

SUPREME COURT  
FILED

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**In the Supreme Court of the State of California**

**In re: MARTIN M., a Person Coming Under  
the Juvenile Court Law.**

S177704

**THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
Plaintiff and Respondent.**

Fourth Appellate District,  
Division Two, Case No.  
E045714; San Bernardino  
Superior Court No. J220179

v.

**MARTIN M., a Minor,  
Defendant and Appellant.**

**RESPONDENT'S MOTION FOR JUDICIAL NOTICE**

TO THE HONORABLE RONALD M. GEORGE, CHIEF JUSTICE, AND TO  
THE HONORABLE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME  
COURT:

Respondent respectfully moves this Court, pursuant to Evidence Code sections 452  
and 459 and California Rules of Court, rules 8.252(a) and 8.520(g), to take judicial notice  
of the following documents:

Exhibit 1: Attorney General and State Superintendent of Public Instruction: Safe Schools Task Force Final Report (June 2000)

Exhibit 2: Assem. Bill No. 1785, Stats. 2000 (1999-2000 Reg. Sess.) ch. 995, as introduced;

Exhibit 3: Nieto, *Security and Crime Prevention Strategies in California Public Schools* (Oct. 1999);

Exhibit 4: Legislative History Pertaining to California Penal Code section 628.1: Sen. Bill No. 822, Stats. 1995 (1995-1996 Reg. Sess.), as introduced;

Exhibit 5: Legislative History Pertaining to California Education Code section 38000: Sen. Floor Analyses, Sen. Rules Comm., Sen. Bill No. 1626, Stats. 1998 (1997-1998 Reg. Sess.), as amended Jun. 18, 1998;

Exhibit 6: Legislative History Pertaining to California Penal Code section 148: Assem. Comm. on Crim. Law & Pub. Saf., Assem. Bill No. 158, Stats. 1983 (1983-1984 Reg. Sess.), Letters from Winston Parkman to Assemblyman Curtis Tucker dated August 4, 1982 and January 17, 1983 and Bill Analysis Cover and Worksheet;

Exhibit 7: Legislative History Pertaining to California Penal Code section 148: Assem. Comm. on Pub. Saf., Assem. Bill No. 462, Stats. 1987 (1987-1988 Reg. Sess.), 3d Reading and Bill Analysis Worksheet;

Exhibit 8: California Department of Education, Letter from Superintendent Jack O'Connell to All County and District Superintendents, School Administrators and Chief Business Officers, Regarding the Governor's Budget for 2010-2011 (Mar. 4, 2011);

Exhibit 9: San Bernardino City Unified Schools District, Crime Statistics; and

Exhibit 10: Campus Safety Magazine (Dec. 2009), DOJ Releases Updated K-12 School Crime Stats

Attached exhibits 1-2 and 4-8, are the proper subject of judicial notice under Evidence Code section 452. Subdivision (c) of that provision provides that judicial notice may be taken of “Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.”

Pursuant to that authority, it is appropriate to take judicial notice of Exhibit 1 because it is an official publication of the California Attorney General’s Office and the State Superintendent of Public Administration. (See *People v. Crusilla* (1999) 77 Cal.App.4th 141, 147 [court took judicial notice of an official publication of the California Attorney General’s Office].)

Similarly, Exhibits 2 and 4-7 are proper matters for judicial notice because they contain the legislative history of Penal Code sections 148, 628, and 628.1, and California Education Code section 38000. (See *People v. Snyder* (2000) 22 Cal.4th 304, 309 [judicial notice taken of legislative history pertaining to Government Code section 83116.5, including a memorandum sent by sponsor of legislation to senate committee]; *Huff v. Wilkins* (2006) 138 Cal.App.4th 732, 742 [court took judicial notice of legislative history pertaining to Vehicle Code section 38503, including statement prepared by the Assembly’s Committee on Transportation]; *White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn. 3 [court took judicial notice of committee reports and individual legislators’ (including co-authors’) comments from the Assembly and Senate committee bill files].)

As to Exhibit 8, the letter from California Department of Education Superintendent Jack O’Connell to all county and district superintendents, school administrators, and chief business officers, regarding the Governor’s Budget, is also a proper matter for judicial notice. The letter is an official act by the executive department. (See *Ca. Advocates for Nursing Home Reform v. Bonta* (2003) 106 Cal.App.4th 498, 515 fn. 8 [all county letter sent by Department of Health Service to county welfare directors and other local officials to provide information on estate recovery program proper matter for judicial notice under Evidence Code section 452].)

Finally, the remaining exhibits 3, 9, and 10, are proper matters for judicial notice under Evidence Code section 452, subdivision (h), because the documents constitute

“[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

Exhibit 3 was cited to support the proposition that “During the 1990s, despite the development of the school/law enforcement partnership and development of school safety plans, it was evident that public schools continued to be victimized by crimes against persons and property.” (See Opening Brief on the Merits at p. 5.) That proposition is a proper matter for judicial notice because courts are permitted to take judicial notice of economic and social conditions, as common knowledge and verifiable facts under Evidence Code section 452. (See *Gillum v. Johnson* (1936) 7 Cal.2d 744, 760 [Supreme Court judicially knows “that unemployment for several years has presented serious and at times very acute problems for state and national governments”].)

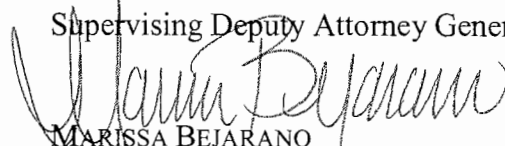
Finally, Exhibits 9 and 10 are proper matters to be judicially noticed because they contain statistical data/facts that are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. And, it has been held that such statistical data is a proper matter for judicial notice. (See *Powell v. Superior Court* (1991) 232 Cal. App.3d 785, 795 fn. 7 [court took judicial notice of statistical data provided by the Jury Services Division of Los Angeles Superior Court].)

#### CONCLUSION

For the reasons stated above, respondent respectfully requests that this Court take judicial notice of the documents attached in Exhibits 1 through 10.

Dated: July 19, 2010

EDMUND G. BROWN JR.  
Attorney General of California  
DANE R. GILLETTE  
Chief Assistant Attorney General  
GARY W. SCHONS  
Senior Assistant Attorney General  
STEVE OETTING  
Supervising Deputy Attorney General

  
MARISSA BEJARANO  
Attorneys for Plaintiff and Respondent

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *In re Martin M., a minor*  
No.: S177704

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

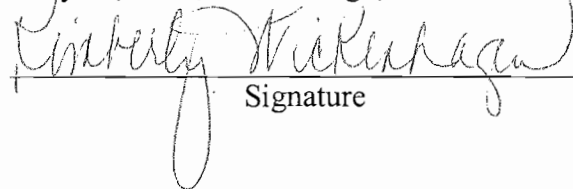
On July 20, 2010, I served the attached respondent's motion for judicial notice by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Lauren E. Eskenazi  
Attorney at Law  
11693 San Vicente Boulevard  
Suite # 510  
Los Angeles, CA 90048

Fourth Appellate District  
Division Two  
Court of Appeal of the State of California  
3389 Twelfth Street  
Riverside, CA 92501

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 20, 2010, at San Diego, California.

\_\_\_\_\_  
Kimberly Wickenhagen  
Declarant

  
\_\_\_\_\_  
Signature

EDMUND G. BROWN JR.  
Attorney General of California  
GARY W. SCHONS  
Senior Assistant Attorney General  
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Case No. S177704

Fourth Appellate  
District Two, Case No.  
E045714

San Bernardino County  
Superior Court, Case  
No. J220179

**[PROPOSED]ORDER GRANTING REQUEST FOR JUDICIAL  
NOTICE**

IT IS HEREBY ORDERED:

Pursuant to Evidence Code sections 452 and 459 and California Rules of Court, rules 8.252(a) and 8.520(g), this Court will take judicial notice of the following documents:

- Exhibit 1: Attorney General and State Superintendent of Public Instruction: Safe Schools Task Force Final Report (June 2000);
- Exhibit 2: Assem. Bill No. 1785, Stats. 2000 (1999-2000 Reg. Sess.) ch. 995, as introduced;
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Exhibit 9: San Bernardino City Unified Schools District,  
Crime Statistics; and

Exhibit 10: Campus Safety Magazine (Dec. 2009), DOJ  
Releases Updated K-12 School Crime Stats

IT IS SO ORDERED:

DATED: \_\_\_\_\_  
\_\_\_\_\_, P.J.

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *In re Martin M., a minor*  
No.: S177704

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

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Fourth Appellate District  
Division Two  
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3389 Twelfth Street  
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 20, 2010, at San Diego, California.

\_\_\_\_\_  
Kimberly Wickenhagen  
Declarant

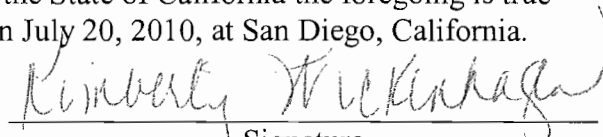
  
\_\_\_\_\_  
Signature

EXHIBIT 1

Attorney General and  
State Superintendent of Public Instruction

# SAFE SCHOOLS TASK FORCE



**FINAL REPORT**

**JUNE 2000**

**BILL LOCKYER**  
Attorney General

**DELAINÉ EASTIN**  
State Superintendent  
of Public Instruction

**Attorney General and  
State Superintendent of Public Instruction**

# **SAFE SCHOOLS TASK FORCE**

**FINAL REPORT**



**JUNE 2000**



## Attorney General and State Superintendent of Public Instruction **SAFE SCHOOLS TASK FORCE**

---

**Sheriff Don Horsley, Co-Chair**  
San Mateo County

**Sandra McBrayer, Co-Chair**  
The Children's Initiative, San Diego

Edward J. Chavez, Chief  
Stockton Police Department

Carl Cohn, Superintendent  
Long Beach Unified School District

John Wayne Dawkins, Student  
Yolo High School, West Sacramento

Guy Emanuele, Superintendent (ret.)  
Fremont

Brenda English, Deputy District Attorney  
Los Angeles County

Steven Goldsmith, Director  
Centinela Valley Juvenile Diversion Project  
Los Angeles

Nancy Goodrich, Assistant Chief  
San Diego Police Department

Jeff Horton, President  
California School Board Association  
Los Angeles

Patricia Huerta, Commissioner  
California State PTA  
EYE, Counseling and Crisis Services

Aron Kwong, Student  
Kennedy High School, Sacramento

Wesley Mitchell, Chief of Police Services  
Los Angeles Unified School District

Linda Murray, Superintendent  
San Jose Unified School District

Henry Perea, City Councilman  
Fresno

Laura Reed, Principal  
Mark Hopkins Elementary School  
Sacramento

Joseph A. Santoro, Chief  
Monrovia Police Department

Michael Schumacher, Director  
Health Care Agency, Santa Ana

Steven H. Staveley, Director  
Division of Law Enforcement  
California Department of Justice

Stephen Thom, Mediator  
Community Relations Services  
U.S. Department of Justice, Los Angeles

Edward Velasquez, Assistant  
Montebello Unified School District

Annie Webb, Principal  
Locke High School, Los Angeles

Gail Whang, Program Manager  
Oakland Unified School District

Dear Ms. Eastin and Mr. Lockyer:

On behalf of your Safe Schools Task Force, we hereby submit to you our recommendations and strategies for improving school safety in California.

The problems of school crime and violence affect us all. Recent tragedies on school campuses in Mount Morris Township, Michigan; Littleton, Colorado; and Conyers, Georgia raise new levels of interest and debate about addressing issues of school safety. School and law enforcement officials are increasingly concerned with preventing lethal youth violence.

Fortunately, despite these horrific events, youth violence is down in California, as it is across the nation. Our schools are among the safest places for our children. Yet, any crime on school campus is one too many. Our children's future and that of our state depend upon making every school campus a safe learning environment. We must work tirelessly to keep crime going down and to recognize early patterns of behavior — such as truancy, vandalism and substance abuse — that may result in youth turning to more serious crime. Research shows that when we intervene early, we can prevent youth from turning to a life of crime and violence.

You asked us to identify strategies and programs for improving school safety. At your direction, we also explored ways to develop partnerships between schools and law enforcement to keep schools safe and free from violence. The 23-member Task Force, representing education, law enforcement, community groups and youth, shared their views and knowledge on critical school safety issues. In-depth discussion regarding school crime and violence issues helped the Task Force formulate a report that identifies eight key policy recommendation areas and includes 46 strategies to strengthen school safety in California.

On behalf of the Safe Schools Task Force, we thank you for your outstanding leadership and the opportunity to have participated in this important process. We also thank the staff of the California Department of Education's Safe Schools and Violence Prevention Office and the Attorney General's Crime and Violence Prevention Center for their support of our efforts.

Respectfully submitted,

The Attorney General and State Superintendent of Public Instruction's Safe Schools Task Force.

Don Horsley  
Co-Chair

Sandra McBrayer  
Co-Chair

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# INTRODUCTION

## Scope of the Problem

Recent tragedies on school campuses in Mount Morris Township, Michigan; Littleton, Colorado; and Conyers, Georgia raise new levels of interest and debate about addressing issues of school safety. School and law enforcement officials are increasingly concerned with preventing lethal youth violence.

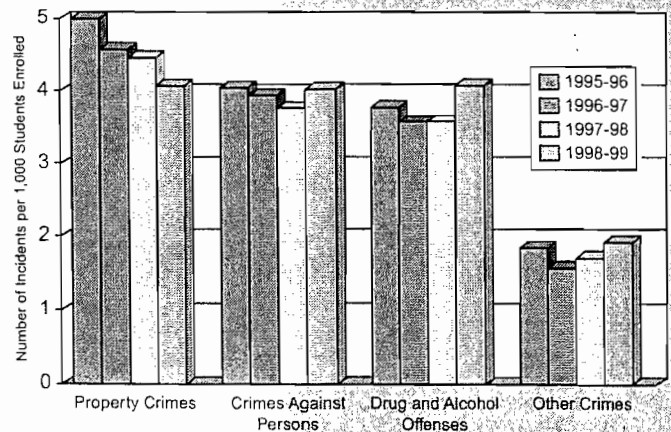
In 1998-99, there were 26 school-associated violent deaths nationwide. Tragically, 15 of the 26 were at Columbine High on April 20, 1999. A focus on these few, horrific incidents creates a perception that schools are not safe and can cause anxiety among students and teachers that is detrimental to the education process.

The truth is that the chance of a homicide in a California school is less than one in a million (*California Safe Schools Assessment, 1998-99*), similar to the probability nationwide. More than 5.8 million students attend over 8,330 public schools in California. California children today are safer in school, on average, than they are in a car, on the street or, sadly, even at home. Our schools are among the safest places for our children.

Nevertheless, there is cause for concern. Three of the deaths which took place nationwide last year were at California schools: a school parking lot shooting; a student found beaten to death in a school shed; and a head injury death over the use of a basketball court at a middle school (*National School Safety Center, School-Associated Violent Deaths, 1998-1999*).


In the 1998-1999 school year, the rate for drug and alcohol offenses rose 11 percent. The number of knives seized on campus increased to 6,168. And while down slightly from the previous year, the number of guns confiscated on campus last year was 637. As Chart 1 demonstrates, incidents of Property Crimes continue to decline from previous years, while incidents in other categories, such as Crimes Against Persons and Drug and Alcohol Offenses, increased. In our public high schools, drug and alcohol offenses have reached their highest reported level.<sup>1</sup>

Chart 1: Analysis of School Crime Trends for California Public School Campuses for the 1995-96 through 1998-99 School Years



Source: *California Safe Schools Assessment, 1998-99*  
California Department of Education

<sup>1</sup>This may be due, in part, to improved reporting and the inclusion of possession of marijuana paraphernalia as a reportable incident effective July 1, 1998.



Our children's future, and that of our state, depend upon making every school campus a safe learning environment. Troubled children often develop a pattern that leads through escalating behavior problems to eventual violence. We must work tirelessly to recognize early patterns of behavior — such as truancy, vandalism and substance abuse — and implement strategies to prevent youth from turning to more serious crime. If caught early enough, at-risk youth can escape a life of crime and violence.

The Task Force recognized that short term, school safety strategies range from effective crisis response management to strong efforts to prevent behavior problems from escalating to violence. Long term, we must acknowledge the underlying causes of youth violence and work to address the needs of at-risk children before they commit crimes. While crisis intervention is critical, so is early intervention with at-risk children. The Task Force recognizes that probably the most important factor in steering young people away from crime is a nurturing and positive home environment. Early childhood experiences are critical. Strong relationships between children and their parents, teachers, other adult role models and mentors, and strong ties to community resources for assistance when needed, are critical to success. "There needs to be a full spectrum of response," stated Task Force member Patricia Huerta, Community Concerns Commissioner, California State PTA. "There should be more community control over the design and delivery of these programs.... Youth are only as healthy as their family and community."

Finally, schools cannot accomplish this mission in isolation. Success depends on everyone working together — students, parents, school staff, law enforcement, community service organizations, social service agencies, businesses, local government, faith community leaders and all other community members. Success requires partnerships, cooperation, strong will and commitment.

### ***Mission of the Safe Schools Task Force***

In February 1999, State Superintendent of Public Instruction Delaine Eastin and Attorney General Bill Lockyer formed the Safe Schools Task Force to further combat crime in our schools and create a more powerful partnership between schools and law enforcement to keep schools safe and free from violence. The 23-member Task Force — representing education, law enforcement, community groups and youth — were asked to identify model strategies and programs for improving school safety, determine current needs and make recommendations to strengthen partnerships between schools and law enforcement to enhance school safety strategies.



## Purpose of Safe Schools Task Force Report

The purpose of this report is to provide the Attorney General and the State Superintendent of Public Instruction with recommendations on how to strengthen the partnership between schools and law enforcement to assure safe schools. These recommendations will serve as a guide to advocate for and implement programs and approaches that will continue to improve the safety of school campuses. The report provides a framework from which these two constitutional officers can work together to address school safety issues. It contains both short- and long-term goals to assure that California's schools remain safe and secure learning environments.

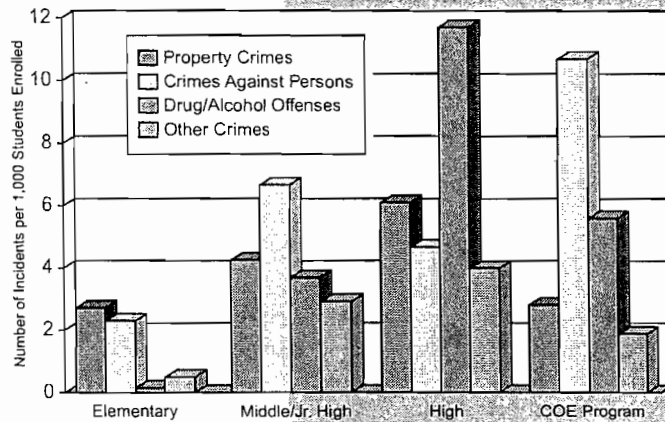
## Partnership between Law Enforcement and Schools

Members of law enforcement are often the first point of contact between troubled youth and the community. Therefore, law enforcement officials have a unique opportunity to take a leadership role in forging relationships between parents, educators, community organizations and others to identify at-risk youth and prevent them from committing crimes or graduating to more serious offenses. As demonstrated in Chart 2, the use of alcohol and drugs, often seen as "gateway offenses," was the most common type of offense reported at the high school level.

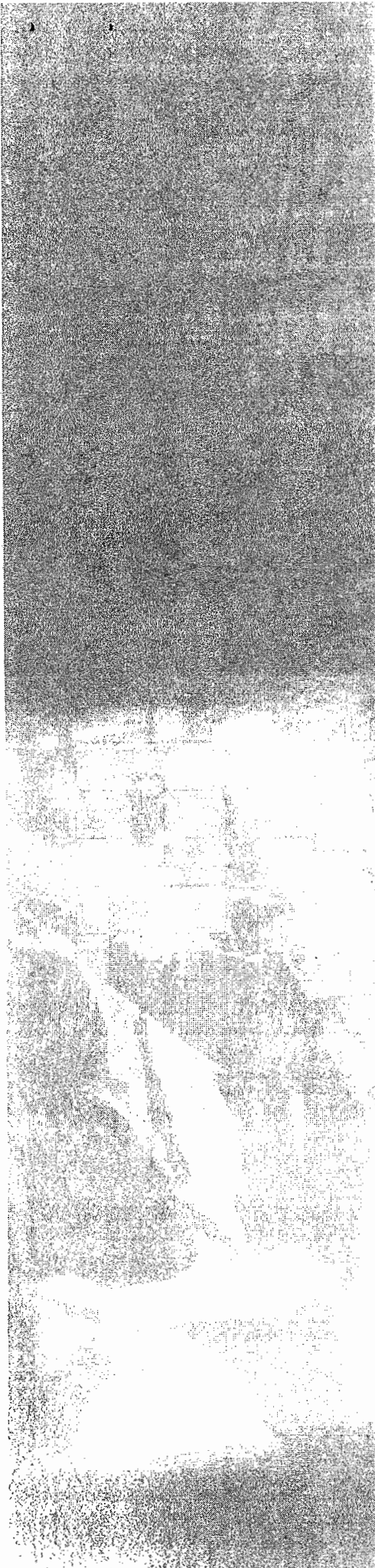
California is entering its third decade of leadership in creating a successful partnership between education and law enforcement to ensure safe, orderly school campuses and communities. In 1982 California voters passed Proposition 8 amending California Constitution Article I, Section 28 to provide all students and staff ... the inalienable right to attend campuses which are safe, secure and peaceful. To this end, the State Superintendent of Public Instruction and the Attorney General formed the School/Law Enforcement Partnership in 1983. The concept acknowledged the need for combined authority and leadership and was codified in 1985 with the passage of the Interagency School Safety Demonstration Act (Education Code Sections 32260-32296).

Through its volunteer cadre of education and law enforcement specialists, the School/Law Enforcement Partnership has provided information, training and technical assistance to schools throughout the state on school safety issues. The Partnership sponsors numerous grant programs

Chart 2: Crime Rates in California Public Schools for the 1998-99 School Year (by Type of Crime and School Level)



Source: California Safe Schools Assessment, 1998-99  
California Department of Education



which emphasize safe school planning, conflict resolution, school community policing partnerships and gang violence reduction. The purpose of the Partnership is to encourage 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. The Task Force focused part of its efforts on suggestions on how the Partnership can be strengthened to meet today's most pressing school safety challenges.

### ***Summary of Recommendations***

The Task Force worked diligently to develop recommendations and strategies that are reasonable, realistic and attainable. The resulting recommendations center on three overall goals: (1) to develop strategies to prevent behavior problems from escalating into violence and to inspire youth with educational, school and community service activities; (2) to assure that California schools are prepared for a crisis and to prevent that crisis from turning into a catastrophe; and, (3) to develop and strengthen partnerships between schools, school communities and law enforcement to ensure campus and community safety.

The report promotes building positive relationships between teachers and students and between students and each other; expanding safe school planning efforts; increasing the presence of law enforcement on school campuses and integrating Community Oriented Policing and Problem Solving (COPPS) strategies with school communities; strengthen the capacity of the School/Law Enforcement Partnership Program; promoting positive youth development; establishing strong accountability measures; using research-based practices and model programs; and increasing professional development training of educators and school staff to include school safety skills. The report acknowledges the work schools, legislators and community leaders have already accomplished and supports the continuation and expansion of existing resources.

In-depth discussion regarding school crime and violence issues helped the Task Force formulate eight key policy recommendation areas which include 46 strategies to strengthen school safety in California.

