedures for a safe and orderly environment conducive to learning at the school.

DOF contends that this activity does not impose costs mandated by the state. DOF notes that in 1982, the California voters amended the constitution to guarantee students and staff the “inalienable right to attend campuses which are safe, secure and peaceful.”⁶³ Thus, DOF argues that school sites were required under prior law to develop strategies and procedures for a safe and orderly environment conducive to learning at the school.

Claimant argues that the 1982 constitutional amendment did not require school sites to develop strategies and procedures for a safe and orderly school environment, because the constitutional provision added by the 1982 amendment is not self-executing. For support claimant cites to *Leger v. Stockton Unified School District*.⁶⁴

In *Leger v. Stockton Unified School District*, a high school student sued his school district, because a non-student attacked him in one of the schools restrooms? The court held that the constitutional provision added by the 1982 amendment was not self-executing, and therefore, the student could not recover damages under this amendment? But the court’s holding was limited to “supplying [a private party with] the right to sue for damages.”⁶⁷ In fact, the court held that all constitutional provisions are self-executing “in the sense that agencies of government are prohibited from taking official actions that contravene constitutional provisions? Thus, the court’s holding in *Leger* does not apply to the case at hand.

Nevertheless, as discussed below, the Commission finds that school sites were not required under prior law to develop appropriate strategies and programs for a safe and orderly environment conducive to learning at the school.

In 1982, the California Constitution was amended to read:

All students and staff of primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.

This language establishes a general right, but it does not specifically require school sites to develop appropriate strategies and programs for a safe and orderly environment conducive to learning at the school. In comparison, the test claim legislation specifically requires that safety plans “identify appropriate strategies and programs . . . which shall include . . . the development of a safe and orderly environment conducive to learning at the school.” Thus, the Commission finds that school sites were not required under prior law to develop appropriate strategies and programs for a safe and orderly environment conducive to learning at the school.

⁶³ Article I, section 28, subdivision (c) of the California Constitution.

⁶⁴ *Leger v. Stockton Unified School District* (1988) 202 Cal. App. 3d 1448.

⁶⁵ *Ibid.*

⁶⁶ *Id.* at page 1456.

⁶⁷ *Ibid.*

⁶⁸ *Id.* at page 1454.

Accordingly, the Commission finds that Education Code section 35294.2, subdivision (a)(2)(H), which requires the development of a safe and orderly environment conducive to learning at the school, imposes costs mandated by the state.

Development of sexual harassment policy

The test claim legislation states that school sites shall develop a sexual harassment policy pursuant to Education Code section 23 1.5, subdivision (b).

Enacted in 1992, Education Code section 23 1.5, subdivision (b), requires each school site and district to develop a sexual harassment policy.⁶⁹ In 1993, Livermore Valley Joint Unified School District filed a test claim, *Sexual Harassment* (CSM 4446), seeking reimbursement for developing a sexual harassment policy.⁷⁰ They later withdrew their claim in response to DOF's comments that the requirement to develop a sexual harassment policy was a federal mandate, not a state mandate.⁷¹

Thus, the Commission finds that the test claim legislation does not impose costs mandated by the state for the *development* of a sexual harassment policy, since this activity was required under prior law. However, Education Code section 35294.2, subdivision (a), of the test claim legislation does impose costs mandated by the state for school sites to *integrate* their existing sexual harassment policies into the comprehensive school safety plan.

Provisions of a schoolwide dress code

The test claim legislation states that school sites shall develop provisions of any schoolwide dress code, pursuant to section 35 183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted such 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.

Claimant acknowledges that the development of a schoolwide dress code is discretionary. However, claimant contends that the test claim legislation does require school sites to define "'gang-related apparel.'" The Commission agrees, because this was not required under prior law.

Thus, the Commission finds that the test claim legislation does impose costs mandated by the state for defining the gang-related apparel in the safety plan if the school has adopted a dress code. In addition, Education Code section 35294.2, subdivision (a), of the test claim legislation imposes costs mandated by the state for school sites to *integrate* their existing dress code policies into the comprehensive school safety plan.

Remaining strategies and procedures

School sites and districts are currently reimbursed under existing parameters and guidelines for the development of: disaster procedures, routine and emergency; procedures to notify teachers of dangerous pupils; suspensions and expulsions of pupils who commit dangerous acts; and the rules and procedures on school discipline.

