

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 699

Introduced by Assembly Member Donnelly

February 21, 2013

An act to ~~amend Section 1940 of the~~ *add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to education: school safety.*

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as amended, Donnelly. ~~County superintendents of schools: county school service fund.~~ *School safety: Safe School Guarantee.*

(1) Existing law imposes various requirements on local educational agencies with respect to pupil safety.

This bill would express legislative findings and declarations of the Legislature with respect to school safety. The bill would permit a parent or guardian of a public elementary or secondary school pupil to have the option to remove his or her child from an unsafe school, as defined, and enroll his or her child in another school within the same school district if a suspension or expulsion of a pupil for any of several specified offenses has occurred during the current or immediately preceding school year or an employee of the school is dismissed by the governing board of the school district for, or is convicted of, specified offenses. The bill would require that, if no safe school exists within the same school district, the parent or guardian shall have the option to transfer his or her child to a safe school in another school district. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

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

~~Existing law authorizes a county superintendent of schools, with approval of the county board of education, to expend county school service funds for the purpose of administering and accounting for the county school service fund or to contract with and pay the county board of supervisors for services rendered in administering and accounting for the county school service fund.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. Article 3.7 (commencing with Section 32230) is*
2 *added to Chapter 2 of Part 19 of Division 1 of Title 1 of the*
3 *Education Code, to read:*

4
5 *Article 3.7. The Safe School Guarantee*

6
7 32230. (a) *The Legislature finds and declares all of the*
8 *following:*

9 (1) *As required by Title IX of the federal No Child Left Behind*
10 *Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the state board has*
11 *established a policy for identifying schools that may be*
12 *“persistently dangerous.”*

13 (2) *If a school is designated as “persistently dangerous,” pupils*
14 *of that school should be allowed to transfer to a safe school under*
15 *the provisions of the Unsafe School Choice Option required by*
16 *Title IX of the federal No Child Left Behind Act of 2001.*

17 (3) *Since adoption by the state board of the policy for identifying*
18 *schools that may be “persistently dangerous” no school has been*
19 *so designated.*

1 (b) *It is the intent of the Legislature to accomplish both of the*
2 *following:*

3 (1) *To define “unsafe school” in the Education Code for the*
4 *purposes of the federal No Child Left Behind Act of 2001 in a*
5 *manner that is consistent with subdivision (f) of Section 28 of*
6 *Article I of the California Constitution, which declares that all*
7 *“students and staff of public primary, elementary, junior high, and*
8 *senior high schools ... have the inalienable right to attend campuses*
9 *which are safe, secure and peaceful.”*

10 (2) *To give parents and guardians complete and total discretion*
11 *to invoke their children’s constitutional right to a safe school.*

12 32231. (a) *As used in this section, “unsafe school” means a*
13 *public elementary or secondary school campus where pupils and*
14 *staff have the reasonable apprehension that their person or*
15 *property is not secure. The occurrence of any of the incidents listed*
16 *in subdivision (b) during the current or immediately preceding*
17 *school year shall constitute a rebuttable presumption that the*
18 *campus where the incident occurred is an unsafe school.*

19 (b) *Notwithstanding any other law or regulation, a parent or*
20 *guardian of a public elementary or secondary school pupil shall*
21 *have the option to remove his or her child from an unsafe school*
22 *and enroll his or her child in another school within the same school*
23 *district, if any of the following occur:*

24 (1) *A suspension or expulsion of a pupil for any of the causes*
25 *listed below has occurred during the current or immediately*
26 *preceding school year:*

27 (A) *Hate violence within the meaning of Section 48900.3.*

28 (B) *Causing serious physical injury to another person, except*
29 *in self-defense, within the meaning of subparagraph (A) of*
30 *paragraph (1) of subdivision (a) of Section 48915.*

31 (C) *Robbery or extortion within the meaning of subparagraph*
32 *(D) of paragraph (1) of subdivision (a) of Section 48915.*

33 (D) *Assault or battery upon a school employee within the*
34 *meaning of subparagraph (E) paragraph (1) of subdivision (a) of*
35 *Section 48915.*

36 (E) *Possessing, selling, or otherwise furnishing a firearm within*
37 *the meaning of paragraph (1) of subdivision (c) of Section 48915.*

38 (F) *Brandishing a knife at another person within the meaning*
39 *of paragraph (2) of subdivision (c) of Section 48915.*

1 (G) Unlawfully selling a controlled substance within the
2 meaning of paragraph (3) of subdivision (c) of Section 48915.

3 (H) Committing or attempting to commit a sexual assault or
4 sexual battery within the meaning of paragraph (4) of subdivision
5 (c) of Section 48915.

6 (I) Possession of an explosive within the meaning of paragraph
7 (5) of subdivision (c) of Section 48915.

8 (2) An employee of the school is dismissed by the governing
9 board of the school district for any offense described in Sections
10 44010 and 44011 of this code, and Sections 11165.2 to 11165.6,
11 inclusive, of the Penal Code.

12 (3) An employee of the school is convicted for any of the acts
13 described in Sections 44010 and 44011 of this code, and Sections
14 11165.2 to 11165.6, inclusive, of the Penal Code.

15 (c) If no safe school exists within the same school district, the
16 parent or guardian shall have the option to transfer his or her
17 child to a safe school in another school district.

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

23 SECTION 1. Section 1940 of the Education Code is amended
24 to read:

25 1940. ~~The county superintendent of schools may, with the~~
26 ~~approval of the county board of education, expend county school~~
27 ~~service funds for the purpose of administering and accounting for~~
28 ~~the county school service fund, or he or she may, with the approval~~
29 ~~of the county board of education, contract with and pay the county~~
30 ~~board of supervisors for services rendered in administering and~~
31 ~~accounting for the county school service fund.~~