# SAFE SCHOOLS TASK FORCE RECOMMENDATIONS

## **1** Recommendation

**Strengthen and expand resources to promote building strong, positive relationships between teachers and students and between students and each other.**

**Discussion:** Task Force members have heard repeatedly from youth that they don't feel they are being listened to, that their voice is often not heard until situations culminate in a tragic event. Schools must be safe havens where students have a strong voice in planning and problem solving, and where every student knows at least one caring adult to whom they can go for support or help.

Task Force members agreed that teachers and administrators who project a caring attitude toward students and focus on the assets of each student, help those students believe in their capacity to be successful. In turn, this belief contributes to the students' power to make decisions, plan, solve problems and work with others in their school and community.

In the discussions on the development of caring relationships, school-yard bullying was identified as a significant and pervasive obstacle. Youth who eventually exhibit extreme violence have often been harassed or bullied by other youth. When we attribute children's behavior problems to the fact that they are *aggressive*, we are overlooking the deeper understanding that aggressive behaviors such as kicking, hitting and biting, are *learned behaviors* and that children identify situations where these behaviors will have rewarding results. A pattern of misdirected frustration, aggression and intimidation can be easily ingrained and early intervention by caring and attentive adults is crucial. "It's harder and harder for kids to change once the pattern is set and time goes on," according to Dr. Leonard Eron, Psychologist at the University of Illinois - Chicago.

Currently, California schools average only one counselor for more than 1,000 students ranking last among states (*On Youth Violence*, Bipartisan Working Group, U.S. House of Representatives, 1999; and *Digest of Education Statistics 1998*, U.S. Department of Education). Additional student support services staff (school counselors, psychologists, nurses and social workers) are needed to address the personal, family, peer, emotional and developmental needs of students. By focusing on these mental health needs, these staff will be able to pick up early warning signs of troubled youth and identify appropriate actions and services, thereby improving student behavior, performance and school safety.

*"School teachers, administrators and students must practice the 'three R's - Respect, Relationships and Responsibility.'"*

**Stephen Thom, Mediator/Trainer  
Community Relations Services  
U.S. Department of Justice, Los Angeles  
Member, Safe Schools Task Force**

*"The transformative power of teachers and schools can tip the scale from risk to resilience when they provide three protective factors: caring relationships; high expectation messages; and opportunities for participation and contribution."*

**Bonnie Benard  
Violence Prevention Researcher in  
"For Want of Connectedness:  
The Tragedy of Columbine" (1999)**

*"It's not just about money. It's about teachers who care, have passion. It's about students who have pride and respect for their school."*

**John Dawkins, Student  
Yolo High School, West Sacramento  
Member, Safe Schools Task Force**

Task Force members agreed that school communities are complex social settings. While the first reaction to crises like school campus shootings may be to buy and install security technology, achieving safe schools over the long term requires an investment in building relationships, student support services and positive adult interaction with youth. Members also agreed that there should be incentives for teachers and law enforcement officers to live in neighborhoods where they work.

### *Strategies*

1. Support strategies in schools for teaching self respect, respect for others and appreciation for diverse cultures and lifestyles.
2. Support youth-to-youth peer programs in which youth are given on-going opportunities to be resources to each other, to develop helping skills, counteract youth's "code of silence" and build connectedness among students.
3. Support legislation to establish bullying prevention programs for elementary and middle grades, and advocate implementation of bullying prevention and intervention programs at *all* California schools.
4. Incorporate conflict resolution/peer mediation program training for students and staff as an integral component of school discipline programs.
5. Support systems that emphasize caring relationships, high expectations, asset development, and provide opportunities for interaction between teachers, other school staff and students.
6. Increase the availability of guidance, student support and counseling services on campuses to strengthen student connectedness and improve student success.
7. Support legislation to provide incentives for teachers, administrators, counselors and law enforcement to live in neighborhoods where they work.
8. Promote parental involvement in student activities and in all safe school program development.
9. Include youth members on all boards, task forces and committees dealing with youth issues.

*"Bullying is a range of behaviors, both verbal and physical, that intimidate others and often lead to antisocial and unlawful acts. Staff, students and parents/guardians need to understand that bullying is a pervasive problem that leads to violence. Bullying should neither be thought of as a 'kids will be kids' occurrence nor accepted as a way of life."*

*Guide for Preventing and Responding to School Violence, International Association of Chiefs of Police, 1999.*

## 2 Recommendation

### **Reinforce the comprehensive safe school planning process, including effective crisis response preparation and procedures.**

**Discussion:** In 1997, the California Legislature enacted Senate Bill 187 (Chapter 736, Hughes) requiring all schools to develop comprehensive safe school plans. Safe school plans are the basis for all school crime and violence prevention strategies. The Task Force members underscored the need for schools to involve law enforcement, emergency responders and the entire school community in the development of the plan. Members emphasized that good planning and strong partnerships can prevent many school safety problems. However, in their experience, preparation for dealing quickly and effectively with crises that do happen on school campuses should be an essential component of the safe school plan.

The School/Law Enforcement Partnership Program, administered by the State Superintendent of Public Instruction and the California Attorney General since the mid-1980s, has advocated comprehensive safe school planning and offered safe school plan development training and \$5,000 safe school implementation grants. According to Task Force members, many schools have strong safe school plans, but some schools do not. Safe school plans are intended to be collaborative and inclusive. In addition, the law requires that schools complete a review of the plan at least once a year, and amend it if necessary.

Task Force members underscored the need for schools to take a comprehensive approach to this important effort. They agreed that even the most effective family, education, law enforcement and government agency collaboration may not fully prevent youth violence. However, the partnership can work to overcome technological and legal barriers that prevent information sharing. The critical advantage will be a school/community ability to ensure collaboration in addressing the needs of children at risk before they commit crimes, as well as to develop a multi-incident emergency plan to effectively react in times of crisis.

### **Strategies**

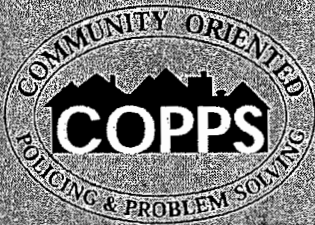
1. Provide school communities with a guide that includes the most up-to-date lessons learned from recent school crises in the nation, to assist them in developing crisis response plans as an essential element of the safe school planning process. The guide should show how to involve law enforcement in all steps of the process.



*"Comprehensive plans are the basis for campus safety strategies. Communication is key between schools and law enforcement. We need a protocol that details who does what during a major critical incident and spells out the expectations of each agency. You need to take the time to think through who takes the lead under what set of circumstances."*

Nancy Goodrich  
Assistant Chief of Police  
San Diego Police Department  
Member, Safe Schools Task Force

2. Advocate for legislation to provide discretionary funding to all school districts (K-12) to address needs identified in their safe school plans.
3. Support efforts of the School/Law Enforcement Partnership Cadre to increase training and technical assistance on the safe school planning process and assistance with the mandated annual review of the plans.
4. Support the integration of research-based crime and violence prevention programs in the development of safe school plans by developing a clearinghouse of programs which have been evaluated and proven to be successful.
5. Advise and support schools in building accountability standards into their safe school plans so that partners have shared responsibility.
6. Encourage the appointment of a School Safety Program Director at each school district and county office of education.



*"Probation departments already supervise delinquent, violent and disturbed youth in a variety of settings: institutions; group and family homes; schools; day treatment centers; and in the community. In addition, probation is an integral part of the juvenile justice system once a minor has crossed the line by committing a law violation. Given our experience in providing structure, guidance and accountability to youth, we can contribute greatly to the prevention and intervention activities related to school safety."*

**Michael Schumacher, Former Chief  
Orange County Probation Department  
Member, Safe Schools Task Force**

### **3** Recommendation

**Support strategies, including community oriented policing and problem solving, to increase law enforcement and probation officers as partners on school campuses.**

**Discussion:** Law enforcement officials are often the first point of contact between troubled youth and the community. This places them in a position to provide leadership and support to community-wide collaborative efforts. Many youthful offenders suffer from multiple risk factors that, if not discovered and addressed, remove them from schools and place them into the juvenile justice system. Therefore, law enforcement agencies have a vital role in building school/law enforcement partnerships that bring to bear the full resources of the community for youth at risk. The connection between problem solving and creating partnerships is a primary focus of community oriented policing.

School-based partnerships between law enforcement, families and the school community address problems such as drug dealing or use on school grounds, problems experienced by students on the way to and from school, vandalism and graffiti, disputes that pose a threat to student safety and loitering and disorderly conduct. Partnerships can make further inroads with youth by involving teachers, parents and

friends. Police and probation officers can link families to appropriate counseling services and provide a social safety net for children at risk of delinquency. Additionally, the Department of Justice and the California Department of Education, through the School/Law Enforcement Partnership Program, administer the School Community Policing Partnership program established by Assembly Bill 1756 (Havice, Chapter 317, 1998). This \$10 million per year competitive grant program provides funding to school districts and county offices of education to develop and implement community oriented policing strategies for school communities.

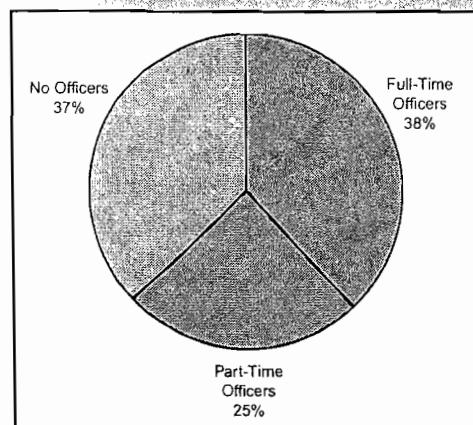
School officials report that on-campus officers are effective in guiding relationships with students and acting as deterrents to truancy. According to the recent California Attorney General's "Survey of Sworn Peace Officers on California High and Middle School Campuses," 37% of high schools have no full or part-time officers on campus (Chart 3).

Probation officers can provide intensive supervision for students on probation who attend school. School officials report that probation officers are very successful in reducing truancy and intervening with at-risk youth. They cite the probation officers' ability to work with juvenile offenders through the entire justice system.

Currently, there are approximately 5,500 probation officers in California, representing a large pool of positive resources for guiding at-risk youth. However, the majority of schools statewide do not have probation officers regularly assigned on campus. The recent California Attorney General's survey found that only 197 out of the 2030 middle and high schools have a probation officer who works regularly with students on campus. At many small, rural schools, the probation officer acts as a school resource officer. In the majority of these schools, probation officers are responsible for truancy reduction programs; working closely with at risk juveniles, including those not formally on probation; and conducting home visits.

At larger schools, probation officers often work with other law enforcement or school district officers. There are currently innovative programs in schools that link a probation officer and a police officer on each campus and include interagency coordination with school officials, counselors and parents. The teams are located by the district at high schools and also serve juvenile offenders attending feeder elementary and middle schools. In addition to working with students on formal and informal probation, the teams provide prevention and early intervention services. The teams have the authority to respond to problems ranging from truancy to minor criminal offenses.

**Chart 3: Officers on High School Campuses**



Source: *Sworn Peace Officers on California High and Middle School Campuses*, April 2000  
Attorney General's Office

### *Strategies*

1. Integrate Community Oriented Policing and Problem Solving (COPPS) strategies in safe schools plan development.
2. Support legislation to provide funding for additional law enforcement and probation officers on school campuses.
3. Include probation departments in any proposed legislation defining partners in local school safety efforts and include probation officers on school safety related commissions and task forces.
4. Promote information sharing among school/law enforcement/probation agencies, including computer system compatibility to access appropriate and pertinent information.
5. Encourage school communities to contact the School/Law Enforcement Partnership Cadre for technical assistance on forming partnerships with law enforcement and on the implementation of COPPS strategies.
6. Require evidence of sustainable collaboration among the school community and law enforcement on all school safety related grant applications and entitlement funding.
7. Encourage schools to review the annual *California Safe Schools Assessment Report* with local law enforcement and probation departments and develop a collaborative plan for improvement of school climate.
8. Build linkages between regional School/Law Enforcement Partnership Cadre teams and networks such as Healthy Start and the After School Learning and Safe Neighborhoods partnerships.

### **4** Recommendation

**Strengthen the capacity of the Attorney General and State Superintendent of Public Instruction's School/Law Enforcement Partnership Cadre to provide training, resources and technical assistance to California schools.**

**Discussion:** Since 1983, the State Superintendent of Public Instruction and the Attorney General have unified their efforts and resources through the School/Law Enforcement Partnership to promote programs that enhance the school learning environment, reduce school and community youth violence and ensure the safety of students and teachers.

*"The School/Law Enforcement Partnership Cadre is already in place and can be used for any proposed safe school training."*

Wesley Mitchell, Chief  
Los Angeles Unified School District  
Police Department  
Member, Safe Schools Task Force



The Partnership administers a number of grant programs which emphasize safe school planning, conflict resolution, school community policing partnerships and gang violence reduction. Additionally, this volunteer cadre of law enforcement and education specialists is the foundation for the leadership of local schools and communities in California on planning and implementing school safety strategies. The Partnership plays a key role in making schools safer and promotes positive activities for youth.

In the early 1980s, the State Superintendent of Public Instruction and the Attorney General launched the concept of connecting schools and law enforcement with youth and in collaborations for safety on school campuses. The Cadre has worked diligently to make school communities safe. They have provided more than 200,000 personal contacts for assistance and resources. The specialized, diverse skills of this volunteer group have played a large part in the promotion of school safety practices in California. The State Department of Education and the Attorney General's Office have depended on the Cadre to spread a message of interagency collaboration while providing technical assistance to school communities. The Cadre is a well established, competent group of experts willing and able to assist schools in implementation of safe schools strategies. Task Force members, having discussed the work of the School Law Enforcement Partnership, noted that this Cadre possesses vast experience and expertise in providing students and staff with training in critical safe school strategies, such as (1) anger management, (2) conflict resolution and (3) other services. Along with training and technical assistance, the Cadre provides personal contact and direct services.

However, Task Force members also expressed frustration that the Cadre is limited in size and funding by statute. Task Force members also stated that those engaged in school safety efforts missed the opportunity of people coming together to discuss school safety needs that was made available during the annual regional training conferences sponsored in the past by the School/Law Enforcement Partnership.

### *Strategies*

1. Amend the California Education Code to allow for expansion of the 100-member limit to the School/Law Enforcement Partnership Cadre and to increase sponsoring agency staff to ensure statewide delivery of technical assistance and training for California schools.
2. Support training and funding for the Partnership to meet current legislative mandates to develop, amend and review safe school plans for California schools.



**SCHOOL LAW ENFORCEMENT  
PARTNERSHIP**

**Free technical assistance and resource materials are available to schools, law enforcement organizations and other youth-serving agencies. To obtain assistance, contact the Crime and Violence Prevention Center, Office of the Attorney General at (916) 324-7863 or the Safe Schools and Violence Prevention Office, California Department of Education at (916) 323-2183.**

3. Provide additional training to the Cadre relative to current and best practice model programs and promising innovations in school safety.
4. Provide funding and staff to reinstate regional training conferences for educators, law enforcement, probation, social service agencies and community representatives to learn about current school safety strategies and issues.

## 5 Recommendation

**Provide positive youth development activities that challenge students academically and provide real-world community service opportunities for students to contribute to the improvement of their schools and communities.**

**Discussion:** Task Force members discussed the disconnection between communities and families and the absence of strong role models for youth. Mentors can play a key role, especially for at-risk youth whose family situations can significantly contribute to the propensity for violence. Law enforcement officers can assist in mentoring and guiding youth. Community-based organizations can help assess family and community needs and augment services provided to students and their families. It was agreed that community initiatives that help families and students develop healthy relationships, encourage parental participation and increase support through adult role models (e.g., Boy Scouts, Girl Scouts, sports booster clubs, Boys and Girls Clubs, Big Brothers/Big Sisters) are necessary for healthy growth and positive development of youth.

Recognizing that the highest rates of juvenile crime occur between the hours of 3:00 p.m. and 6:00 p.m., Task Force members emphasized the importance of providing well-supervised, positive activities for the after-school hours. Law enforcement and community-based organization partners can assist in all aspects of positive after-school programs. Youth should be involved in developing concepts for meaningful involvement in after-school activities.

### *Strategies*

1. Support national and statewide campaigns to raise the awareness of the importance of raising healthy and emotionally secure children.
2. Support teaching parenting skills as part of personal health skills or life sciences at the secondary level.

*"The investment in after-school programming is the best deterrent against juvenile crime and victimization."*

Patricia Huerta  
Community Concerns Commissioner  
California State PTA  
Member, Safe Schools Task Force

*"We need more school/community projects that build school pride and spirit. These would create ways for the students, parents, teachers and community to better communicate."*

Aron Kwong, Student  
John F. Kennedy High School,  
Sacramento  
Member, Safe Schools Task Force

3. Promote after-school programs as a safety strategy and provide consultation through school community partnerships.
4. Advocate partnerships with community-based organizations to keep schools open after hours for academic enrichment, tutoring, mentoring, extra curricular activities, athletics, school and community service projects.

## **6** Recommendation

### **Establish strong accountability measures for school safety community partnership programs.**

**Discussion:** As recently as June 1998, the U.S. Department of Education published the *Safe and Drug Free Schools Principles of Effectiveness* and stated that future funding appropriated to states for the Elementary and Secondary Education Act (ESEA), Title IV - Safe and Drug Free Schools and Communities Act, would be predicated on local education agencies implementing programs that meet four basic principles: conduct a needs assessment, set measurable goals and objectives, implement effective research-based programs and conduct evaluation. In order to continue uninterrupted funding and to maintain local flexibility and implementation of locally developed programs that may not have been rigorously evaluated, local education agencies may choose to implement programs that show promise of being effective.

Researchers have developed an increasing body of knowledge about promising and proven methods for reducing youth violence. The Task Force agrees that support should continue to be directed to programs that work, and that ongoing evaluation be a condition of ongoing support. It is also agreed that, as with the design of a program, the evaluation should be developed jointly in order that all anticipated outcome information is included in the monitoring and reporting phases of the evaluation process.

Schools need the support of community-wide organizations and agencies to develop strategies for effective crime and violence reduction programs. Strategies which strengthen and sustain partnerships and collaboration among schools, parents, law enforcement, probation departments, local government, social services and other community groups are the most successful and demonstrate shared responsibility for the assessment of needs, setting goals and objectives, program operation and performance measurement.

*"Communication lines must be open between schools and community agencies-between city councils, elected officials, school boards, law enforcement and probation departments."*

Joe Santoro, Chief  
Monrovia Police Department  
Member, Safe Schools Task Force

*"Link funding opportunities to partnerships. Allow for a custom approach, since one size does not fit all, but require collaboration."*

Steven Staveley, Chief  
Division of Law Enforcement  
California Department of Justice  
Member, Safe Schools Task Force



## *Strategies*

1. Require and fund evaluation measurement plans that demonstrate sustained collaboration in grant and entitlement funding applications.
2. Publicize results, lessons learned and successes in collaborative efforts.
3. Encourage school administrators to develop policies in conjunction with their school safety site committee that clearly communicate to parents, students and staff that violence is unacceptable and preventable.
4. Support violence prevention and intervention training for all students, school employees and volunteers (including school bus drivers, cafeteria personnel, janitorial staff).
5. Involve the California School Boards Association to provide training to board members and community partners in the development and benefit of collaboration in the safe school planning process.

## **7** Recommendation

### **Identify, fund and disseminate information about best practices and model programs for safe schools.**

**Discussion:** California has implemented many strategies to promote school safety. These include school resource officers on campus; awareness training for tolerance, respect and inter-cultural communication; probation officers on campus; school community policing partnerships; safety strategies for travel to and from school; effective emergency response and notification procedures; parenting classes; juvenile diversion programs; truancy and dropout prevention; gang prevention; victim/offender mediation; after-school academic enrichment, character education and peer mediation. Programs with demonstrated effectiveness and ongoing evaluation should be made available for replication and consideration by other school communities.

Researchers agree that an important step in ending school violence is to break through the impersonal atmosphere of larger secondary schools and create smaller communities of learning within larger structures. Behavioral problems, including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are greater in larger schools. School size also plays an important role in shaping the kinds of social relationships that form. Smaller schools reduce the isolation that causes violence, create a

*"The media is very influential. School crime should not be glamorized. We should give more publicity to schools with strong safety records."*

Steven Goldsmith, Director  
Centinela Valley Juvenile  
Diversion Project, Inglewood  
Member, Safe Schools Task Force

sense of ownership and belonging to school and allow students to form closer relationships with teachers. In addition, as yet, California has not established a model infrastructure of assistance for students in the areas of counseling, student support or mental health services.

### *Strategies*

1. Establish a clearinghouse for research, development and technical assistance on violence prevention programs.
2. Develop and disseminate a resource document of proven and promising models and strategies for school safety to schools throughout California.
3. Support class size and school size reduction as a safety and academic model.
4. Involve the media in promoting the benefits of school safety events and programs.
5. Seek increased funding at the federal, state and local level to replicate and enhance comprehensive safe school programs.

## **8** Recommendation


**Work with institutions of higher education, the California Commission for Teacher Credentialing (CTC), and providers of professional development to include school safety knowledge and skills development in pre-service and in-service programs for teachers, school administrators and student support services personnel.**

**Discussion:** In February 1992, (in response to Senate Bill 2460, Cecil Green, 1990) the Commission on Teacher Credentialing (CTC) appointed a statewide advisory panel of K-12 educators, school board members, community volunteers, credential candidates, law enforcement and liaisons from government agencies to develop and recommend strategies to create a positive school environment free from violence. After completing an extensive review of research and conducting focus groups, CTC issued its report which included recommendations for pre-service and in-service training.

CTC is currently revising the standards governing the credentials for teachers, school administrators and student support services personnel, and will consider the inclusion of the recommendations from the 1995

*"Most educators report feeling inadequately prepared to address school violence, and the vast majority say there should be such training. Research has shown a direct connection between serious acts of violence and the more subtle forms of 'harm' such as pushing, shoving, name calling and various other forms of harassment and neglect. Educators and other school personnel can do a lot about 'nipping in the bud' these more subtle forms of harm before they grow into serious violent acts."*

**CTC Advisory Panel in  
Creating Caring Relationships  
to Foster Academic Excellence:  
Recommendations for Reducing  
Violence in California Schools (1995)**



report in those revisions. Task Force members reiterated the importance of providing credentialed teachers, school administrators and student support services personnel with information and training on effective strategies for the prevention or reduction of violence on school campuses. Some topics which should be considered for integration in the training and information provided to school personnel include developmental risk factors and assets, resources for at-risk students, conflict resolution and peer mediation, interpersonal and communication skills with youth and classroom management. Topics should also include creating positive classroom environments that are conducive to learning, personal and social responsibility skills, multi-cultural sensitivity, character education and parent involvement. Recognizing the existing requirements and constrictions on credential programs, it will be necessary to cover some topics at an awareness level, others through field-work experience, as well as other strategies.

### *Strategies*

1. Initiate dialogue with CTC regarding strategies to ensure that knowledge and skills related to school safety and violence prevention are integrated in pre-service programs for teachers, administrators and student support services personnel.
2. Promote and support mechanisms to utilize in pre-service training programs school site personnel who have exceptional expertise in school violence issues and working with at-risk students.
3. Encourage college and university credential programs to help candidates build an understanding of comprehensive school violence prevention strategies that link activities to the differing needs of students and staff at school sites.
4. Work with the California School Boards Association, California Teachers Association, California Federation of Teachers, Association of California School Administrators, CTC and institutions of higher education to advocate support for demonstration sites in which an institution of higher education would "adopt" local schools to demonstrate the use of violence prevention curriculum or strategies that have been developed. The results of such demonstration sites would contribute to the database on promising practices.
5. Encourage providers of in-service professional development to include skill development training in conflict resolution and peer mediation, which includes strategies for integrating conflict resolution education across the curriculum and for involving parents and community members to reinforce the skills.