⁶⁹ Formerly enacted as Education Code section 212.6 in 1992.

⁷⁰ *Sexual Harassment* (CSM 4446).

⁷¹ *Ibid.*

- Disaster procedures, routine and emergency.

The test claim legislation states that school sites are to develop disaster procedures, routine and emergency. In 1987, the Commission decided *Emergency Procedures, Earthquakes and Disasters* (CSM 4241).⁷² The parameters and guidelines for that test claim provide reimbursement for:

- o The salaries and related employee benefits of employees with assigned responsibility to *prepare* and implement district *emergency* and disaster plans and procedures. The salaries and related employee benefits of nonteacher district employees, including consultants, directly engaged in providing instruction to other employees and students of the district in *earthquake and disaster procedures*.

Both claimant and MCS argue that *Emergency Procedures, Earthquakes and Disasters* (CSM 4241) does not impose the same activities, or costs, as the test claim legislation. Specifically, MCS states that *Emergency Procedures, Earthquakes and Disasters*, only requires the development of procedures for earthquakes and disasters, but does not address routine emergencies.

The Commission finds that school districts are currently reimbursed for the costs of developing *earthquake emergency* disaster procedures under CSM 4241. Thus, the test claim legislation does not impose costs mandated by the state for the development of earthquake emergency disaster procedures. In addition, Education Code section 35294.2, subdivision (a), of the test claim legislation imposes costs mandated by the state for school sites to *integrate* their existing ` emergency disaster procedures into the comprehensive school safety plan.

The Commission also agrees that the test claim legislation imposes costs mandated by the state for the development of *routine* disaster procedures to the extent school sites are not reimbursed for this activity under CSM 424 1.

- Procedures to notify teachers of dangerous pupils pursuant to section 49079.

The test claim legislation states the school sites are to develop procedures to notify teachers of dangerous pupils pursuant to Education Code section 49079. Education Code section 49070 was the subject of a prior test claim, *Notification to Teachers* (CSM 4452).⁷³ The parameters and guidelines for CSM 4452 reimburse schools for notifying teachers of dangerous pupils as follows:

- o Information maintenance. For *school districts and county offices of education* to maintain the information regarding the identified pupils for a period of three years, and a onetime cost for adopting a cost-effective method of assembling, maintaining and disseminating the information to teachers.

Thus, the Commission finds that the test claim legislation does not impose costs mandated by the state for *developing* procedures to notify teachers of dangerous pupils.

⁷² *Emergency Procedures, Earthquake and Disasters* (CSM 424 1).

⁷³ *Notification to Teachers* (CSM 4452).

However, Education Code section 35294.2, subdivision (a), of the test claim legislation does impose costs mandated by the state for school sites to *integrate* their existing procedures to notify teachers of dangerous pupils into the comprehensive school safety plan.

⚡ Suspensions and Expulsions of pupils who commit dangerous acts.

The test claim legislation states the school sites are to develop policies, pursuant to Education Code section 489 15, for the suspension, expulsion or mandatory expulsion of pupils who commit “serious acts.”

In 1996, the Commission considered Education Code section 489 15 (as last amended in 1994) in the *Expulsions* test claim, which is included in the consolidated parameters and guidelines for *Suspensions, Expulsions, and Expulsion Appeals* (CSM 4455, 4456, and 4463).⁷⁴ The consolidated parameters and guidelines include the following reimbursable activities:

- o The county board of education to adopt rules and *procedures for expulsion appeal hearings* and revising those rules and procedures to conform to amendments of the statutory hearing requirements,
- o School districts and county boards of education to adopt rules *and procedures pertaining to pupil expulsions and revising those rules and procedures to conform to amendments of the statutory requirements.*
- o School districts and county boards of education to adopt rules and regulations establishing a *procedure for the filing and processing of requests for readmission.*
- o Training school district personnel about the mandated suspension, expulsion, and expulsion appeal activities.

Claimant argues that *Suspensions, Expulsions, and Expulsion Appeals* does not encompass the scope of developing procedures for the suspension and expulsion of pupils who commit dangerous acts under the test claim legislation.

The Commission agrees with claimant. The parameters and guidelines for CSM 4455, 4456, and 4463 do not provide reimbursement for developing policies and procedures regarding pupil suspensions.