# SAFE SCHOOLS TASK FORCE MEMBERS

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*Lieutenant Jim Cooper* representing Sheriff Lou Blanas  
Sacramento County

*Deputy Secretary Christine Aranda* representing the Secretary of Education  
Governor's Office of Education

*Deputy Director Gary Winuk* representing Executive Director Frank Grimes  
Governor's Office of Criminal Justice Planning



# APPENDIX A

## SYNOPSIS, CURRENT EFFORTS

### ***Comprehensive Safe School Plans***

Senate Bill 187 (Chapter 736, Statutes of 1997, Hughes)

In 1997, the Legislature passed and the Governor signed into law a landmark bill on school safety which requires every school site to have a comprehensive school safety plan. Senate Bill 187 requires schools to identify appropriate safety strategies and programs that are relevant to the needs and resources of the school. The law requires schools to include specific representatives of several disciplines in the planning process; to adopt policies and procedures in the event of an emergency or a disaster; to solicit community input on the plan and to conduct annual reviews and updates of the plan.

### ***School/Law Enforcement Partnership***

Since 1983, the Attorney General and the State Superintendent of Public Instruction have unified their efforts and resources through the School/Law Enforcement Partnership to promote programs that enhance the school learning environment, reduce school and community youth crime and ensure the safety of students. Partnership programs emphasize conflict resolution and youth mediation training; school community policing partnerships and grants; truancy prevention efforts and gang violence prevention. The Partnership encourages schools and law enforcement agencies to develop and implement interagency relationships, strategies and activities to improve school attendance, encourage good citizenship and promote safe schools. To achieve these goals, the Partnership established a 100-person statewide cadre of professionals and technical assistance facilitators from education, law enforcement and youth-serving organizations to provide assistance to local entities. Assistance may be in the form of a telephone consultation, a training workshop or in the provision of materials. The Partnership Cadre is represented on the Task Force and the role of the Cadre may be strengthened through many of the recommendations of the group.

### ***Carl Washington School Safety and Violence Prevention Act of 1999***

In June 1999, the Governor signed Assembly Bill 1113 (Chapter 51, Statutes of 1999, Florez) to provide \$100 million for school safety programs. In October 1999, the Governor signed Assembly Bill 658 (Chapter 645, Statutes of 1999, Washington) to provide \$1 million to county offices of education for participation in the School Safety and Violence Prevention Act of 1999. The funds have been allocated based on prior year enrollment figures to school districts and county offices of education serving grades 8 through 12. Districts and county offices received a minimum of \$10,000. The funding may be used for hiring personnel trained in conflict resolution, school safety infrastructure needs (such as communication systems), establishment of staff in-service training programs, establishment of cooperative relationships with law enforcement agencies and other purposes that contribute to the reduction of violence on school campuses. Additional information about the Act is available on the California Department of Education web site at [www.cde.ca.gov/spbranch/safety/](http://www.cde.ca.gov/spbranch/safety/).

### ***Governor's School Violence Prevention and Response Task Force***

Assembly Bill 1113 also established the Governor's School Violence Prevention and Response Task Force to evaluate existing school safety programs and to make policy recommendations to the Governor and Legislature specific to early warning indicators and crisis response management. The Task Force, co-chaired by the Attorney General and the State Superintendent of Instruction, held public hearings and issued a formal report with recommendations in April 2000.

### ***Guidance and Counseling Support Systems for Youth and Families***

The California Department of Education is strengthening their role in guidance and counseling services and building support systems for students and families. Through programs such as Healthy Start and the After-School Learning and Safe Neighborhoods Partnerships, many districts are working to ensure that every school has the services of a counselor or other support service personnel. This effort received increased impetus after recent school site tragedies. The Carl Washington School Safety and Violence Prevention Act funding may be used for the provision of these services.

# APPENDIX B

## OVERVIEW: WHAT CALIFORNIA IS DOING TO KEEP SCHOOLS SAFE

- ▶ California is one of only a few states that require schools to compile and report school crime.
- ▶ Under state law, schools are required to develop comprehensive school safety plans (SB 187, Hughes, 1997).
- ▶ Teachers must receive training on how to handle and prevent violence in the classroom (AB 2264, Andal, 1993).
- ▶ No school district may employ a person until a background check is conducted by the Department of Justice (AB 1610, Ortiz, 1997). The law also eliminates a loophole that had exempted substitute and temporary workers from background checks.
- ▶ Schools are prohibited from hiring or retaining school employees who have been convicted of serious or violent felonies (AB 1612, Alby, 1997). This law also authorized an electronic fingerprinting system for the Department of Justice that reduces the turnaround time for criminal background checks.
- ▶ Under state law it is a felony to illegally possess a firearm within 1,000 feet of a school (AB 645, Allen, 1995). This law also provides an increased felony penalty for using a firearm within this zone.
- ▶ \$100 million in state block grant funds (AB 1113, Flores, 1999) provides funding for local schools for school safety, including hiring personnel trained in conflict resolution, school safety infrastructure needs (such as communication systems), training programs, establishment of cooperative relationships with law enforcement agencies and other purposes that contribute to the reduction of violence on school campuses.
- ▶ The School/Law Enforcement Partnership, administered by the California Department of Justice and Department of Education, provides support to schools, law enforcement and community agencies for collaboratively developing and implementing strategies that create safe schools and promote positive youth development. Partnership programs emphasize conflict resolution and youth mediation training, truancy prevention and gang violence prevention.
- ▶ The Partnership also provides local assistance grant funding to schools, in collaboration with law enforcement agencies and the community, including the School Community Policing Partnership Program, Safe Schools Implementation Program, the Conflict Resolution and Youth Mediation Program and the Student Leadership Program.
- ▶ California authorized \$50 million in new funds for after-school programs in 1998, administered by the California Department of Education. (AB 1428, Ortiz; AB 2284, Torlakson; SB 1756, Lockyer).

- ▶ The state, schools and local communities administer a wide range of additional programs designed to prevent gangs, alcohol and drug abuse and other efforts to reduce youth violence in schools and throughout our communities. In Fresno, for example, campus-based police/probation teams work with the Fresno Unified School District to reduce juvenile crime and improve campus safety.
- ▶ The Governor's School Violence Prevention and Response Task Force, established under AB 1113, examined current school safety laws and procedures, held public hearings and issued a report with recommendations in April 2000.

# APPENDIX C

## HISTORY OF SCHOOL/ LAW ENFORCEMENT PARTNERSHIP



- 1983 School/Law Enforcement Partnership initiated.
- 1985 School/Law Enforcement Partnership codified (Education Code §32260 et seq.).
- 1989 School/Law Enforcement Partnership's *Safe Schools: A Planning Guide for Action* published and distributed to all California schools; Safe School Implementation Grant program enacted (Education Code §35294.5).
- 1996 School/Law Enforcement Partnership added School/Community Violence Prevention and Conflict Resolution/Youth Mediation Grants for school districts.
- 1997 Safe School Plans required for all schools (Education Code § 35294).
- 1999 School Community Policing Partnership Grants awarded through School/Law Enforcement Partnership (Education Code § 32296).
- 2000 – 2001 School/Law Enforcement Partnership's *Safe Schools: A Planning Guide for Action* updated and distributed to all California schools

# APPENDIX D

## California Department of Education (CDE) Safe Schools and Violence Prevention Office Safe Schools Grant Programs, 1999-2000

Grant	Amount of Funding	Purpose	Who's Eligible	Applications Available	Contact
School Safety & Violence Prevention Act of 1999 (entitlement)	\$101m statewide in 1999-2000. Entitlement based on enrollment in grades 8-12, with guaranteed minimum for small districts and counties.	To provide for safe schools and violence prevention among pupils	Schools districts and county offices of education maintaining any of the grades 8-12	Fall	Safe Schools and Violence Prevention Office (SSVPO) (916) 323-2183
Safe School Plan Implementation Grants (Requires a Safe School Plan)	Up to \$5,000 each (plus district matching fund); up to 100 issued each year	To assist schools in implementing a portion of their Safe School Plan	Schools	Fall	Steve Schwendimann (SSVPO) (916) 323-5277
Conflict Resolution & Youth Mediation Grant Program	\$10,000 per school \$280,000 available per year (K-12)	To implement a conflict resolution and youth mediation program through onsite training, integrated curriculum and school community involvement	Schools	Fall	Bonnie Williamson (SSVPO) (916) 324-6159 Arlene Shea Attorney General's Office (916) 324-7863
School Community Policing Partnership Grant Program	Up to \$325,000 each over a 3-year period. \$10,000,000 available per year.	To implement a school/community/police collaborative to deal with school crime and safety issues	School districts and county offices of education	November 2000	Chuck Nichols (SSVPO) (916) 323-1026 Steve Jefferies Attorney General's Office (916) 324-7863
GRIP (Gang Risk Intervention Program)	Grants of \$100,000 per year. \$3 million available statewide each year.	To intervene and prevent gang violence	County offices of education	November	Chuck Nichols (SSVPO) (916) 323-1026
SB 1095: High-Risk First-Time Offender and Transitioning High-Risk Youth Programs	\$18 million for 1999-00 (5-year projects)	To design and implement early interventions to prevent chronic juvenile delinquency	School districts and county offices of education	To be announced	Bill Lane (SSVPO) (916) 323-5721
Student Leadership Grant Program	Up to \$5,000 per grant. \$120,000 each year.	To implement safe/healthy school projects that are designed and led by students	High schools	September	Bonnie Williamson (SSVPO) (916) 324-6159
Title IV (IASA) Safe & Drug Free Schools & Communities (This is not a competitive grant)	Approximately \$4.02 per pupil (federal fund entitlement)	To initiate and maintain alcohol/drug/tobacco and violence prevention programs in schools	County offices of education and school districts receive entitlements	June and October	Jerry Hardenburg (SSVPO) (916) 323-1025 Greg Wolfe Healthy Kids Program Office (916) 657-3040

# ACKNOWLEDGMENTS



Task Force members especially appreciate the work of Martha Henninger, School Psychologist and Dean Gaumer, Principal from the Washington Unified School District, West Sacramento for making it possible for the youth members to attend and render their unique and valuable contributions.

Thanks also to Jeffrey Wren, student at John F. Kennedy High School in Sacramento, for his participation at and contributions to the December task force meeting.

Also, we wish to thank the Attorney General's Crime and Violence Prevention Center staff members Peggy Bengs, Carl Estrella and Madeline Jimenez for their editorial and design contributions to this report.

This document can be obtained by writing:

Crime and Violence Prevention Center  
Attorney General's Office  
P.O. Box 944255  
Sacramento, CA 94244-2550

EXHIBIT 2



**ASSEMBLY BILL**

**No. 1785**

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**Introduced by Assembly Member Villaraigosa**

January 26, 2000

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An act to amend Sections 628, 628.1, 628.2, and 628.5 of the Penal Code, relating to hate crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as introduced, Villaraigosa. Hate crimes: school crime reporting program.

Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.

This bill would require the department to specifically include reporting of hate motivated incidents and hate crimes, as defined, on the standard school crime reporting form. This bill would also require the department to establish reporting guidelines and documentation for validation criteria for hate crimes, as defined. By increasing the reporting duty of school districts, this bill would impose a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

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

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) Hate motivated incidents and hate crimes  
4 jeopardize the safety and well-being of all students and  
5 staff and are injurious to those victimized by such  
6 behavior.

7 (b) There has been an increasing level of hate  
8 motivated incidents and hate crimes in our schools and  
9 communities.

10 (c) It should be the goal of the state to insure that  
11 students appreciate and respect diversity, understand the  
12 roles and contributions of people of diverse groups, and  
13 are prepared to interact harmoniously, work  
14 productively, and thrive personally in a pluralistic  
15 society.

16 (d) Current law requires that school districts report  
17 crime statistics to the California Department of  
18 Education, twice annually. However, the ongoing  
19 collection of information about hate motivated incidents  
20 and hate crimes is limited.

21 (e) Better reporting and data collection of hate  
22 motivated incidents and hate crimes will provide useful  
23 information, both locally and at the state level, to assist in  
24 targeting limited resources with greater effectiveness.

25 SEC. 2. Section 628 of the Penal Code is amended to  
26 read:

1 628. It is the intent of the Legislature in enacting this  
2 section to ensure that schools, school districts, local  
3 government, and the Legislature have sufficient data and  
4 information about the type and frequency of crime,  
5 *including hate motivated incidents and hate crimes*,  
6 occurring on school campuses to permit development of  
7 effective programs and techniques to combat crime on  
8 school campuses.

9 SEC. 3. Section 628.1 of the Penal Code is amended to  
10 read:

11 628.1. (a) By June 30, 1995, the State Department of  
12 Education, in consultation with the Department of  
13 Justice and a representative selection of school districts  
14 and county offices of education which currently compile  
15 school crime statistics, shall develop a standard school  
16 crime reporting form for use by all school districts and  
17 county offices of education throughout the state. No  
18 individual shall be identified by name or in any other  
19 manner on this reporting form. The form shall define  
20 what constitutes the criminal activity required to be  
21 reported and shall include, but not be limited to, all of the  
22 following:

23 ~~(a)~~  
24 (1) Description of the crime *or incident, including*  
25 *hate motivated incidents or hate crimes.*

26 ~~(b)~~  
27 (2) Victim characteristics.

28 ~~(c)~~  
29 (3) Suspect characteristics, if known.

30 (b) *For purposes of this section the following*  
31 *definitions shall apply:*

32 (1) *"Hate motivated incident" means an act or*  
33 *attempted act which constitutes an expression of hostility*  
34 *against a person or property or institution because of the*  
35 *victim's real or perceived race, religion, disability,*  
36 *gender, nationality, or sexual orientation. This may*  
37 *include using bigoted insults, taunts, or slurs, distributing*  
38 *or posting hate group literature or posters, defacing,*  
39 *removing, or destroying posted materials or*

1 announcements, posting or circulating demeaning jokes  
2 or leaflets.

3 (2) "Hate crime" means an act or attempted act  
4 against the person or property of another individual or  
5 institution which in any way manifest evidence of  
6 hostility toward the victim because of his or her actual or  
7 perceived race, religion, disability, gender, nationality, or  
8 sexual orientation. This includes, but is not limited to,  
9 threatening telephone calls, hate mail, physical assault,  
10 vandalism, cross burning, destruction of religious  
11 symbols, or fire bombings.

12 SEC. 4. Section 628.2 of the Penal Code is amended to  
13 read:

14 628.2. (a) On forms prepared and supplied by the  
15 State Department of Education, each principal of a school  
16 in a school district and each principal or director of a  
17 school, program, or camp under the jurisdiction of the  
18 county superintendent of schools shall forward a  
19 completed report of crimes committed, including hate  
20 motivated incidents and hate crimes as defined in  
21 paragraphs (1) and (2) of subdivision (b) of Section 628.1,  
22 on school or camp grounds at the end of each reporting  
23 period to the district superintendent or county  
24 superintendent of schools, as the case may be.

25 (b) The district superintendent, or, as appropriate, the  
26 county superintendent of schools, shall compile the  
27 school data and submit the aggregated data to the State  
28 Department of Education not later than February 1 for  
29 the reporting period of July 1 through December 31, and  
30 not later than August 1 for the reporting period of January  
31 1 through June 30.

32 (c) The superintendent of any school district that  
33 maintains a police department pursuant to Section 39670  
34 of the Education Code may direct the chief of police or  
35 other administrator of that department to prepare the  
36 completed report of crimes for one or more schools in the  
37 district, to compile the school data for the district, and to  
38 submit the aggregated data to the State Department of  
39 Education in accordance with this section. If the chief of  
40 police or other designated administrator completes the



1 report of crimes, the chief of police or other designated  
2 administrator shall provide information to each school  
3 principal about the school crime reporting program, the  
4 crime descriptions, *including hate motivated incidents*  
5 *and hate crimes as defined in paragraphs (1) and (2) of*  
6 *subdivision (b) of Section 628.1*, included in the reporting  
7 program, the reporting guidelines, and the required  
8 documentation identified by the State Department of  
9 Education for each crime description.

10 (d) The State Department of Education shall  
11 distribute, upon request, to each school district governing  
12 board, each office of the county superintendent of  
13 schools, each county probation department, the Attorney  
14 General, the Fair Employment and Housing  
15 Commission, county human relations commissions, civil  
16 rights organizations, and private organizations, a  
17 summary of the statewide aggregated data. The  
18 department also shall distribute, upon request, to each  
19 office of the county superintendent of schools, each  
20 county sheriff, and each county probation department, a  
21 summary of that county's school district reports and  
22 county reports. This information shall be supplied not  
23 later than March 1 of each year for the previous school  
24 year. The department shall also submit to the Legislature  
25 a summary of the statewide aggregated data not later  
26 than March 1 of each year for the previous school year. In  
27 addition, commencing with the second annual report, the  
28 department shall identify and analyze trends in school  
29 crime by comparing the numbers and rates of crimes and  
30 the resulting economic losses for each year against those  
31 of previous years.

32 (e) All school district, county, and statewide reports  
33 prepared under this chapter shall be deemed public  
34 documents and shall be made available to the public at a  
35 price not to exceed the actual cost of duplication and  
36 distribution.

37 SEC. 5. Section 628.5 of the Penal Code is amended to  
38 read:

39 628.5. The Legislature hereby recognizes that all  
40 pupils enrolled in California public schools have the



1 inalienable right to attend classes on campuses that are  
2 safe, secure, and peaceful. The Legislature also  
3 recognizes the importance of accurate school crime data,  
4 *including data on hate motivated incidents and hate*  
5 *crimes as defined in paragraphs (1) and (2) of subdivision*  
6 *(b) of Section 628.1*, in developing and implementing  
7 school safety strategies and programs.

8 The State Department of Education, in consultation  
9 with school districts and county offices of education, shall  
10 identify guidelines for reporting and documentation for  
11 validating the incidents of each crime description  
12 contained on the standard school crime reporting forms  
13 prepared pursuant to Sections 628.1 and 628.2. Reporting  
14 guidelines and documentation for validation criteria shall  
15 be established for each crime description, including, but  
16 not limited to, all of the following: battery, assault with a  
17 deadly weapon, graffiti, homicide, sex offenses, robbery,  
18 extortion, drug and alcohol offenses, possession of  
19 weapons, destructive devices, arson, burglary, theft, ~~and~~  
20 *vandalism, and hate motivated incidents and hate crimes*  
21 *as defined in paragraphs (1) and (2) of subdivision (b) of*  
22 *Section 628.1.*

23 SEC. 6. Notwithstanding Section 17610 of the  
24 Government Code, if the Commission on State Mandates  
25 determines that this act contains costs mandated by the  
26 state, reimbursement to local agencies and school  
27 districts for those costs shall be made pursuant to Part 7  
28 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the  
30 claim for reimbursement does not exceed one million  
31 dollars (\$1,000,000), reimbursement shall be made from  
32 the State Mandates Claims Fund.

**EXHIBIT 3**

# **Security and Crime Prevention Strategies in California Public Schools**

*By Marcus Nieto*

*Prepared at the Request of*  
*Senator Dede Alpert, Chair, Senate Education Committee*  
*Senator Teresa Hughes, Chair, Senate Select Committee*  
*on School Safety*

**OCTOBER 1999**



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## EXECUTIVE SUMMARY

*"The progress of a state may be measured by the extent to which it safeguards the rights of children."*<sup>1</sup> G. Abbott

Senator Hughes and Senator Alpert requested that the California Research Bureau (CRB) conduct a survey of school security policies and practices of a representative sample of California school districts. This survey represents the first attempt to assess the security measures and crime prevention resources used by school districts in California. Subsequent events, such as the Columbine High School tragedy, have keenly focused public attention on the issue of safety in public schools.

The CRB survey finds that school districts in California generally respond to school violence in two distinct ways. The most common approach is through *violence prevention* curricula whereby individual one-on-one violence and aggressive behavior is addressed through counseling, life skills building, peer mediation and conflict resolution. The other, but less common approach, is to make it physically difficult for terrorist acts to occur on school campuses by using a combination of highly visible security personnel along with detection technologies such as metal detectors and surveillance cameras, and more conventional security measures such as canine searches, locks, and metal bars. Few school districts are prepared to deal with a catastrophic event, such as the taking of hostages or a tragedy such as that at Columbine.

Key findings from the CRB survey of interest to policymakers include:

- Most of the largest school districts (more than 22,000 students) in California combine violence prevention program curricula with a strong police and security presence. In contrast, many of the state's smallest school districts (less than 1,000 students) do not have a visible law enforcement presence on school campuses and do not see a need to have one.
- Many school districts in the state are incorporating the use of closed circuit video surveillance cameras (CCTV), canine searches, and metal detectors into their school safety programs.
- The vast majority of school districts actively use violence prevention and anti-drug use curricula, but are unable to directly measure the impact or effectiveness of the curricula on reducing violence and drug use among students. National studies suggest wide variation in effectiveness.
- Many small school districts (under 5,000 students) and elementary and middle schools in some average size school districts (less than 22,000 students) rely primarily upon school staff, teachers and volunteers to provide supervision and security during school hours.

The involvement of students, parents and a broad range of civic and public officials in violence prevention planning and implementation is key to an effective program, according

to the research literature. Few California school districts have brought together these kinds of resources at the local level to formulate a community response. For example, the CRB study found that:

- Local judges are not involved in violence prevention planning at the school or school district level even though they make decisions in juvenile, dependency, family and criminal courts affecting school-age children.
- Schools do not have access to data to track individuals and families involved in the judicial system so as to improve the focus of services provided by the school.
- School safety plans do not include a full range of security issues, but instead focus primarily on data collection of school-related crime, emergency procedures, dress codes, and harassment policies, as currently required by state law (*Education Code, Section 35294.1 et seq.*).
- Schools may not have adequate data about youth drug use and violence in the community to formulate an effective response.

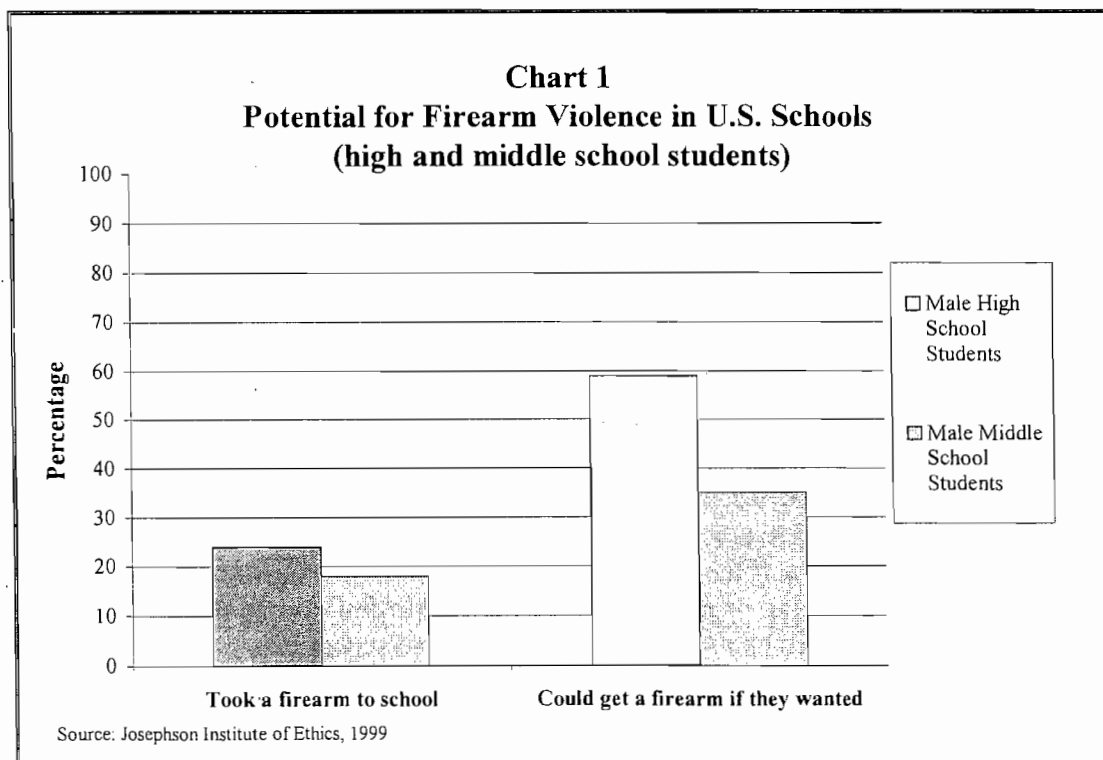
The survey found a wide range of professionalism in school security. Nearly 13,000 part-time and full-time school district personnel provide security in California's K-12 schools. However, a substantial number of these personnel are not trained nor certified to perform safety nor security-related work. Most are teachers, staff or volunteers. In contrast, around half of the state's largest school districts (student population of over 22,000) have their own police forces. Only ten percent of medium-sized districts (student population 5,000 to 21,999) and very few smaller districts (student population under 5,000) have a dedicated school police force. A substantial number of school districts have agreements and contracts with municipal police or other local law enforcement agencies for security: more than 900 municipal police officers provide security at K-12 school districts.

Finally, survey findings and the evaluation literature raise important policy questions about the effectiveness of the violence and drug prevention programs used by school districts. These programs receive significant public funding (nearly \$100 million in 1998/99) yet most lack any outcome data. One prominent researcher, Delbert Elliott, director of the Center for the Study and Prevention of Violence in Colorado, contends that "we are wasting money on programs that have been demonstrated not to work."

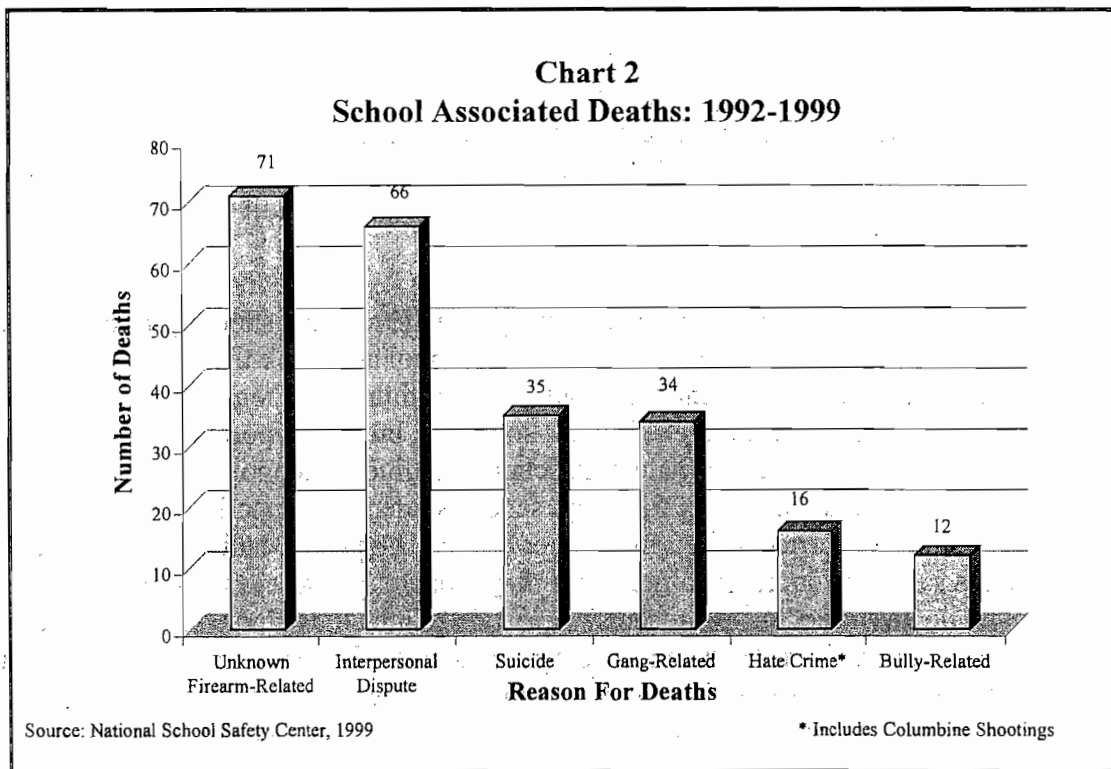
## VIOLENCE IN AMERICAN SCHOOLS

School safety is a serious problem. Nearly 3 million crimes a year are committed in or near the 85,000 U.S. public schools. About one in nine public school teachers, and one in four public school students, reported being victims of violence in 1996. School crime and vandalism cost taxpayers an estimated \$200 million a year.<sup>2</sup> School violence can include gang activity, locker thefts, bullying and intimidation, gun use, assault—any activity that produces a victim.

According to a recent poll, many American teenagers believe that a shooting rampage like the one in Littleton, Colorado, could happen at their school and think they know a student who might be troubled enough to carry one out.<sup>3</sup> About four out of ten students polled said they know students who have threatened to kill someone, but few reported the threat to school officials. A 1999 survey of male high school and middle school students by the Josephson Institute found that one in four high school students and nearly one in five middle school students carried a firearm to school in the last year. A third of the middle school students said they could get a firearm if they wanted one, as could 60 percent of high school students (Chart 1).<sup>4</sup> A recently released federal study finds that while there has been a reduction in the number of high school students who reported carrying a firearm to school between 1991 and 1997, up to 60 percent still have access to firearms.<sup>5</sup> From 1992 to the present, firearm-related shootings accounted for 78 percent of all school-associated homicides and suicides.<sup>6</sup>



Random and spontaneous acts of violence, like that which occurred at Columbine High School, instill a climate of fear in schools. But most violent school-related crimes involve an interpersonal dispute and a single offender and victim.

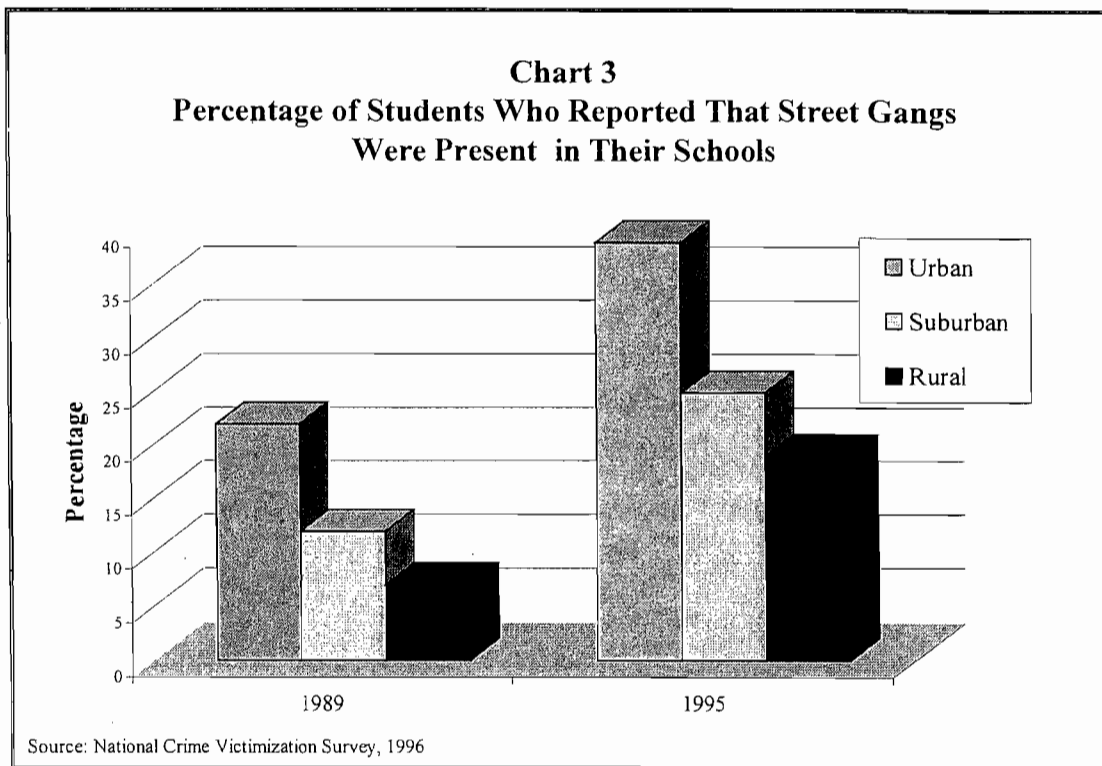


Like most learning, the earliest sources of school violence begin in the family. Children bring into the classroom their family environment, their experiences in the neighborhood, their attitudes about how to handle frustrations and discipline, and their entire socialization and view of the world. Weak parental bonding, ineffective parenting (lax monitoring, discipline, and supervision), exposure to violence in the home, and a social climate that glorifies violence put children at risk for being violent later in life.<sup>7</sup> Outside of the home, school is a place where children from diverse racial and ethnic backgrounds come together to spend the greater part of their day. Incidents of violence may arise due to racial tensions, cultural differences in attitudes and behavior, and neighborhood rivalries.

Once in school, peer pressure in the middle or high school is a major influence on at-risk teens, who often compete for acceptance and status among peers. Serious violence at or near schools is often associated with youths or groups of youth who may be seen as failures in school and rejected by their peers. Without intervention by parents and school, these rejected teens may form new bonds among themselves, rationalizing their disengagement from peers and fomenting anger. In communities where youth are exposed to violence through gangs and drugs, teens have a more difficult time resolving conflicts non-violently. Violence can be modeled, encouraged, and rewarded.

Violence crosses all social and economic boundaries. Gangs, drugs, weapons, and juvenile crime are increasingly present in rural, suburban, and urban communities and schools. For example, school-related multiple murders over the last two years have occurred in small, rural, and predominately white communities lacking histories of high-profile violence and high crime rates.

Gangs and drugs are important indicators of a problem. In 1995, students who reported that they had been victims of a violent crime at school were also more likely to report that drugs were available at school than students who had not (73 percent to 65 percent). Although urban students were more likely to report street gangs at their schools than were suburban or rural students, between 1989 and 1995, school gangs increased in all three residential categories (Chart 3).<sup>8</sup>



The 1995 National School Crime Survey found that students perceive specific areas in the school (such as entrances, hallways, or restrooms,) as unsafe. They also fear being attacked on the way to and from school. According to the survey, between 1989 and 1995, the percentage of students age 12 through 19 who reported fearing being attacked or harmed on the way to and from school, and who avoided one or more places at school, nearly doubled. In 1996, the Departments of Justice and Education found that nearly three times more nonfatal violent crimes with student victims occurred away from school than in school (255,000 incidents to 671,000 incidents).<sup>9</sup>

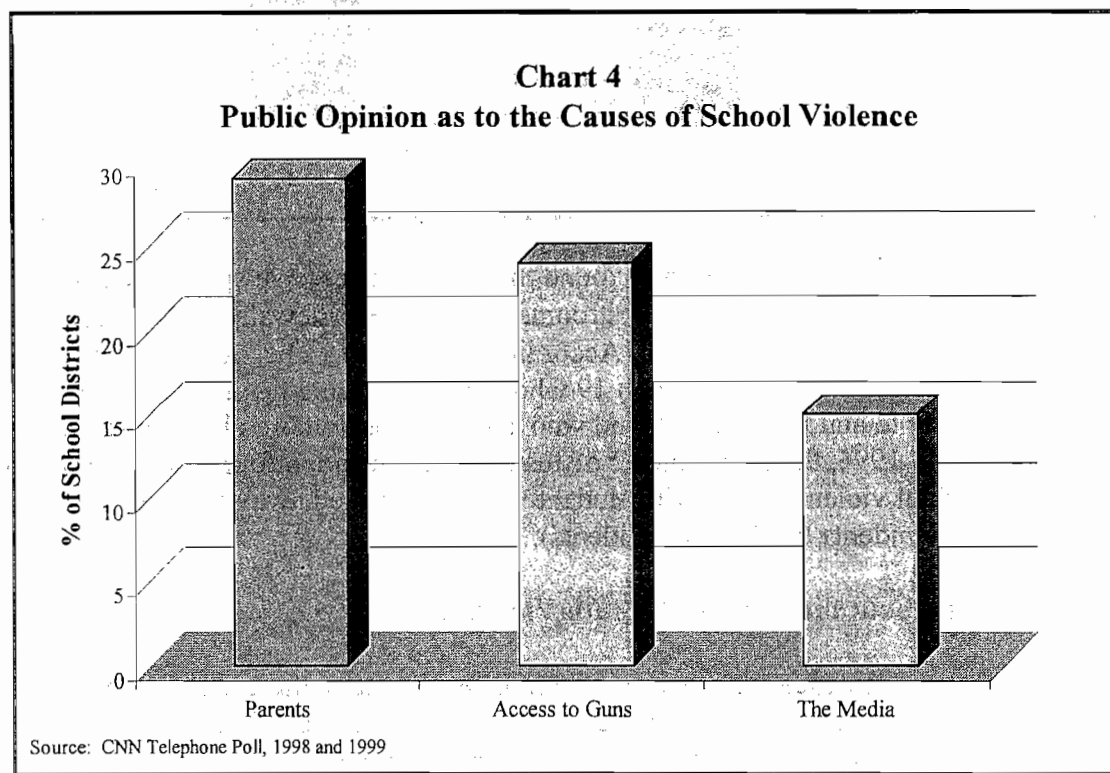
### **Public Opinion About the Causes of Youth Violence**

Even though school violence has been a concern for many years, there are different perspectives about its causes. For example, the public and the education community sometimes view school violence differently. With frequent news stories about student violence, the public may feel that schools are not doing their part to stop violence. On the other hand, many educators do not see schools as violent places, but rather as places where students congregate and bring community and family problems that might erupt into violence. In a 1998 Gallop poll survey, when respondents were asked the major problems

facing public schools, the top three answers were “lack of discipline by schools,” “violence/fighting,” and “drug use.” In contrast, a 1998 survey of school district administrators ranked the most serious problems facing school principals as student tardiness (41 percent), absenteeism/cutting class (25 percent), and physical conflicts among students (21 percent). In responding to student behavioral problems, school districts suspended students for more than five days (49 percent of the time), expelled students (31 percent of the time), or transferred students to alternative schools/programs (20 percent of the time).<sup>10</sup>

Some commentators assert that young people’s failure to learn fundamental moral values is one reason for school violence, while others see glorified violence in the culture as a contributing factor. According to a 1999 national survey of parents and teens, only 37 percent of the respondents were of the opinion that today’s children will grow up to make America a better place. The same poll found the public disturbed by the lack of values such as honesty, civility and responsibility in America’s youth.<sup>11</sup>

According to a 1999 *NEWSWEEK* poll, 90 percent of Americans believe that parents today do not spend as much time with their teenagers as they should, and over 40 percent believe that baby boomers do not provide enough guidance to give their teens a strong base.<sup>12</sup> In a CNN media poll conducted after the Jonesboro and Columbine tragedies, the top three responses to “who or what is most responsible for school violence,” were parents, access to guns, and the media (see Chart 4).





## Contemporary Approaches to School Safety

According to researchers, two common community responses occur after every high-profile case of school violence:

- “We never thought it could happen here.”
- “There is nothing you can do to prepare for such incidents.”

Some parents and students have responded to school safety concerns by moving to home schooling. In the last two years, home schooling has increased from 700,000 to 1.5 million school-age children. According to Brian Ray, President of the National Home Education Research Institute, “In the last couple of years we are seeing more parents concerned with safety at schools whether its violence, drugs, or psychological and emotional safety.”<sup>13</sup>

Some schools have developed comprehensive school safety plans that incorporate effective, research-based programs and strategies, zero-tolerance policies for drugs and weapons, and community collaboration. The goal of such plans is to create and maintain a positive and welcoming school climate, free of drugs, violence, and intimidation, in which teachers can teach and students can learn. According to national school security experts, there are three basic elements for establishing an effective school safety policy:<sup>14</sup>

- Improving data collection to measure the extent of the problem. Schools and communities cannot develop effective strategies, nor allocate prevention resources effectively, without a thorough understanding of the nature and extent of youth drug use and violence in the community.
- Involving community and local organizations in the development and implementation of school safety plans. Active participation from parents, teachers, students, law enforcement officers, elected officials and business leaders is crucial.
- Using a variety of crime prevention programs or strategies to effectively meet the needs of all students. Successful school safety plans involve a variety of broad-based strategies, policies, and programs that focus on improving the overall quality of the school environment.

According to *TIME* magazine, hand-held metal detectors, the adoption of school uniforms or clothing restrictions, surveillance cameras, and panic alarms have become common policies for schools since the school violence in Jonesboro and Littleton.<sup>15</sup> One Maryland county school district has installed a sophisticated \$685,000 camera surveillance system in all 23 high schools, issued student identification cards, stationed uniformed police officers on campuses and created back door exits for administrative offices. “I never thought in my career I would recommend electronic cameras in schools. But we’ve never had anything like this before in America,” said Superintendent Paul Vance, of Montgomery School District.<sup>16</sup> A Connecticut school district stations plain-clothes guards at all school campuses and armed police at school entrances, and has teams of counselors looking for warning signs among troubled students. In Indiana, the state superintendent and department of education collaborated with Indianapolis law enforcement to stage a mock

school hostage simulation.\* Nonetheless, many school districts are unprepared to deal with an event of random violence such as at Jonesboro or Columbine, according to the National School Board Association's school security expert.<sup>17</sup>

Some school safety experts are calling for the use of telephones in each classroom, a cell phone for each school, breathalyzers in each high school, and surveillance cameras in school areas that are security risks.<sup>18</sup> Several states have created anonymous toll-free telephone hot lines or internet sites for persons to report students with guns and weapons on school campuses. Several state attorneys general have established school safety task force web sites that update current and proposed state laws pertaining to school safety and crisis preparation.

However, the most common violence-prevention measures are relatively inexpensive. A 1998 study found that the direct prevention plan most commonly reported by school district administrators includes placing teachers in hallways, grouping troubled students in alternative schools, and requiring visitor registration.<sup>19</sup>

### **Selected School Drug and Crime Prevention Funding Programs**

There are a number of school violence prevention programs. Although much emphasis has been placed on drug prevention funding, violence prevention programs have had the most success. Some focus on individual children who are identified by teachers or peers as aggressive or at risk for school failure. These programs strive to increase student social competence and to reduce aggressive behavior. Another set of programs focuses on family risk by working with parents, peers, and community members. Other programs attempt to change the school environment. Still others believe the best way to address the school violence issue is to focus on legal reform, including federal civil rights legislation to establish the rights of children to attend schools which are, safe, secure and peaceful.<sup>20</sup>

State legislatures have recently enacted legislation improving the access of schools to juvenile justice information and records for schools and juvenile justice agencies, increasing security on school grounds, and enacting tough penalties for serious juvenile felons. The federal government has spent nearly \$6 billion since 1985 on school drug and alcohol prevention programs. A number of states, including California, Colorado, Kansas, Minnesota, Oklahoma and Utah, have established community-based violence prevention programs that involve public schools as partners with other agencies and organizations, such as law enforcement and nonprofits. However, many of these programs do not have a consistent long-time funding base. Others, such as some drug prevention programs, are not rated effective by program evaluations.<sup>21</sup>

Federal and state grant funds are available to school districts for crime prevention programs. In California, school districts generally rely on federal formula grant programs such as *Title IV* and federal and state discretionary grants to pay for drug and violence

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\*Many of the lessons learned from this exercise are available in a training video and regional training workshop on school security and crisis preparedness sponsored by the Indiana Department of Education. The training video is entitled, "Youth Crisis Planning and Response to Hostage Taking in Schools."

prevention efforts. Formula grants, which are allocated according to population, give schools and school districts wide latitude on how to use the funds. Discretionary grants must be applied for and usually have specified criteria that restrict the use of the funds. Schools and districts often piece these funding grants together along with general funds to meet their most pressing crime prevention needs. Most grant programs do not require schools and districts to evaluate or compile data on the outcome of the programs or their effect on student behavior.

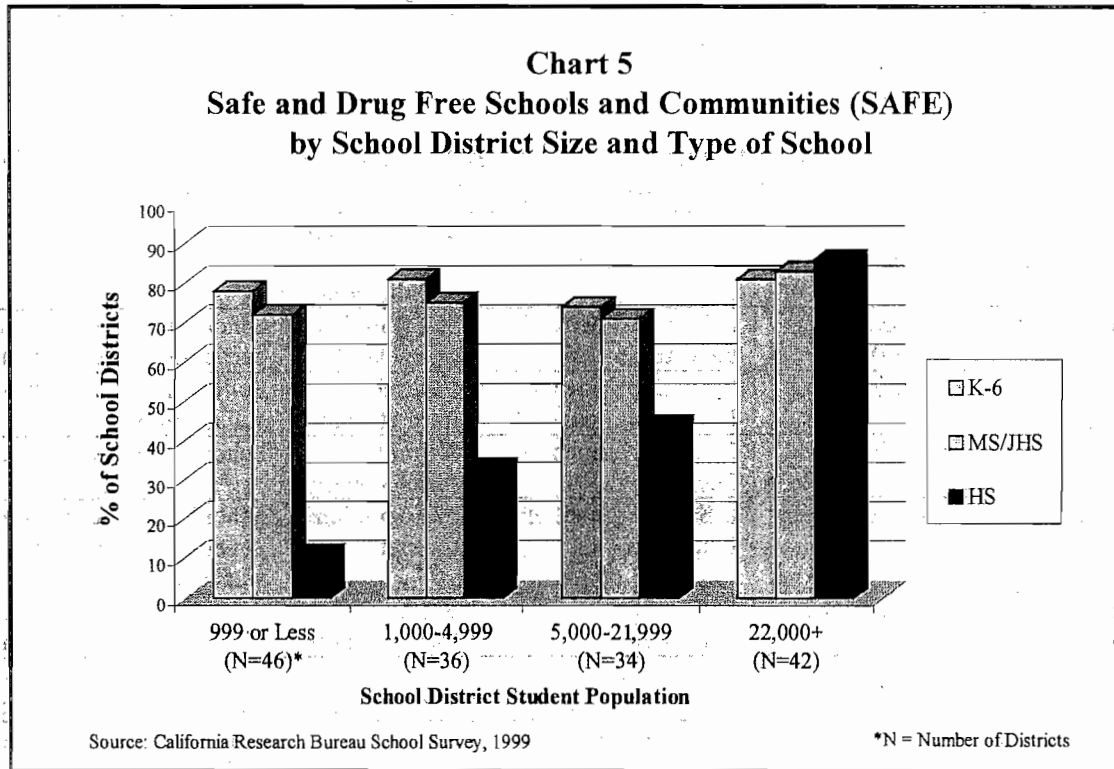
Funding Program	Agency	FY 1999/2000 Funding for California	Strategy
Safe and Drug Free Schools and Communities Act (Title IV)	U.S. Department of Education	\$59.5 million (formula)	School staff training and curriculum development
School Policing and Partnership Act	Calif. Departments of Justice and Education	\$3 million (discretionary)	Police and community agency collaboration
Conflict Resolution and Youth Mediation Program	Calif. Department of Education	\$.9 million (discretionary)	School violence prevention
21 <sup>st</sup> Century Community Learning Center Programs	U.S. Department of Education	\$24.6 million (discretionary)	School district curriculum development for reentering students
High Risk Education and Public Safety	Calif. Department of Education	\$18 million (discretionary)	School program development for reentering at-risk students
Gang Risk Intervention Program	Calif. Departments of Justice and Education	\$3 million (discretionary)	County Education departments and local law enforcement
Gang Crime and Violence Prevention Partnership Program	Calif. Department of Justice	\$3 million (discretionary)	Police and community agency collaboration
After School Learning and Safe Neighborhoods Partnerships Program	U.S. Department of Education	\$50 million (discretionary)	Schools, community agencies, elected officials, and parent collaboration

*Safe and Drug Free Schools and Communities Act of 1994 (Title IV)*

This federally-funded formula grant program is used by school districts as they deem appropriate to provide instruction, student counseling, teachers and staff training, before- and after-school programs and community service, and violence prevention curriculum development and acquisition. It is also used to fund Drug Abuse Resistance Education (*DARE*), a well-known prevention program, and red-ribbon week. Program flexibility also allows school districts to spend up to 20 percent of their annual allotment for safety measures such as installing metal detectors and hiring security personnel. While California school districts are not required to report to the Department of Education on how the funds are spent, in FY 1998/99 they were required to spend the funds on "research-based" strategies. California school districts received \$59.5 million (or about \$4.83 per student) in FY 1998/99. In FY 1999/00, school districts in California will receive \$49.4 million (or about \$4.02 per student).