Accordingly, the Commission finds that the test claim requirement of developing policies for the suspension, expulsion or mandatory expulsion of pupils who commit “serious acts” imposes costs mandated by the state, to the extent school sites are not reimbursed for this activity under CSM 4455, 4456, 4463.

⚡ The rules and procedures on school discipline adopted pursuant to sections 35291 and 35291.5.

The test claim legislation states that school sites are to develop rules and procedures on school discipline pursuant to Education Code sections 3 529 1 and 3529 1.5. Education Code section 35291, last amended in 1986, requires the governing board of each school

⁷⁴ ***Suspension and Expulsion*** (CSM 4455, 4456, 4463).

district to prescribe rules for the government and discipline of the schools within the district. Education Code section 3529 1.5 requires school sites to adopt rules and procedures on school discipline applicable to the school that are consistent with the rules of the district.

Education Code sections 35291 and 3529 1.5 were the subject of a prior test claim, *School Discipline Rules* (CSM 4462). The parameters and guidelines for CSM 4462 provides reimbursement for the development of rules and procedures on school discipline under Education Code section 3 529 1.5 as follows:

- o School principals to once every four years engage the participation of parents, teachers, school administrators, school security personnel (if any), and pupils enrolled in the school (for junior high schools and high schools), to develop rules for pupils discipline at their school site; school principals and a representative classroom teacher to adopt a final version of the discipline rules and procedures; *governing boards of school districts to prescribe procedures* to provide written notice of the discipline rules and procedure; and school districts to file a current copy of the rules and procedures with the district superintendent and governing board.

Reimbursement for the costs of complying with Education Code section 35291 are included in the parameters and guidelines for *Annual Parent Notification* (CSM 4461) and *Notification to Parents: Pupil Attendance Alternatives* (CSM 4453).

Thus, the Commission finds that the test claim requirement to develop rules and procedures on school discipline pursuant to Education Code sections 3529 1 and 35291.5 does not impose costs mandated by the state.

However, Education Code section 35294.2, subdivision (a), of the test claim legislation does impose costs mandated by the state for school sites to *integrate* their existing procedures on school discipline into the school safety plan.

Except as provided above, the Commission finds that the remaining statutes in the test claim impose costs mandated by the state.

CONCLUSION

The Commission concludes that the test claim legislation imposes a reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 175 14 for the *increased* costs of performing the following activities:

- Review the safety plan in existence on December 3 1, 1997, to determine if it satisfies the requirements of Education Code section 35294.9.
- Write and develop a safety plan relevant to the needs of the particular school. (Ed. Code, § 35294.1, subd. (a) & (b).) A school satisfying Education Code section 35294.9 or Education Code section 35294.1, subdivision (d), is exempt from this activity.
- Consult with a law enforcement representative in writing and developing their safety plan. (Ed. Code, § 35294.1, subd. (b)(3).) A school satisfying Education Code section

35294.9, or Education Code section 3 5294.1, subdivision (d), is exempt from this activity.

- Consult, cooperate and coordinate with other school sites, *if practical*, in developing and updating their safety plan. (Ed. Code, § 35294.2, subdivision (d).) A school satisfying Education Code section 35294.9, is exempt from this activity for the initial development of the safety plan.
- Assess the current status of school crime committed on school campuses and at school-related functions. (Ed. Code, § 35294.2, subd. (a)(1).) A school satisfying Education Code section 35294.9, is exempt from this activity. And to the extent that this activity is already reimbursed under *School Crimes Reporting II (CSM 97-TC-03)*, there are no costs mandated by the state.
- Identify 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. A school satisfying Education Code section 35294.9, is exempt from this activity. (Ed. Code, § 35294.2, subd. (a)(2).)
- Develop the following procedures to include in the comprehensive school safety plan:
 - o Child abuse reporting procedures consistent with Article 2.5 (commencing with section 11164) of Title 1 of Part 4 of the Penal Code.
 - o *Routine* and emergency disaster procedures. School sites and districts may claim costs to develop this activity, but only to the extent that these costs have not been claimed under *Emergency Procedures, Earthquake and Disasters (CSM 424 1)*.
 - o Policies pursuant to subdivision (d) of section 48915 for pupils who committed an act listed in subdivision (c) of section of 489 15 and other school-designated serious acts which could lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with section 48900) of Chapter 6 of Part 27. School sites and districts may claim costs to develop this activity, but only to the extent that these costs have not been claimed under *Suspensions, Expulsions, and Expulsion Appeals (CSM 4455, 4456, 4463)*.
 - o If a school has adopted a dress code, define gang-related apparel in the comprehensive school safety plan.
 - o Procedures for safe ingress and egress of pupils, parents and school employees to and from school.
 - o A safe and orderly environment conducive to learning at the school.
(Ed. Code, § 35294.2, subd. (a)(2).)