The CRB school survey found that school districts of all sizes around the state use these funds for drug prevention programs. However, fewer high schools in small- and medium-

sized school districts receive these funds (see Chart 5, page 10). One small school district reported receiving less than \$100 in FY 1997/98, so the district placed it on reserve until there was enough to accomplish something meaningful.<sup>22</sup> Some small and rural school district officials indicate that drug abuse is not an issue in their schools, which may in part explain why they participate less in SAFE.



#### *School Policing and Partnership Act of 1998 (Intervention-based)*

This state-funded discretionary grant program is available to schools and school districts to form partnerships with law enforcement and community agencies to prevent crime and violence in schools (*AB 1756, Chapter 317, Statutes of 1998*). According to a survey by the California Department of Justice, 67 percent of school districts have school safety teams that include school site staff, law enforcement, and probation officers. In addition, 40 percent of these school districts include community representatives and volunteers in their partnerships.<sup>23</sup> The state allocated \$3 million for the program in FY 1999/2000.

#### *Conflict Resolution and Youth Mediation Grants*

This state Department of Education program provides discretionary grant funds to schools and school district to implement a variety of school violence reduction programs and strategies to address identified local needs. The mini grants are administered through County Offices of Education. The state Fiscal Year 1998/99 budget allocated \$280,000 for conflict resolution program grants and \$625,000 for community policing and partnership grants.

### *High-Risk Youth Education and Public Safety*

This state Department of Education program provides \$19 million for two five-year discretionary grant programs to school districts and county offices of education to help at-risk youth leaving a county or state juvenile justice facility with the necessary resources to reenter school. The program requires close collaboration between the school district, the school, county probation, and the family to provide structured 8-12 hours per day programming for the student. According to the Department of Education, 19 school districts receive funding for the program in FY 1999/2000.

### *The 21st Century Community Learning Center Program.*

This U.S. Department of Education grant program provides expanded learning opportunities for participating children in a safe, drug-free and supervised environment. Grantees are free to design their own programs to meet their after-school needs. Three-year demonstration grants are administered by schools or school districts. In FY 1998/99, \$200 million was available nationally for demonstration grants. In California, 59 schools or school districts received \$24.6 million for their projects. This amounts to 12 percent of the available federal funds, although California has 15 percent of the nation's school-age population. It is anticipated that as much as \$600 million will be available nationally for FY 1999/2000.

### *Gang Risk Intervention Program (GRIP)*

This state discretionary grant program (\$3 million annually) is administered by the Department of Justice through County Offices of Education, with the goal of keeping gangs out of schools by involving parents, teachers, school administrators, nonprofit community organizations, and gang experts in the decision-making process. School districts with GRIP programs provide counseling for students, connect students to positive sports and cultural activities, provide job training to students (including apprenticeship programs and career exploration in the community), and create opportunities for youth to have positive interactions with law enforcement officers. In FY 1999/2000, thirty school programs received \$3 million.

### *Gang Crime and Violence Prevention Partnership Program*

This discretionary grant program is administered by the California Department of Justice and is designed to assist schools, parents, community groups and law enforcement agencies by providing basic information and innovative strategies to help prevent youth from joining gangs. About \$3 million annually is available to community-based organizations and non-profits that are working in partnership with schools and/or law enforcement.

### *After School Learning and Safe Neighborhoods Partnerships Program.*

This state funded multi-purpose discretionary grant program is targeted at schools that are successful at building broad-based support from local neighborhoods, parents, community

groups, local elected officials, and churches to help students with their after school academic and recreational needs. The Department of Education is responsible for awarding grants to school sites that demonstrate a need for these services and the capacity to bring together diverse local community groups that are committed to the program. School districts in Sacramento, Los Angeles, and San Diego counties (START, BEST, and Critical Hours Programs) are considered by the Department of Education to have model programs. In FY 1999/2000, \$50 million was available. Schools had to match the awarded grants on a dollar per dollar basis.

## BRIEF HISTORY OF SCHOOL VIOLENCE PREVENTION EFFORTS IN CALIFORNIA

In the spring of 1974, the Attorney General and the Superintendent of Public Education convened an Ad Hoc Task Force on "Management of Conflict and Crime in Schools." The catalyst was concern about gang involvement on school campuses, increasing acts of violence and assault, and general problems of discipline and control, especially in Los Angeles schools. The Task Force concluded that there was very little coordination between school and criminal justice officials, prevention efforts and crisis planning were non-existent, and that reporting of school-related crime was poor, not uniformly coded, and lacked a statewide mandate.<sup>24</sup>

In 1980, Attorney General George Deukmejian filed a unique civil action in Los Angeles Superior Court (*Civil No. 64340*). The action sought to clarify the law regarding both the constitutional rights of Los Angeles Unified School District (LAUSD) school children, and the duties of various defendants including the city council, board of supervisors, district attorney, police department and sheriff's department to eliminate or reduce school violence. The civil action, entitled *A Lawsuit to Restore Safety in the Schools*, contended that:

Children are being compelled to attend schools where conditions exist which adults would never tolerate in places of work. Adults can speak and act for our children who cannot speak and act for themselves. Students should be able to attend school without fear of being subject to physical violence.\*

The lawsuit was dismissed in Los Angeles Superior Court on the grounds that the State had no right to file an action against a local government entity.<sup>†</sup>

The *School Attendance Improvement Act of 1980* funded 32 school districts in a pilot program to reduce truancy, improve attendance through rewards, train teachers and counselors in new discipline strategies, and allow police on campus.<sup>25</sup> (Outcome information on the success or failure of this pilot project is not available.) In 1982, the people voted to add Article 1, Section 28(a) and 28(c), to the California Constitution, establishing the inalienable constitutional right to safe, secure and peaceful schools. In 1984, the legislature enacted a new uniformed state school crime reporting structure (*Penal Code, Section 628 et seq.*). Legislation was also enacted giving law enforcement leeway to pursue and investigate juvenile crime on campus (*Welfare and Institution Code, Section 625 and 625.1*). More recent legislation authorizes three-year demonstration grants to school districts to prevent truancy, antisocial behavior, and delinquency (*Chapter 200, Statutes of 1997*).

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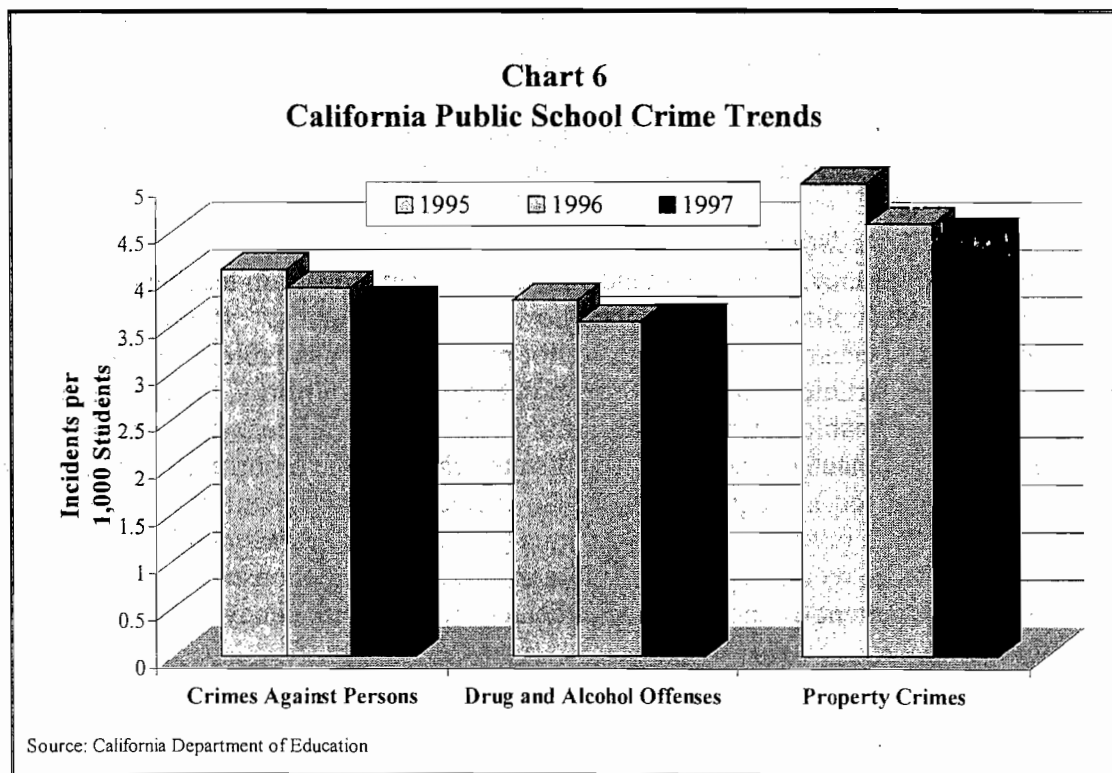
\* Attorney General George Deukmejian, "A Lawsuit to Restore Safety in the Schools," *Campus Strife, The Educator's Crime Prevention Quarterly*, California Department of Justice, 1980/81

† This decision was appealed to the State Appellate Court where it was upheld shortly after in a non-published decision (Civil No. 64341).

California was one of the first states in the nation to mandate the collection of uniform crime data on school crime. However, the collection process was neither consistent school-to-school or district-to-district, according to the Department of Education. Many school districts did not systematically collect data nor have reliable computerized systems. Some school districts initiated zero tolerance policies that led to increased reporting of school crime incidents, while other districts remained more tolerant of such incidents and did not report them. These factors led to an “over- and under-reporting” problem that damaged the reputation of some schools and affected the willingness of others to report crime data. As a result, the school crime reporting system was temporarily suspended in 1993 until a more reliable system could be developed.<sup>26</sup>

The *California Safe Schools Assessment* became law in 1995, requiring all school districts to report incidence of school crime under a new and uniform reporting structure (*Penal Code Section 628 et seq.*). Unlike previous years when school crime data was not uniformly reported or audited, the new system requires a management team from several different state and private agencies to audit and cross-check data submitted by schools and school districts. This process assures to a certain degree that schools and school districts are interpreting and reporting school crime in the same manner.

Chart 6 reports data over a three-year period from California schools, drawn from the improved reporting structure. There have been significant reductions in crimes against persons and property, but not in drug and alcohol offenses.





## Safe School Plan Development in California School Districts

California schools are required to have a safe school plan completed by September 1998 (*Education Code, Section 35294.1 et seq.*), although small school districts (under 2,500 students) can develop a district-wide plan. School site councils (*Education Code Section 52853*) are responsible for developing the safe school plans. Schools are generally required to include the following in the plan:

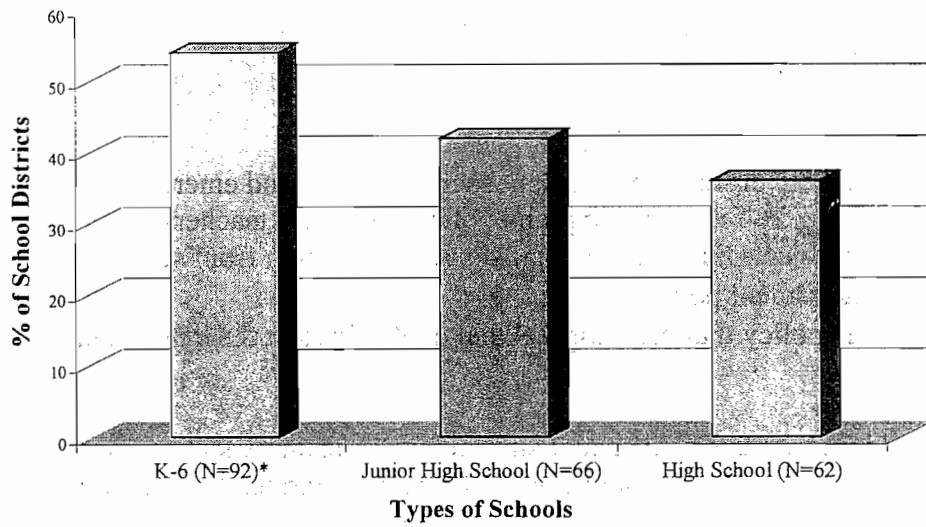
- A process to assess school-related crime.
- Strategies to help ensure school safety such as routine and emergency disaster procedures, child abuse reporting, and policies to notify teachers about students who commit serious acts that require expulsion or suspension from school.
- A sexual harassment policy.
- A dress code policy that bans apparel that could threaten the health and safety of the student body.

Schools could include the local school site council's recommendations in the safety plan, and were required to use the School/Law Enforcement Partnership publication *Safe Schools: A Planning Guide for Action* as a resource. Schools were prohibited from contracting with private consultants to develop their plans. The *Safe Schools Plan* law is scheduled to expire on January 1, 2000. Legislation (*SB 334*) has been passed to make the requirement permanent, including yearly updating. The CRB school survey found that all school districts have completed a school safety plan as required. However, many schools have not incorporated crisis management planning (responding to a terrorist act such as that at Columbine High School) into school safety plans. This is not currently a requirement of school safety plans.

According to judges interviewed for this report, the judiciary has been largely absent from the discussion and development of school safety plans. They believe that family, juvenile, dependency, and criminal courts and their administrative adjuncts could be important elements in promoting and preserving safe schools and should be part of the community planning process. A key is how to identify "at-risk" students. Recently enacted legislation (*AB 1366*) requires that teachers and counselors undergo training to identify at-risk students for counseling. On the other hand, "confidentiality and privacy laws" make it difficult for county social service agencies to share information with school districts about troubled young people and their families.<sup>27</sup> Judges can facilitate information sharing between county, school and criminal justice institutions to improve protection for children, school staff and the public.<sup>28</sup>

Schools are also required to evaluate and amend their safety plans no less than once a year to ensure that they are updated and properly implemented. The CRB school survey found that many school districts in the state have not yet undertaken school safety plan evaluations, as shown in Chart 7. The intention is that activities stated in a school safety plan be measured as to their success in meeting the plan's goals. While the legal requirement that school districts have a safe school plan in place sunsets January 1, 2000, the evaluation requirement does not. Therefore, schools that have not met the evaluation requirements are required to do so.

**Chart 7**  
**Number of Evaluated School Safety Plans by School Type**

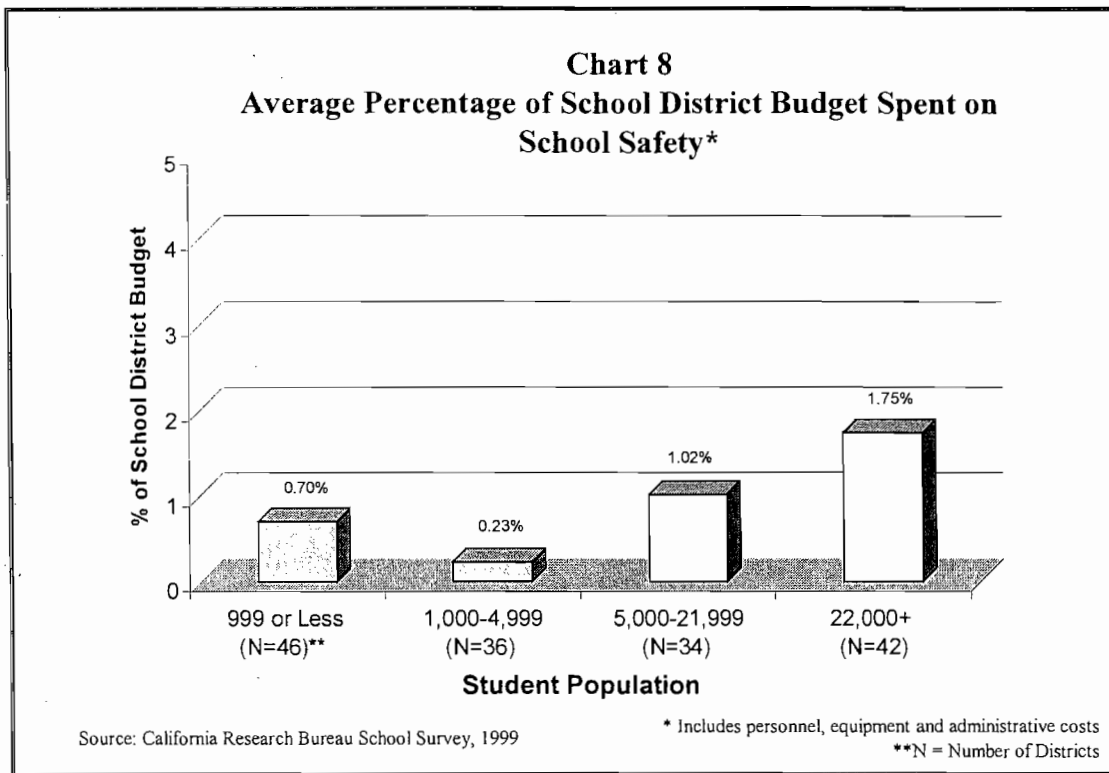


Source: California Research Bureau School Survey, 1999

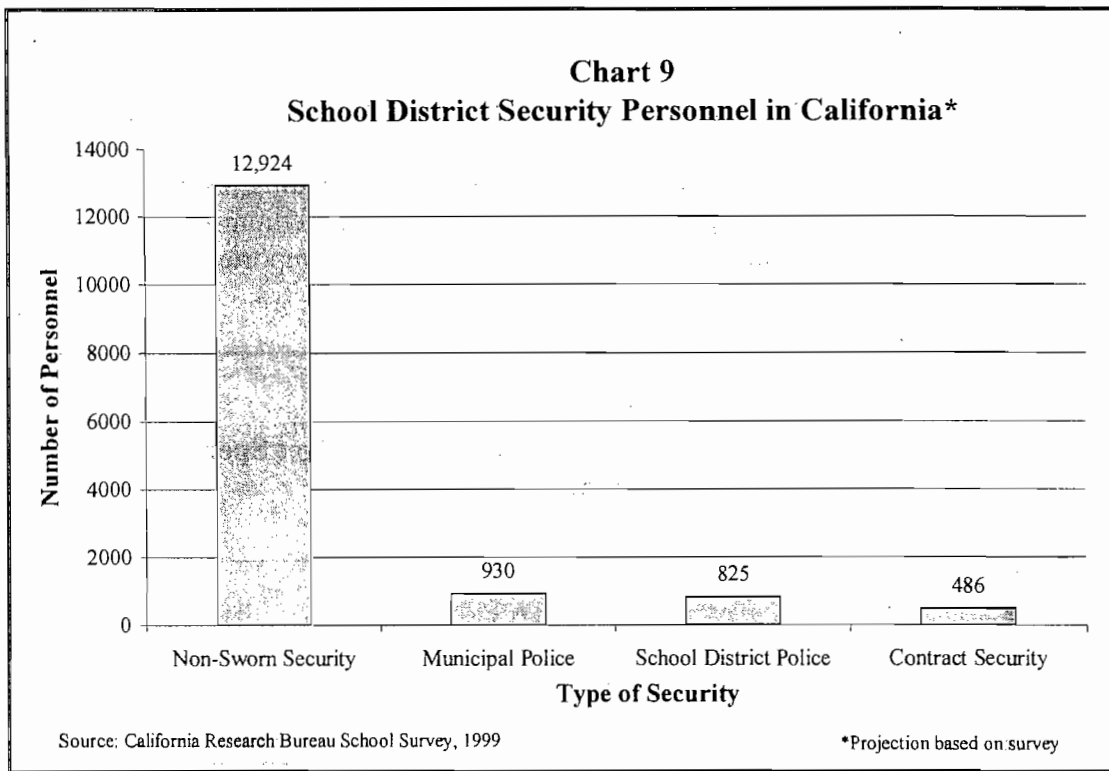
\*N = Number of Districts

## CALIFORNIA SCHOOL SECURITY RESOURCES

According to the CRB survey, the average school district security and safety budget is less than two percent of the total district budget, although eight districts report a higher percentage. The vast majority of small school districts report spending less than \$100,000. About a third of the largest districts, and a few of the medium-sized districts, spent more than \$1 million, while another third of school districts reported spending between \$1 million and \$500,000.



Traditionally teachers, administrators, and support staff filled the role of school security, but no longer can do both jobs adequately in many schools. The CRB survey found that most school districts in California use a combination of non-sworn in-house security (including teachers, administrators, and support staff), contract security, school police and municipal police. Maintaining a dedicated school police force requires a considerable financial commitment. Relative cost may be one factor influencing choice of security personnel (see Table 2, page 17).



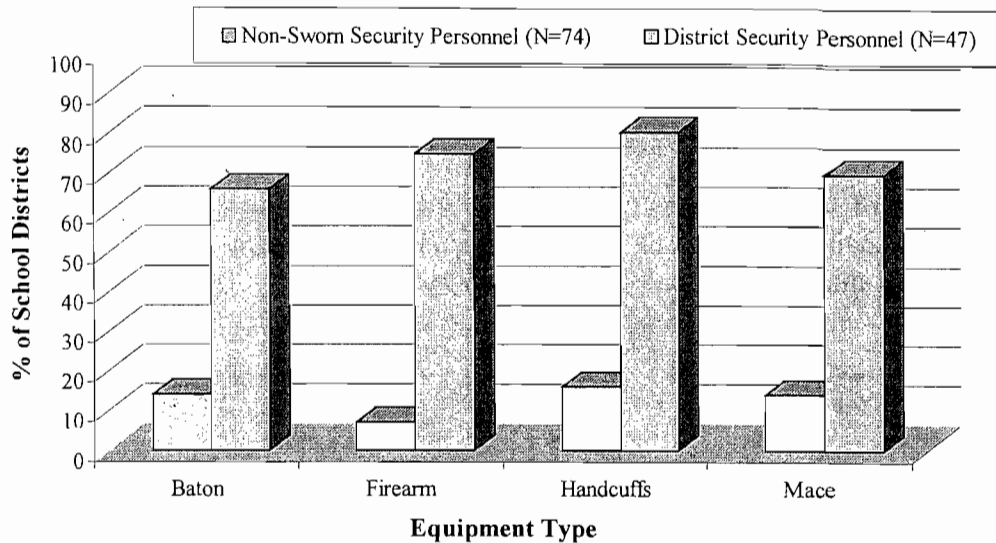
Non-sworn school security and non-sworn contract security personnel also provide security services to California school districts. Included among these personnel are school faculty, other school employees and volunteers. Based on the CRB survey sample, an estimated 12,924 non-sworn security personnel provide school security services in California school districts (see Chart 9). Contract security personnel, and non-sworn security personnel employed for that purpose by California school districts, usually report to the site administrator or their designee, and receive their assignments from them as well. Their average pay range is \$8.00 per hour for part-time work to \$12.00 per hour for full-time work.

**Table 2**  
**Comparative Pay Scales for Law Enforcement Personnel Working in K-12 Schools**

Type of Agency	AVERAGE MONTHLY OR HOURLY WAGE
Municipal Police	\$4,350
Sheriffs	\$4,000
School District Police	\$3,200
Non-Sworn School and Contract Security Personnel	(\$8.00 to \$12.00 an Hour)

Source: Peace Officers Standards and Training, 1999

**Chart 10**  
**Equipment Used by School District Police and Non-Sworn Security Personnel**



Source: California Research Bureau School Survey, 1999

School district police officers (and in some cases, non-sworn security personnel) are authorized by law to carry firearms, batons, handcuffs and mace. According to the CRB survey, seven in ten school districts with district police allow their officers to carry all the safety equipment available to them, including firearms, but only one in ten districts allow contract security personnel to carry firearms (see Chart 10 above). This could reflect the uneasiness school districts and communities have about the use and presence of firearms on school campuses. For example, one large urban school district recently disallowed contracted municipal police from carrying firearms on school grounds.

### School District Police

School district police are employees of the districts. Their numbers and duties vary from district to district and, in many cases, from school to school within the same district. School district police officers are authorized to carry firearms, investigate crime scenes, submit crime reports to the district attorney and juvenile courts, make arrests under certain circumstances, and obtain search warrants. Projected from findings of the CRB survey, there are about 825 school district police officers in the state.\*

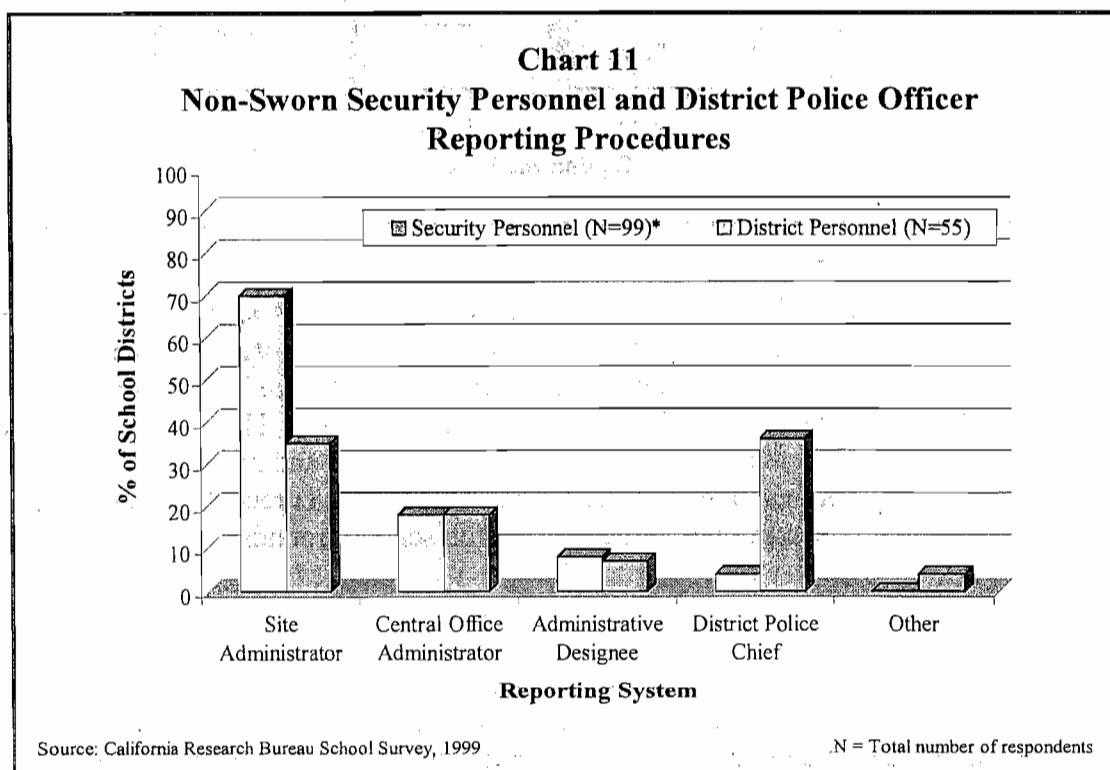
The reasons that a school district might prefer a dedicated school district police force vary, but the most important are their availability at all times to respond to a serious incident, and their familiarity with the schools and students. The CRB school survey found that less than half of the largest school districts in the state have a dedicated police force. Less than a third of school district police forces provide 24-hour security for

\* Responding school districts reported 624 full time school district police, 525 municipal police, and 4,097 non-sworn security and non-security personnel. The survey sample composition is representative, allowing statewide projections.

school district property. School districts evidently place a higher priority on maintaining a daytime police presence on campuses than on protecting school property around the clock.

School principals, or their designees, are the final decision-makers for most school district police and other security personnel issues involving student discipline, investigations and other security-related decisions (see Chart 11). According to one school police officer, "It often is selective on the part of the administrator as to what gets reported, who gets involved and who gets notified. I find that a little concerning. There needs to be a written standard procedure."

About a third of school districts with a school police force maintain a traditional law enforcement chain of command reporting structure involving student crime, investigations and security issues. In these districts, there is a district-employed police chief.



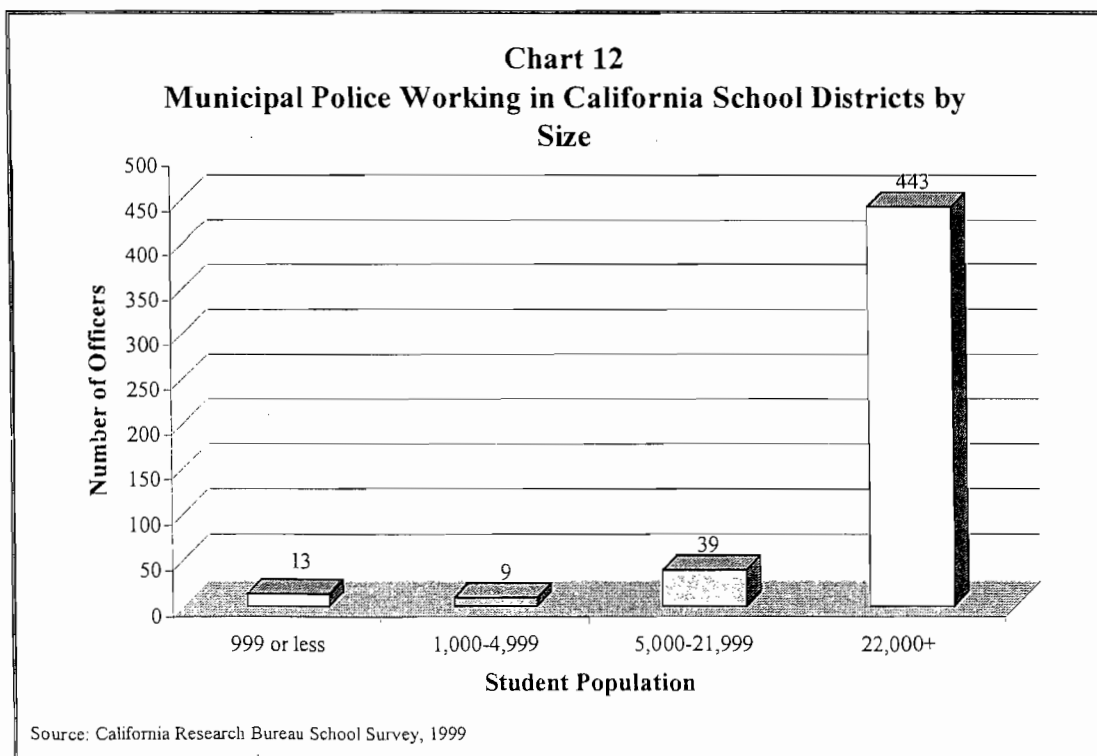
### Municipal Police Officers/School Resource Officers

The CRB survey found that nearly half of all the responding large school districts and one fifth of the smaller school districts employ municipal police officers/safety resource officers (SRO) to provide security in their districts (see Chart 12). SROs are usually city or county law enforcement officers, or in some cases a probation officer, assigned by their departments to work in the schools within their jurisdiction. According to the CRB survey, over 500 municipal police officers/SROs provide security and resources in 54 of the responding school districts, which projects to approximately 930 officers working in school districts across the state.

For many school districts, the advantages of contracting for municipal police are that they are fully sworn officers with police authority and street experience to enforce the law on campus, and have the training to provide anti-drug education and student counseling. Students from urban communities respect the difference between city police and any other kind of officer.<sup>29</sup> According to one school district superintendent, “there’s an instant respect factor for municipal police on school campuses.” Some large school districts are considering replacing their dedicated school police forces with municipal police officers from local jurisdictions, according to survey responses. Municipal police are an expensive option, earning an average monthly salary of \$4,350, according to the Peace Officers Standards and Training (POST).

A substantial number of municipal police officers employed by school districts are funded with federal Community Oriented Policing Services (COPS) grants which will expire before FY 2001, unless Congress authorizes additional funding.<sup>30</sup> Whether school districts continue to employ municipal police officers for security on school campuses after local COPS grants expire could be a key policy concern for local public officials.

Several school districts also employ county probation officers at high school and middle school campuses to work with selected at-risk students and to provide information and counseling to others. Fresno School District has been the leader in this innovative approach. In 1994, the district established a partnership with the city police and county probation departments to bring officers onto school campuses. Students who commit minor misdemeanors, either on- or off-campus, must complete a six-month contract with a probation officer who monitors their school progress and daily activities. School caseloads for probation officers can range from 50 to 100 students. Together with the municipal police officers who are also assigned to school campuses, they form a unique school safety partnership in the Fresno School District.



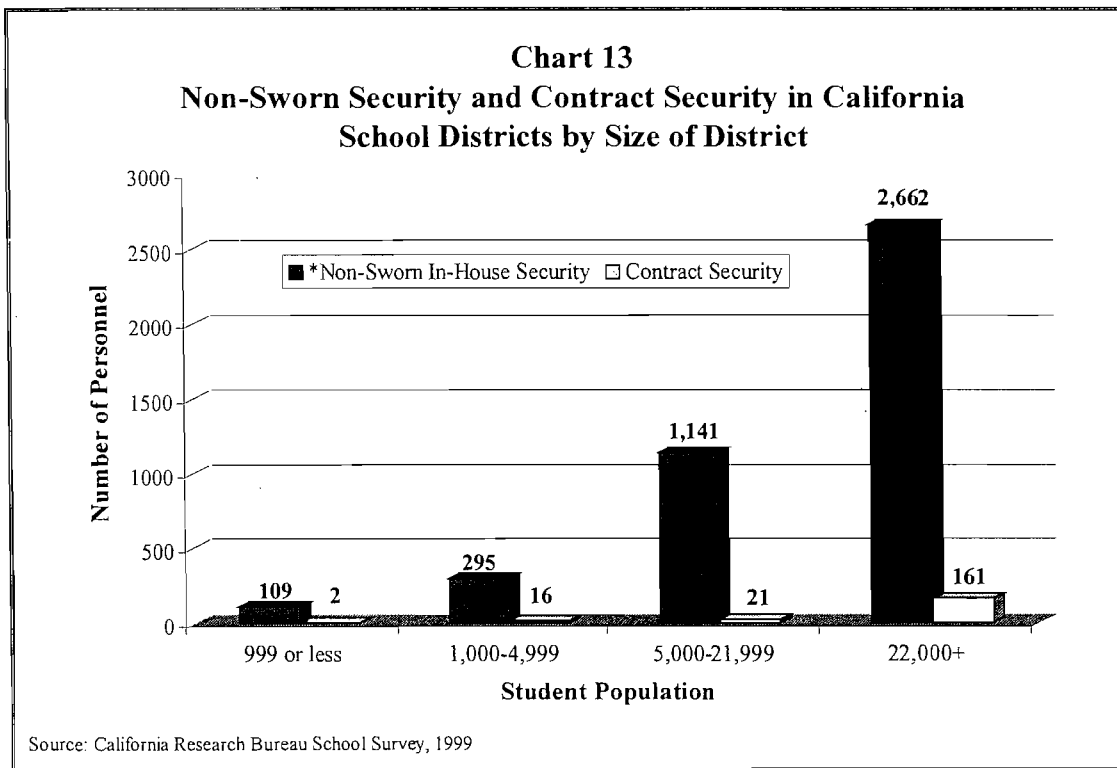
A number of districts use a combination of staffing options. For example, some schools have non-sworn in-house security that is supplemented with municipal police officers/SROs. Other districts use non-sworn in-house security for daily duties and use contract security for special purposes, such as securing transportation depots or buildings used at night. This is a reasonable division of labor. The municipal police/SROs can focus their efforts on enforcing and investigating criminal offenses, and on classroom instruction and student counseling. Meanwhile, in-house security personnel can conduct preventive patrols, supervise common areas, and conduct security assessments.



## Non-Sworn Contract Security and in-House Security

According to the CRB survey, non-sworn security personnel are by far the largest security presence on school campuses across the state. Nearly 4,097 non-sworn security personnel are employed or contracted for by responding school districts statewide, projected to nearly 13,000 statewide (see Chart 13). About half of these personnel perform less than full-time security-related work.

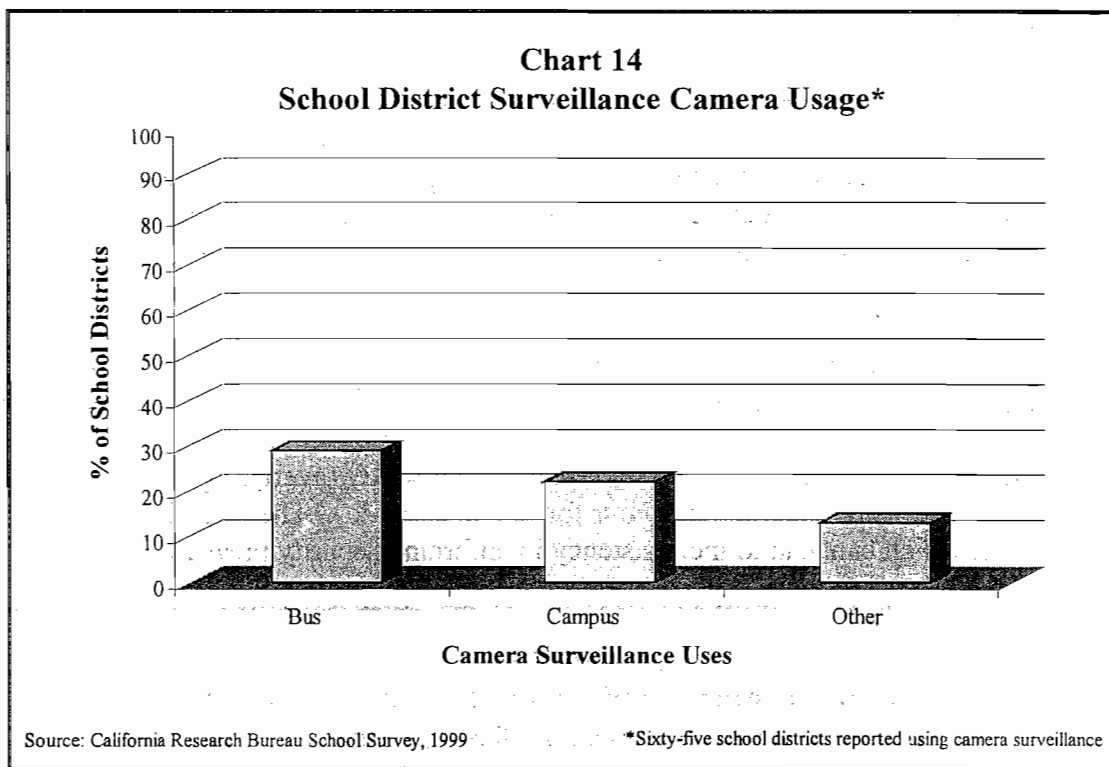
Duties for many non-sworn school security and contract security personnel vary from district to district and, in many cases, from school to school within the same district. Depending on their level of training (see training standards discussion below), non-sworn school security personnel may have limited arrest powers and authority to carry firearms. Contract security personnel usually receive relatively low pay (averaging about \$8.00 per hour for part-time work to \$12.00 per hour for full-time work ). They also have a high turnover rate, which can lead to inconsistency in enforcing security measures.



## Security Search Technologies

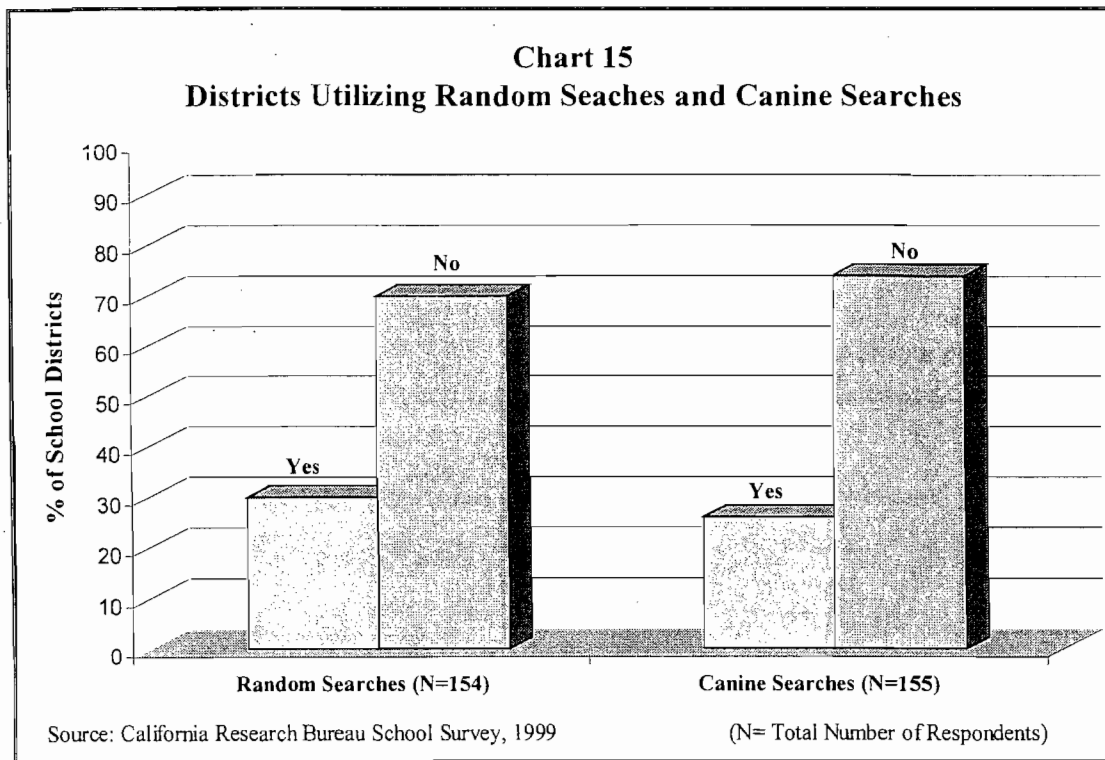
In 1981, special lighting and building alarms were highly regarded by many school districts as sound approaches to crime prevention. Today, closed circuit video surveillance cameras (CCTV) are the preferred physical security measures used in school districts. According to the CRB school survey:

- 29 percent of school districts use CCTV cameras on school buses;
- 22 percent of the districts place CCTV cameras on campuses; and
- 13 percent use CCTV cameras to monitor other school property.



This is an impressive increase from 1996, when a CRB study found that only a few school districts in California had placed CCTV surveillance cameras on campus.<sup>31</sup> School districts across the country began using CCTV surveillance systems in the mid-1990s before the recent wave of tragic school shootings. Some district administrators now believe that CCTV cameras are an essential part of crime prevention in schools.<sup>32</sup> When asked whether an effective CCTV surveillance system could have prevented the Columbine killings, a Huntsville, Alabama school district official said “probably not, but it could have minimized the damage.”<sup>33</sup>

Increasingly, school districts are employing random student searches for weapons and drugs, especially in middle and high schools. A number of large school districts use hand-held metal detectors before and during the school day, and at after-school events. Many school districts also use canines to search for drugs and weapons (see Chart 15 below). Searches are usually conducted randomly and/or when there is a suspicion that drugs or weapons are on campus. Trained dogs check lockers, rest rooms, and other common areas of school buildings. Canines are also used in elementary schools (K-6) as part of the “Just Say No to Drugs” program.



The use of dogs to detect drugs at schools may increase over the next few years. According to Ronald Stephens, Executive Director, National School Safety Center, "If we're going to require kids to attend school, then we ought to be required to provide safe schools, and canine searches are an important part of doing that." Some members of the education community and civil liberty advocates are concerned that the use of canine searches on school campuses is an intrusion in a place where people have a reasonable expectation of privacy. However, the courts have generally agreed that the use of dogs to sniff objects (as opposed to people) is not a search within the meaning of the Fourth Amendment and thus requires no heightened level of suspicion.<sup>34</sup>

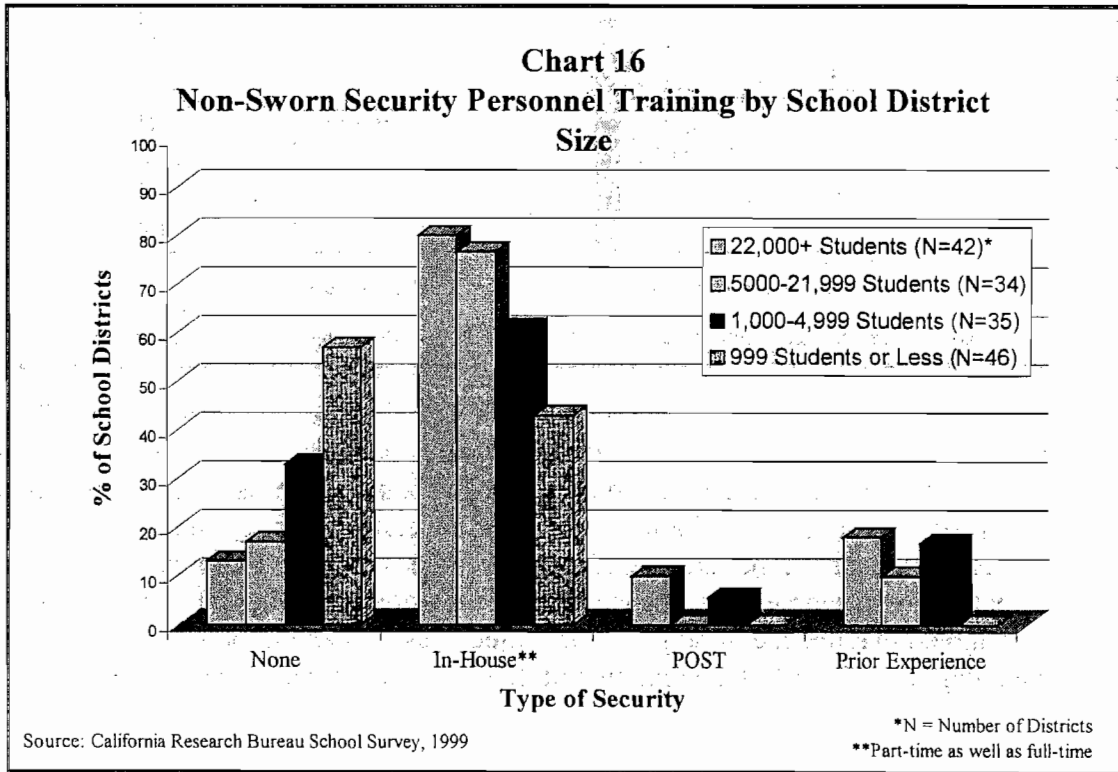
### **Training Requirements for School District Police and Non-Sworn Security Officers**

The "gold standard" for police officers training is developed and administered by Peace Officers Standards and Training (POST). Municipal police in California are trained using POST standards. Key training elements include 17 standardized pass/fail examinations covering all aspects of criminal law and a firearm proficiency test. All school police officers hired after July 1, 1999, must complete the POST accredited course of instruction (*California Penal Code, Section 832.3*) before exercising the powers of an officer. School district police officers hired before July 1, 1999, are required to complete the POST course work by July 1, 2002. As a result, school district police officers will meet the same training and course standards required of all municipal police officers.