A school satisfying Education Code section 35294.9, is exempt from this activity.

- Integrate existing policies and procedures on sexual harassment, emergency disasters, dress code, notification to teachers of dangerous pupils, and school discipline into the comprehensive school safety plan. (Ed. Code, § 35294.2, subd. (a).)

- Adopt a safety plan by March 1, 2000, and annually review and update the safety plan by March 1 to ensure proper implementation. (Ed. Code, §§ 35294.2, subd. (e), 35294.6, subd. (a).)
- Hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the safety plan. (Ed. Code, § 35294.8, subd. (b).)
- Submit the safety plan to the school district or COE for approval. (Ed. Code, §§ 35294.2, subd. (f), 35294.8, subd. (a).)
- Annually notify the State Department of Education by October 15 of any schools that have not complied with writing and developing a safety plan in accordance with section 35294.1. (Ed. Code, § 35294.8, subd. (c).) This activity specifically applies to school districts and COEs.
- Commencing in July 2000, and every July thereafter, report on the status of the safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to sections 33126 and 35256. (Ed. Code, § 35294.6, subd. (b).) To the extent that this activity is already reimbursed under *School Accountability Report Cards* (CSM 97-TC-21), there are no costs mandated by the state.
- Make available an updated file of all safety-related plans and materials for public inspection. (Ed. Code, § 35294.2, subd. (e).)

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action, My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95 8 14.

August 8, 2002, I served the:

Amended Statement of Decision

Comprehensive School Safe@ Plans, 99-TC-10

Statutes 1997, Chapter 736, et al.

Kern High School District, Claimant

State Controller's Office and Long Beach Unified School District, Requestors

by placing a true copy thereof in an envelope addressed to:

Mr. Art Palkowitz
Legislative Mandates Specialist
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103-2682

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 8, 2002, at Sacramento, California.



VICTORIA SORIANO

- z Adopt a safety plan by March 1, 2000, and annually review and update the safety plan by March 1 to ensure proper implementation. (Ed. Code, §§ 35294.2, subd. (e), 35294.6, subd. (a).)
- z Hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the safety plan. (Ed. Code, § 35294.8, subd. (b) .)
- z Submit the safety plan to the school district or COE for approval. (Ed. Code, §§ 35294.2, subd. (f), 35294.8, subd. (a).)
- z Annually notify the State Department of Education by October 15 of any schools that have not complied with writing and developing a safety plan in accordance with section 35294.1. (Ed. Code, § 35294.8, subd. (c).) This activity specifically applies to school districts and COEs.
- z Commencing in July 2000, and every July thereafter, report on the status of the safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to sections 33 126 and 35256. (Ed. Code, § 35294.6, subd. (b).) To the extent that this activity is already reimbursed under *School Accountability Report Cards* (CSM 97-TC-21), there are no costs mandated by the state.
- z Make available an updated file of all safety-related plans and materials for public inspection. (Ed. Code, § 35294.2, subd. (e).)

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 958 14.

August 8, 2002, I served the:

Amended Statement of Decision

Comprehensive School Safety Plans, 99-TC-10

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Kern High School District, Claimant

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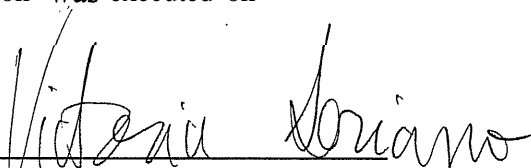
by placing a true copy thereof in an envelope addressed to:

Mr. Art Palkowitz
Legislative Mandates Specialist
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103-2682

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 8, 2002, at Sacramento, California.



VICTORIA SORIANO