In contrast, the nearly 13,000 non-sworn security personnel hired by California school districts must meet a different training standard requirement. Non-sworn security personnel who work more than 20 hours per week on security-related duties are required to complete 24 hours of security and safety training developed by the Department of Consumer Affairs, Bureau of Security and Investigative Services, by July 1, 2000 (*California Business and Professions Code*

Section 7583.45). This course work is offered through most California community college districts.

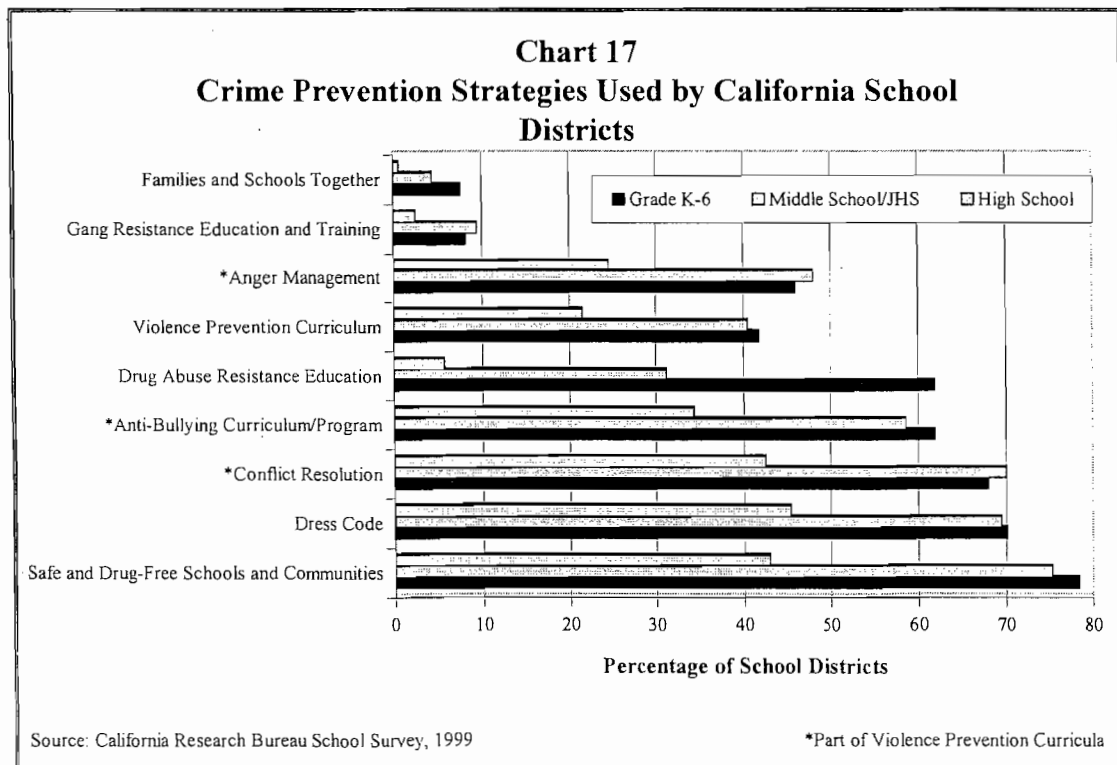
About half of the non-sworn security personnel in school districts are either employed part-time (less than 20 hours per week), or are volunteers or employees that provide some school day security or yard supervision in addition to their teaching and administrative duties. They are not required by law to receive security and safety training. Many of the smaller school districts, and some of the larger districts, do not provide their non-sworn school security personnel with any training at all. Many of these personnel are school faculty or staff who work for the school but provide security on a part-time basis.



## SCHOOL VIOLENCE PREVENTION PROGRAMS

Violence prevention curricula are designed to help school-age youth expand their knowledge of skills that are known to be effective in changing attitudes that contribute to impulsive behavior and violence. Since 1988, nearly \$7 billion in public funds have been directed at supporting a wide range of student, teacher, parental and community programs aimed at preventing violence in and around schools. However, much of what is known about violence prevention programs is anecdotal. Only recently, in federal FY 1998/99, has the U.S. Department of Education changed guidelines to improve program accountability. No long-term evaluations have been conducted on the effectiveness of violence prevention curricula in reducing violence and drug abuse among school-age children. "We are wasting money on programs that have been demonstrated not to work," contends Delbert Elliott, Director of the University of Colorado Center for the Study and Prevention of Violence. The *Safe and Drug Free Schools and Communities Act of 1994* (see discussion on page 9) in particular has attracted a great deal of attention for its lack of accountability. The program simply "mails out checks" without holding anyone accountable, according to federal "Drug Czar," General Barry McCaffery in a *Los Angeles Times* interview.

In California, school districts utilize violence prevention curricula including: conflict resolution, peer mediation, life skills training, anger management, "peace building," "teens-on-target," and "straight talk about risk" (discussed in more detail below). Although these curricula vary in style and intensity, they all share the goal of reducing violent student behavior and thereby improving the school environment. Violence prevention curricula are taught in daily to weekly sessions and may include topics such as self-control, causes and dynamics of conflict, risk factors for violence, and self-esteem. Teachers or consultants trained in a particular curriculum attempt to reinforce enforce healthy behavioral standards in the school and sometimes in the community. Chart 17 below reports the crime prevention strategies used by California schools.



Most of the 159 California school districts that responded to the CRB survey use a variety of crime prevention strategies, as shown in Chart 17. Interestingly, high schools report using significantly fewer of these crime prevention strategies. Very few school districts (and none of the largest districts) use all of these crime and drug prevention strategies. Those that do include: one high school district in Lassen County, one K-8 district in Humboldt and Tulare counties, and one K-6 district and one K-8 district in San Diego County. It is unclear why small urban and rural districts employ the broadest range of crime prevention strategies. While many crime prevention programs overlap and evaluation data are inconclusive, districts must choose what is best for their students. Cost is surely one factor, especially in large school districts with large student populations.

*Safe and Drug Free Schools and Communities Act of 1994* is the most common funding program for drug prevention in schools, although evaluation studies suggest the limited effectiveness of many local programs.<sup>35</sup> This federally funded program (discussed on page 9) automatically provides formula grant funds to school districts. Districts spend the funds on a wide range of violence and drug prevention strategies.

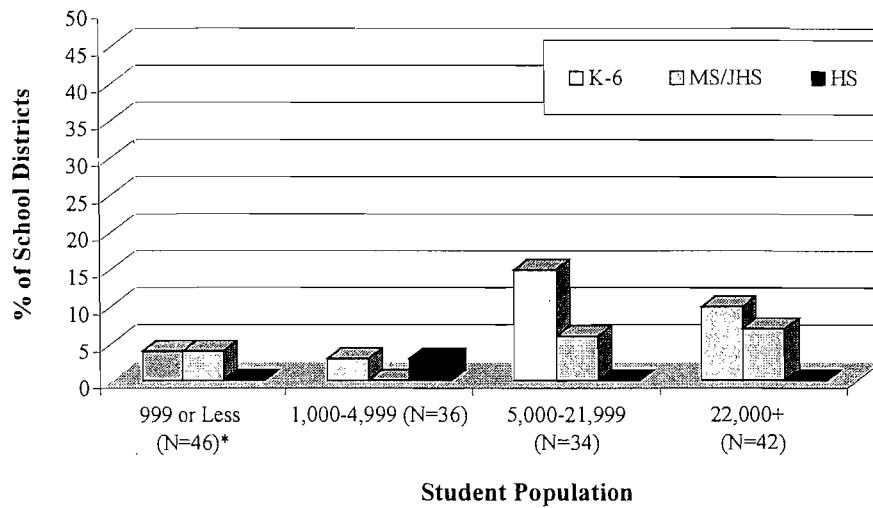
Conflict resolution programs (anger management, peer mediation, and life skills) are the principal violence prevention strategies used in California schools. Many school districts also impose a variety of dress codes that range from wearing uniforms to prohibiting certain dress and clothing items.

None of these crime and violence prevention strategies incorporate a direct performance measurement or result-oriented evaluation component that can demonstrate actual reductions in school violence. Much of the research that does exist is anecdotal, resulting from student self-assessment surveys.<sup>36</sup> According to the *California Safe Schools Assessment* report, rates of drug and alcohol offenses and battery and assault crime rates in California schools have decreased less than national rates over the last three years. Thus it is difficult to determine if California violence prevention programs have had any impact on reducing violence or conflict between students. Recent national evaluations also suggest that many anti-drug programs are ineffective. In particular, the Drug Abuse Resistance Education (DARE) program appears to not have reduced drug use among students who completed the curricula, compared to those students who do not (see page 29 for discussion of the DARE program).

### *FAST*

This early intervention program is designed for children ages 4 to 14. It attempts to address the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing youth relationships with their families, peers, teachers, school staff, and other members of the community. The theory is that these relationships form a safety net of multifaceted protective factors for young, at-risk children that can help them to succeed at home, in school, and in the community. The goal is to help them avoid becoming delinquent, violent, or addicted.

**Chart 18**  
**Families and Schools Together (FAST) by School District Size**  
**and School Type**



Source: California Research Bureau School Survey, 1999

\*N = Number of Districts

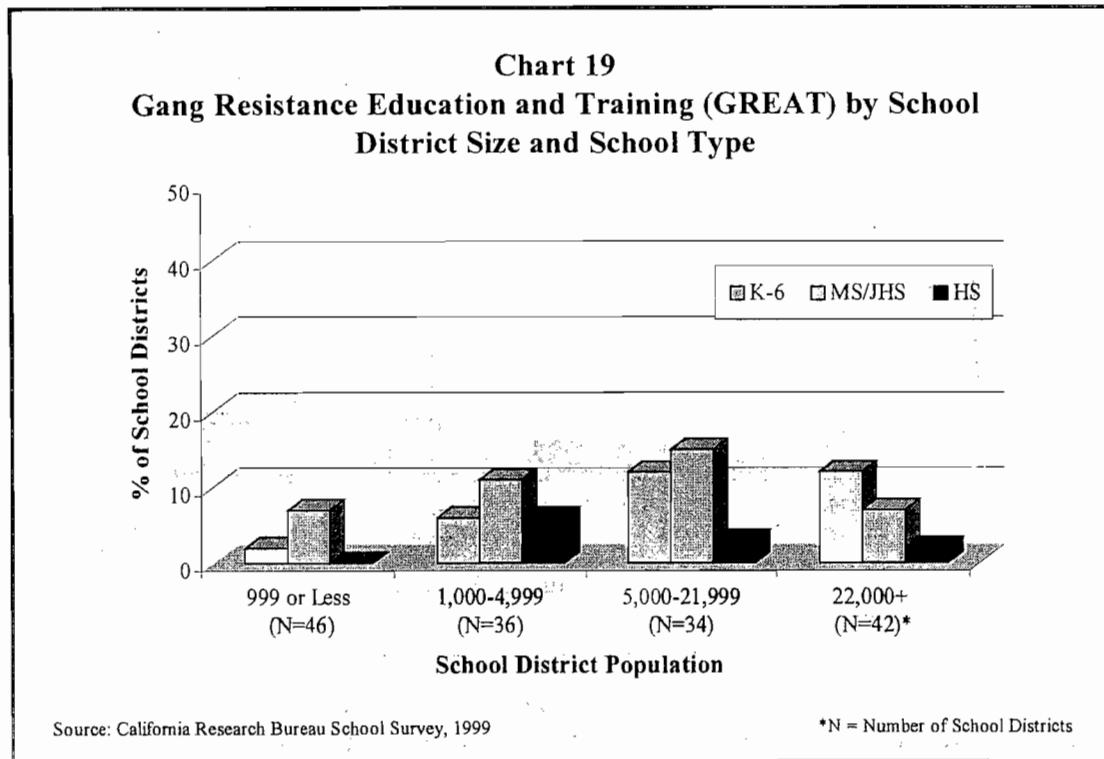
Prevention activities seek to enhance family functioning, reduce alcohol and drug abuse, and decrease the family stress experienced from daily life. The program begins with outreach in which parent-professional partners visit the homes of isolated at-risk parents who are identified by school personnel. At-risk parents are invited into the program, ten families at a time. The cost per family is approximately \$1,200 for 86 hours of service over 30 sessions spanning two years. The cost per school to serve about 30 families is \$36,000 per year. The program is funded in California through the Department of Social Services, Office of Child Abuse Prevention. As shown in Chart 18, the number of families in the program is relatively small.

*Gang Resistance Education and Training (G.R.E.A.T.).*

This brief (9-week) instructional program is taught to primarily to middle and elementary school students by a trained, uniformed law enforcement officer. The format is similar to *DARE*. The program teaches students about the impact of crime on its victims and the community; discusses cultural differences; teaches conflict resolution skills (including how to meet basic social needs without joining a gang); and stresses responsibility to the school and the neighborhood. The program ends in a lesson in which the students are taught the importance of goal setting. The program is a less structured and intensive relative to other gang resistance programs that are directed at higher-risk groups.

The CRB survey found that school districts in California do not utilize this program to any significant degree. Despite its limited use by California school districts, evaluation results of a national survey in 11 sites found that students completing the program had more pro-social attitudes and lower rates of some types of delinquent behavior than did students in

comparison groups.<sup>37</sup> When used in conjunction with dress code requirements or restrictions on certain attire, gang resistance can be effective.



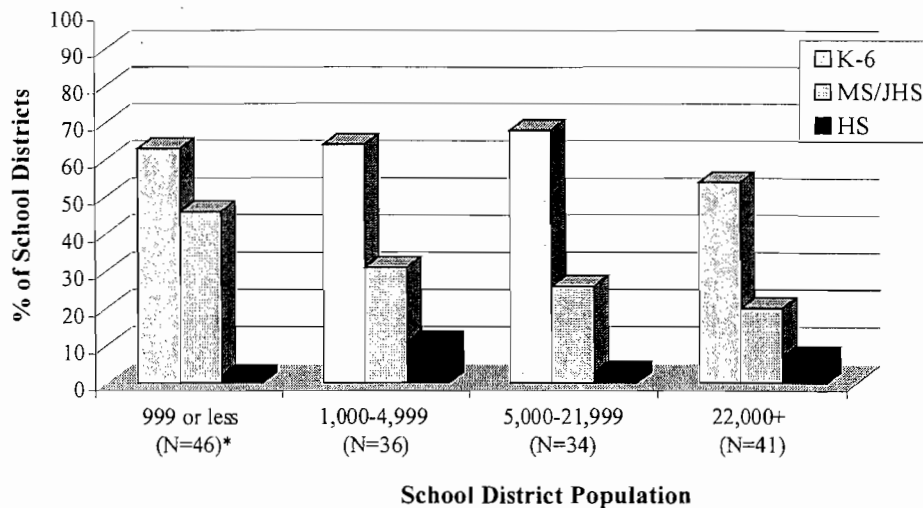
### *Drug Abuse Resistance Education (DARE)*

This well known program is taught by uniformed law enforcement officers. It was developed by the Los Angeles Police Department in 1983, and has since spread nationwide. Its core curriculum focuses on teaching pupils the skills needed to recognize and resist social pressures to use drugs. It contains lessons about drugs and their consequences, decision-making skills, self-esteem, and alternatives to drugs. Teaching techniques include lectures, group discussions, question-and-answer sessions, audiovisual materials, workbook exercises, and role-playing.

In California, as shown in Chart 20, *DARE* is mainly popular in elementary schools, where it is taught in half of California's school districts.



**Chart 20**  
**Drug Abuse Resistance Education (DARE) by School District**  
**Size and Type of School**



Source: California Research Bureau School Survey, 1999

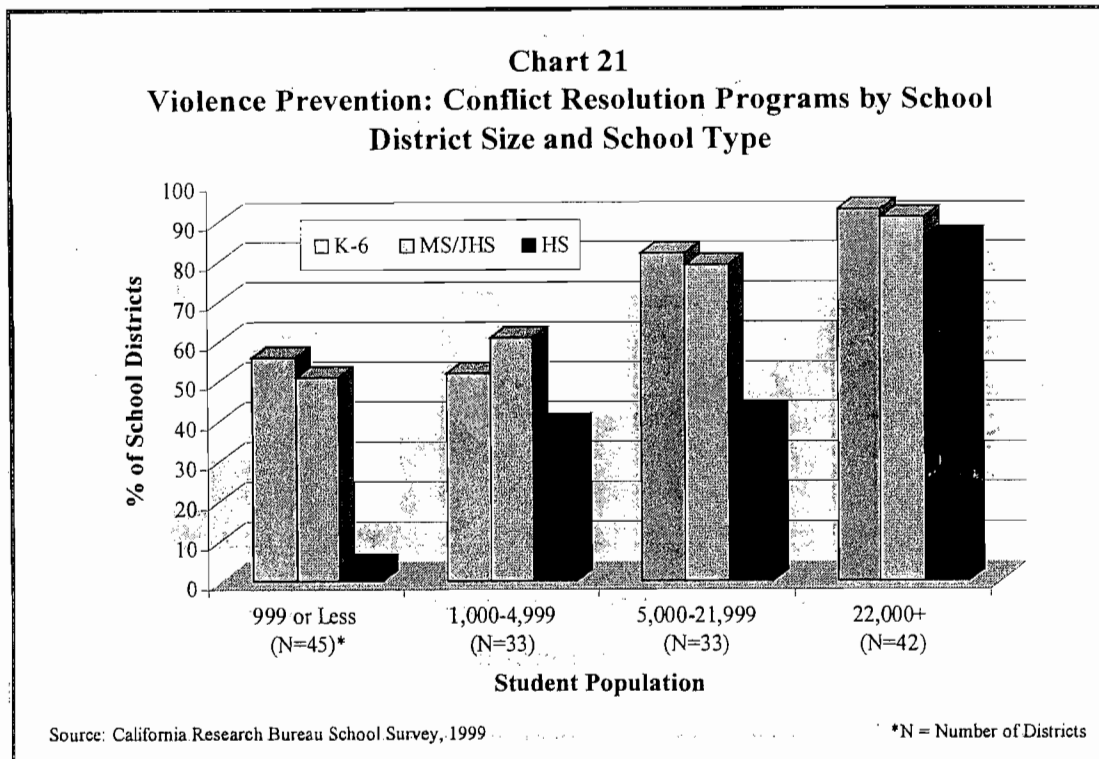
\*N = Number of Districts

The *DARE* programs have come under much scrutiny recently. Many *DARE* program evaluations conducted across the country have not found that the program has much success in reducing drug use among youth.<sup>38</sup> Researchers conclude in a U.S. Department of Justice report that the *DARE* core curriculum will not reduce substance use among students. The report recommends that any further reliance on *DARE* as a drug prevention strategy should be viewed as a part of a more comprehensive program using social learning and life learning skills.<sup>39</sup> Since 1991, the U.S. Department of Justice has funded over \$4 billion for local drug prevention programs. Yet too many school districts use ineffective drug prevention programs, according to recent evaluations.<sup>40</sup>

### Conflict Resolution Programs

“Conflict resolution” is the cornerstone of violence prevention curricula. Conflict resolution programs are used extensively in California’s 50 largest school districts. However very few high schools in small districts, and less than 40 percent of high schools in medium-sized districts, offer conflict resolution programs (see Chart 21 below). Small school district administrators interviewed for this survey indicate that they do not use conflict resolution and violence prevention programs because they lack the resources and do not have the grant writing expertise to secure program grants.

The programs teach communication skills and creative thinking to help students to prevent, manage, and peacefully resolve conflicts. The underling premise is that conflict is a normal, natural phenomenon. Conflict resolution processes include negotiation (between two parties without a facilitator), mediation (involving a third-party process facilitator), and consensus decision-making (facilitated group problem solving). All three curricula are designed for all levels of K-12 school.



A recent survey conducted by the California State Auditor found that less than half of the middle schools and high schools that use conflict resolution programs train their faculty and staff and only a fraction of schools train parents. The same study found that in schools where faculty and staff receive conflict resolution training, school principals believe their schools are better prepared to handle conflict than in schools where faculty and staff are not trained.<sup>41</sup>

Research on the effectiveness of conflict resolution programs within schools has been ongoing since the 1970s. Most of it has focused on mediations programs (involving a third-party process facilitator), which are more common. Very few studies, however, have used a control group to compare outcomes with students not enrolled in conflict resolution programs. The most successful findings are from a 1995 national evaluation, which found that students trained in conflict resolution using mediation were better able to manage a controlled conflict without resorting to physical confrontation than students who did not receive the training.<sup>42</sup> In 1995, 70 percent of the California school districts using conflict resolution curricula reported that incidences of suspension were reduced and that referrals to principals decreased 42 percent.<sup>43</sup>

In general, California school districts do not evaluate the effectiveness of their conflict resolution programs. They have not constructed specific outcome measurements tied to the performance of the students in the program, nor is there follow-up research of the students who have successfully completed the program. Thus there is no program-related data by which to compare schools that use conflict resolution curricula, against those that do not, nor is there data to compare with statewide school crime rates such as battery and assault on campus.

### *Peer Mediation Programs*

In this form of conflict resolution, students involved in a conflict agree to have a trained peer mediator help them resolve their dispute. Peer mediators are fellow students trained in special mediation skills including problem solving, active listening, communicating, identifying points of agreement, and maintaining confidentiality and a non-judgmental stance. About 10,000 schools and community groups in the U.S. are using peer mediation, according to Margery Baker, executive director of the National Institute for Dispute Resolution. Trained peer mediators help youth to examine their disagreement and develop a mutually acceptable solution. The process is designed to be democratic and void of blame. Young people benefit from an opportunity to contribute to positive solutions in their school environment while learning skills to resolve conflict in their own lives.

Teens are often willing to learn from their peers. Sixty-one percent of 11-17 year olds would trust advice from someone who had actually experienced a problem, such as a former drug addict, a gang member or a teen mother, according Carole Close, who operates a peer mediation center for the Cleveland School District in Ohio.<sup>44</sup> However, much of the research on peer mediation is anecdotal. Few studies examine the rates of suspension, fights or confrontational incidents in schools to see if they decrease with the program.

### *Life Skills Training*

This three-year primary prevention program targets 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grade students to discourage the use of alcohol, cigarettes, and marijuana. The curriculum includes 15 lessons over a year period taught in school by regular classroom teachers, with booster sessions provided in the second year (ten classes) and third year (five classes). Three basic program components include:

- Personal self-management (decision-making and problem-solving, self-control skills for coping with anxiety and self-improvement skills);
- Social skills enhancement (communication and general social skills); and
- Drug-related information designed to improve knowledge and affect attitudes about drug use and peer pressure.

Life skills training has been effective at reducing alcohol, cigarette, and marijuana use among young people in the short term but not the long term. Research finds that the effects of decreased student tobacco and alcohol use are not sustained through the end of high school.<sup>45</sup>

### *Peace Building Programs*

This program integrates conflict resolution into the curricula and daily management of the classroom, using instructional methods of cooperative learning and “academic controversy.” The Educators for Social Responsibility curriculum, *Making Choices about Conflict, Security, and Peacemaking*, shows teachers how to integrate conflict resolution

into the curriculum, classroom management, and discipline practices. It emphasizes opportunities to practice cooperation, appreciation of diversity, and caring and effective communication. Studies on the program's effectiveness found that discipline problems requiring teacher management decreased by approximately 80 percent, and referrals to the principal were reduced to zero.<sup>46</sup>

### *Anger Management Programs*

The courses are designed for teachers, students, and parents to help them deal with their anger and to reinforce positive life skills, usually in a shared environment. Most school-based anger management curricula draw upon several theories about social learning and cognitive behavior. They utilize a variety of mechanisms to teach behavioral change including tutored video instruction, observation, guided practice and successful experience, role-playing, modeling, and performance feedback. Students have the opportunity to self-assess their abilities to manage their anger. It usually takes two full days of training for teachers to become classroom facilitators. Some skill courses last two weeks, others as long as one semester.

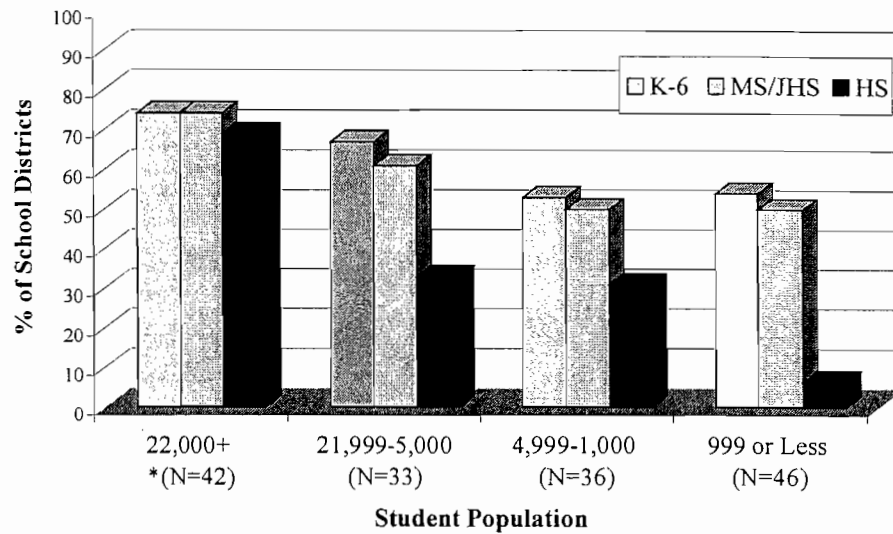
### *Bullying Prevention Programs*

An estimated nine out of ten junior high and high school students have witnessed bullying, and eight out of ten have been bullied during their school careers.<sup>47</sup> Bullying programs seek to increase awareness of the problem, to achieve active involvement on the part of teachers and parents, to develop clear rules against bullying behavior, and to provide support and protection for the victims of bullying. Key elements include conflict resolution training for staff members, social skills building for victims, positive leadership skills training for bullies, intervention techniques for bystanders, and the presence of parental support. Intervention models can be used on a school-wide classroom, or at the individual level.

In Bergen, Norway, the frequency of bullying/victim problems decreased by more than 50 percent two years after the program began. These results applied to both boys and girls and to students across all the grades studied. Recent U.S. research found the same 50 percent reduction in bullying, as well as a reduction in antisocial behavior (theft, vandalism, and truancy), and an improvement in school climate.<sup>48</sup>

Although bullying occurs at all levels of grade school, the CRB school survey finds that California high schools in smaller districts generally do not offer bullying programs (Chart 22).

**Chart 22**  
**Violence Prevention: Anti-Bullying Programs by School District Size and School Type**



Source: California Research Bureau School Survey, 1999

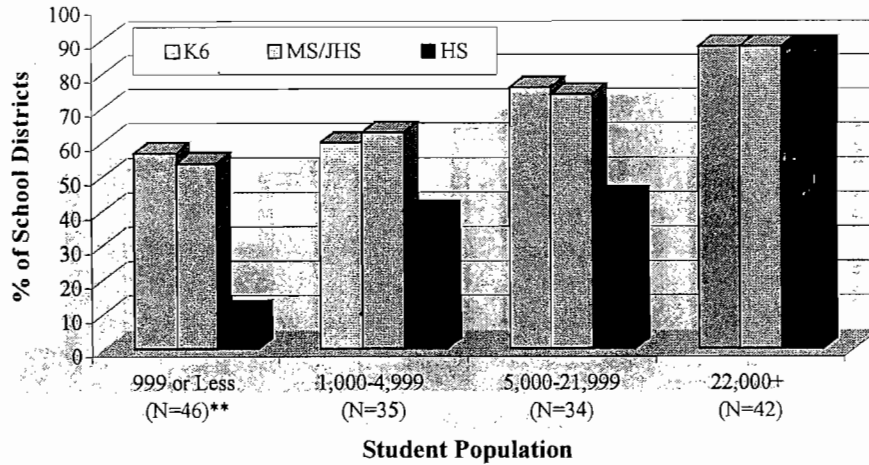
\*N = Number of Districts

### *Dress Codes*

Gang-related apparel has been a concern for many years. In 1993, the Legislature enacted a law giving school boards the authority to adopt reasonable dress code regulations (*Education Code, Section 35183*). Since then, school dress codes targeting gang attire have been challenged in courts under the First Amendment, but school districts have prevailed. The California School Boards Association recommends a “reasonable dress code” regulation as the first step for schools that wish to develop a dress code. Key elements include securing parental support at the beginning of the process, protecting religious expression, selecting either a voluntary or mandatory uniform policy with an “opt out” provision, providing an assistance plan for poor students, and treating uniforms as part of an overall safety program. In the Long Beach School District, the crime rate in middle schools dropped by 36 percent between 1993 and 1995 after the introduction of the dress code.<sup>49</sup>

The CRB survey found that dress codes, particularly anti-gang-color dress codes, are required in most large California school districts, as shown in Chart 23. High schools in small school districts are the least likely to enforce a dress code requirement.

**Chart 23**  
**Dress Code Requirements\* by School District Size and**  
**School Type**



Source: California Research Bureau School Survey, 1999

\*Includes Uniform Dress Codes and Restrictive Dress

\*\*N = Number of Districts

## LEGISLATIVE AND ADMINISTRATIVE OPTIONS

While not necessarily the recommendation of the California Research Bureau, the author or the Legislative members requesting this report, the following options reflect the broad range of research on the subject.

### **Violence Prevention Planning and Curricula**

School districts in California generally respond to school violence in two distinct ways. The most common approach is through *violence prevention* curricula whereby individual one-on-one violence and aggressive behavior is addressed through counseling, life skills building, peer mediation and conflict resolution. The second approach is to make it physically difficult for terrorist acts to occur on school campuses by using a combination of highly visible security personnel along with detection technologies such as metal detectors and surveillance cameras, and more conventional security such as canine searches, locks, and metal bars.

Although school safety plans are required by state law (*Education Code Section 35294 et al.*), that requirement expires on January 1, 2000. The Legislature has passed legislation (*SB 334*) to extend the requirement.

*Very few school safety plans address how to respond to a random act of terrorist violence (see pages 8 and 15).* Many school safety plans currently address only the limited range of issues required by state law (reporting school crime, emergency disaster procedures, child abuse reporting, school staff notification of student expulsion, sexual harassment policy and dress code). Yet given recent horrifying examples, such as Littleton, schools probably need to better meet public concerns.

- The Legislature could require that school safety and security plans include crisis planning and management. Again, such proposals are currently under consideration.
- Training for a terrorist action might also be beneficial. For example, Travis Unified School District recently conducted such an exercise with the participation of the Air Force. Berkeley High School conducted a similar exercise with local police, fire, and paramedic personnel.

*The CRB school survey finds that a significant number of school districts are using violence prevention programming and curricula as a proactive, risk reduction approach to school violence (see pages 27 and 28).*

- Schools need to carefully consider their security needs, build on data drawn from students and the community, and incorporate those needs into a school safety plan that specifies programs and expected outcomes (see page 7). Not all school districts are meeting these basic requirements for effective violence prevention. Current law and legislative proposals do not envision that school safety plans include all of these components, for example a security risk assessment and improved data collection and analysis.

- Currently school districts rely on a variety of curricula and programs, in part driven by federal and state funding sources. Evaluation research suggests wide variations in program effectiveness (see pages 28, 31, and 32). The Legislature could require districts to take this research into account when formulating school plans and deciding on school safety programs. The Department of Education could compile and disseminate research findings.
- There is some evidence that effective school violence prevention curricula include students in the planning and implementation process (see page 33). The Legislature could require school districts to include students in planning and implementation.
- School safety is in part a question of perception (see pages 5 and 6). In order to develop a community consensus and decrease security concerns, schools could survey parents and students about their perceptions and improve communication about safety policies. This information could be used to revise school safety plans. The Department of Education and the Department of Justice could partner to develop a model survey assessment form. The Legislature could create a special funding mechanism.
- The Legislature could authorize a one-time funding measure so that a school safety assessment could be conducted by a qualified security expert for every school in the state. The infusion of expert analysis might improve the implementation of school safety plans and enable a cost-effective selection of programs and security technologies. School safety measures might include the use of telephones in each classroom, cell phones for each school, breathalyzers in each high school, and surveillance cameras in school areas that are security risks (see page 7).
- Schools could streamline existing safety procedures into one manual or document. This manual could be used to inform volunteers and school staff.

### ***Involvement of the Judiciary***

***According to CRB interviews, some judges believe that their expertise and legal responsibility for decisions involving at-risk children and their families could be better integrated into school violence prevention policy.*** At-risk students and their families interact with the courts, and that information could be shared with schools (see page 15). Judges could offer important insight and ideas towards the development of school safety plans. Perhaps the Legislature could formally require judicial participation in the planning process.

- The Attorney General recently formed a School Violence Prevention Task Force to create a model state school safety and security plan. Members of the Task Force include the Attorney General, State Superintendent of Public Instruction, and Legislative members from the Assembly and Senate. The Judiciary Council could request the appointment of a liaison to the Attorney General's Task Force.



- The Administration could work with courts to initiate a judicial program in schools whereby judges could take sabbaticals to participate in school mentoring and other educational services that would improve campus safety and reduce youth crime, violence, and drug abuse.

## **Data**

***In California, a number of state and county agencies including the juvenile and family courts and child welfare systems have separate data collection systems and overlapping responsibilities in matters involving school-age children.*** These systems are not coordinated to avoid duplication nor is the information used to improve violence prevention services for the individual child (see page 15).

- The Administration could direct the appropriate state agencies to partner with county and school officials to develop a plan to better collect and integrate data to serve these at-risk students.

***As a result of confidentiality laws, schools generally do not know if a child transferring or entering a school for the first time has been abused or is at-risk due to family problems.*** Troubled families and their children might be involved in the juvenile court, dependency hearings, civil cases (divorce) and criminal cases (domestic violence). Each court proceeding can take place in isolation from the others, inhibiting the courts (and schools) from recognizing and seeking to prevent potential serious problems.

- The courts and county child welfare services could jointly plan and develop family-centered data systems with the goal of evaluating services to be better directed to these troubled families. This effort may require some state funding and direction. The information could be shared with school officials so that violence prevention services could be targeted for at-risk youth in school.

## **Better School Crime Prevention Program Evaluations**

***Many school-based violence prevention programs lack evaluation or outcome data.*** For example, the state has funded pilot programs in the past yet not documented outcome to learn what worked and what did not. Recent studies suggest that widely used programs, for example DARE, are not effective in reducing drug use, a primary contributor to juvenile violence (see page 31). An empirical database could offer a better gauge of what works, or does not work, in curbing school violence and drug-use.

- The Legislature could require the appointment of an expert task force that would formulate approaches to directly evaluate the performance of programs used by school districts to reduce violence and crime. Task force members might include academic specialists, program administrators, school district officials, and representatives of the Department of Education. The goal of the task force would be to establish a model evaluation process, including data-oriented audits, self-reporting surveys, and tracking systems to assess student and school outcomes. Evaluations would answer the question, “What changed because of the intervention?” The information would be

shared with school districts so they could more cost-effectively spend their limited resources (see page 32).

### **Grant Funding for School Districts**

*District administrators in small school districts interviewed for this survey indicate that they do not use conflict resolution and violence prevention programs because they lack the resources and do not have the grant writing expertise to secure program grants.* For example, the *Safe and Drug Free Schools Act* is a federal formula grant fund that has attracted a great deal of attention for its lack of outcome-based accountability. Some of the smallest school districts in the state receive less than a \$100 annually from this fund (see page 9). There are also a number of demonstration grant funds available to school districts for violence prevention. Many smaller school districts (with a student population of 5,000 or less) do not have the resources or the ability to match federal and state grant funding for violence and crime prevention programs. The shortfall is particularly severe for high schools in small districts, many of which lack the range of violence prevention programs offered in larger school districts (see Chart 17, page 27).

- The Legislature and the Governor could require the Department of Education and the Office of Criminal Justice Planning to offer grant writing assistance to smaller school districts so as to acquire a fair share of discretionary grant funds.
- Small school districts may need financial assistance to meet federal requirements for matching funds for school safety grant programs. The Legislature could create a “challenge grant” program to fund grant matches for smaller and at-risk school districts (see pages 9 and 10).
- The Department of Education could evaluate the security needs of small districts and recommend a targeted funding program to the Legislature.

### **Crisis Management**

*The CRB study finds that many districts do not have a crisis management plan (see page 15).* Crisis response is an important component of violence prevention planning. At a minimum, a crisis management plan should include a contingency plan to intervene during a crisis and to respond in the aftermath of a tragedy. Having a school response team that knows what to do during a crisis is a critical component of the crisis management plan.

- Upgrading the training of non-security school personnel is one mechanism to improve crisis response. Basic violence prevention curricula and violence prevention training for staff and volunteers are currently not required as components of a school safety plan, but could be.
- Another issue revolves around training for a crisis situation. One option might be to stage a mock crisis exercise when students are not in school. Travis and Berkeley Unified School Districts, for example, undertook such an exercise recently during the summer break.

- The Legislature could require each school principal to appoint a team of school staff, law enforcement officials, and health care officials to serve as a crisis response team at the beginning of each school year.
- School district police officers or municipal police officers could train members of the response team on how to respond to a crisis (violent incidents, suicides and natural disasters) as an organized unit. A communication system among school staff, police, hospitals, mental health professionals, parents, and elected officials could support the crisis response teams.

### ***School Police and Staff Security Training and Qualifications***

***A substantial number of the estimated 13,000 non-sworn security personnel who provide part-time security at K-12 school campuses are not required to be trained (see pages 25 and 26).*** By July 2002, all school district police will have completed a POST training course that meets the standards currently required of municipal police officers. Non-sworn security personnel who work over 20 hours a week will meet training requirements established by the Department of Consumer Affairs. Many of these personnel are faculty members and other school employees whose primary job is to teach and perform other school-related work. Others are part-time employees employed or contracted for security purposes. Their preparedness to respond to a potentially violent event is arguably inadequate.

- The Legislature could require the Department of Education and the Department of Consumer Affairs, Bureau of Securities and Investigations to develop minimum training requirements for part-time (under 20 hours) school security, school personnel, and volunteers. School districts or municipal police officers could offer the training several times a year.

School districts that employ municipal police officers under the Community Oriented Policing Services (COPS) grant program could face a loss of funding after 2001 (see page 21). This would have a major impact on how security is provided on California school districts campuses.

- If Congress does not authorize continued funding of the 1994 Violent Crime Control and Law Enforcement Act, the Legislature and the Administration could consider establishing a state grant program to fully or partially fund municipal police officers hired under the aforementioned act. Priority funding could be given to schools districts that previously employed municipal police officers.



**APPENDIX A:  
SCHOOL SAFETY AND SECURITY SURVEY**



## School Safety and Security Survey

### Goals

- Understand the priorities which school districts place on security.
- Assess the security resources of school districts, including the number and type of personnel.
- Identify the type and number of crime prevention strategies used by school districts.

### *Methodology and Content*

The development of the survey involved a number of steps, including clarifying research goals, defining terminology, and designing and constructing the survey instrument. Meetings were held with statewide school safety administrators and professional organizations to seek their input in refining the survey and their cooperation in distributing it. The survey instrument was sent to all school district superintendents in a representative sample of California school districts. Finally, on-site follow-up interviews and telephone calls were conducted with school district administrators and line staff to clarify responses and to seek additional information.

In general, the survey respondents were asked to do the following:

- Describe the school district's level of compliance in development of safe school plans, including participation of parents, community groups and students.
- Indicate the kinds of crime prevention programs and strategies used in the district and in individual schools.
- List the number of school district police, municipal police, contract security and/or in-house security providing security on school district campuses.
- Identify the types of equipment school district police carry on school district campuses.
- Answer a series of formatted questions relating to workload, staffing, and training of school district police and security personnel.
- Specify the amount and percentage of school district budgets dedicated to security.

Surveys were sent out to a statewide sample of 240 school districts. The school districts in the sample were divided into four groups: the 50 largest districts and three equal groups based on district size:

- The 50 largest school districts with a student population of more than 22,000.
- School districts with a student population of 5,000 to 21,999.
- School districts with a student population of 1,000 to 4,999.
- School districts with a student population of 1,000 or less.

Surveys were returned by 158 of the 240 school districts in the sample (representing 43 percent of the state's K-12 student population, or 2,705,400 out of 5,710,075 students). Forty-two of the 50 largest school districts representing 91 percent of the student population of those districts responded to the survey. Fifteen percent of the school districts

with 5,000 - 21,999 students responded, 12 percent of the school districts with 1,000 - 4,999 students responded, and only 10 percent of the smallest school districts responded.



## School Safety and Security Survey

### Part I School Safety Programs

1. Has each school in your district completed their *Comprehensive School Safety Plan*, as required by law (*Chapter 737, Statutes of 1997*)

Yes (Please indicate the number of schools) \_\_\_\_\_

No (Please indicate the number of schools) \_\_\_\_\_

- 1A. If yes, please indicate below the number and grade-level of schools in your district that have evaluated and amended their safety plans? (If evaluations have been completed, please return copies with this survey.)

K-6 \_\_\_\_\_ JHS \_\_\_\_\_ HS \_\_\_\_\_

2. Please indicate which of the following crime/violence prevention *strategies* schools in your district use and the grade-level of the school where the program occurs (K-6 grade, junior high/middle school- including grades 7<sup>th</sup> and 8<sup>th</sup> or grades 7<sup>th</sup> through 9<sup>th</sup>, and high school).\*

_____ Safe and Drug Free Schools and Communities (SDFSC)	K-6	_____ JHS	_____ HS
_____ Drug Abuse Resistance Education (D.A.R.E.)	K-6	_____ JHS	_____ HS
_____ Gang Resistance Education and Training (G.R.E.A.T.)	K-6	_____ JHS	_____ HS
_____ Families and Schools Together (F.A.S.T.)	K-6	_____ JHS	_____ HS
_____ Violence prevention curricula	K-6	_____ JHS	_____ HS
_____ School norms against violence, bullying, and aggression	K-6	_____ JHS	_____ HS
_____ Dress code	K-6	_____ JHS	_____ HS
_____ Personal and social skills training for students:	K-6	_____ JHS	_____ HS
_____ Anger management	K-6	_____ JHS	_____ HS
_____ Peace building	K-6	_____ JHS	_____ HS
_____ Social problem solving	K-6	_____ JHS	_____ HS
_____ Conflict resolution/management	K-6	_____ JHS	_____ HS
_____ Social resistance (i.e. just say no, etc.)	K-6	_____ JHS	_____ HS
_____ Other, please describe. _____	K-6	_____ JHS	_____ HS

3. Do *crime/violence* prevention strategies used by schools in your district include participation from parents, community groups or students in the decision-making process?

Yes \_\_\_\_\_ (If yes, please indicate below the number and grade-level school where these groups participated.)

\*For school districts that do not have middle or junior high schools, please use the K-6 elementary and high school categories.

Parents	K-6	JHS	HS
Community Groups	K-6	JHS	HS
Students	K-6	JHS	HS

No \_\_\_\_\_ If no, why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Part II School Safety Services**

**A. Peace Officer Personnel**

1. Please indicate the number of school district employed *police officers* or *contracted police officers*?

Number of district employed police officers \_\_\_\_\_  
 Number of non-district (Municipal Police/County Sheriff) police officers contracted to work in the school district \_\_\_\_\_

2. Do your *district police officers* participate in the Peace Officers Standards and Training (POST) program (District officers have full academy training and the district receives reimbursement from P.O.S.T.)?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

3. Do the *district police officers* carry any of the following equipment?

- \_\_\_\_\_ Firearm
- \_\_\_\_\_ Chemical spray (Mace, pepper, etc.)
- \_\_\_\_\_ Baton (Night stick)
- \_\_\_\_\_ Handcuffs

4. Do your *district police officers* wear *distinctive uniforms*?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

5. Please indicate the hours of operation for your *district police officers*.

- \_\_\_\_\_ 24 hours a day, 5 days per week
- \_\_\_\_\_ Daytime only
- \_\_\_\_\_ "After hours" only
- \_\_\_\_\_ On campus during the school day only

6. Who in your school district do *police officers* report to?

- School district police chief
- Central office administrator (Asst. Supt., Director, Supt., etc.)
- Site administrator (e.g. Principal)
- Site administrator's designee
- Other (Please identify who) \_\_\_\_\_

7. Do your *district police officers* operate district owned police vehicles with red lights, sirens, etc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

8. Please indicate which of the following services are performed by your *district police officers*?

- Make arrests
- Conduct investigations
- Submit investigations to the county district attorney for prosecution
- Obtain search warrants, or arrest warrants
- Submit investigations to the juvenile court for prosecution
- Unlock doors
- Respond to alarms

**B. Non-Sworn Security Personnel**

1. Please indicate the number of *in-house* or *proprietary campus supervisors*, *proctors*, *noon duty assistants*, and/or *security personnel* employed by the district to provide security?

\_\_\_\_\_

2. Please indicate the number of *contract security personnel* (Non district employees) employed by your school district? \_\_\_\_\_

3. Please indicate the hours of operation for your *security personnel*.

- 24 hours a day, 5 days per week
- Daytime only
- "After hours" only
- On campus during the school day only

4. Please indicate the training provided for your *security personnel* listed in #1 above

- None
- POST Training (number of hours) \_\_\_\_\_

\_\_\_\_\_ In-house, in service only (please indicate the type and length of training)

\_\_\_\_\_ Prior law enforcement/security training (please indicate the type and length of training)

5. Do the *security personnel* in your school district carry any of the following equipment?

\_\_\_\_\_ Firearm  
\_\_\_\_\_ Chemical spray (Mace, pepper, etc)  
\_\_\_\_\_ Baton (Night stick)  
\_\_\_\_\_ Handcuffs

6. Please indicate if the *security personnel* in your school district wear a *distinctive uniform*?

\_\_\_\_\_ None  
\_\_\_\_\_ T-shirt/wind breaker  
\_\_\_\_\_ Police/sheriff type uniform

7. Who in your school district do *security personnel* report to?

\_\_\_\_\_ District police chief  
\_\_\_\_\_ Central office administrator (Asst. Supt., Director, Supt., etc.)  
\_\_\_\_\_ Site administrator (e.g. Principal)  
\_\_\_\_\_ Site administrator's designee  
\_\_\_\_\_ Other (Please identify who) \_\_\_\_\_

8. Do your district *security personnel* operate district owned vehicles with distinctive markings, including electric carts, pickups, etc.?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

9. Does your school district use community volunteers to assist your *security or police personnel* to monitor school campuses?

Yes (Please indicate the time of day) \_\_\_\_\_  
No \_\_\_\_\_

10. Are your school district *security personnel* permitted to do any of the following tasks?

\_\_\_\_\_ Search students in the absence of a certified administrator  
\_\_\_\_\_ Arrest persons and summon police

- \_\_\_\_\_ Interview students suspected of committing a crime or rule violation
11. What is your school district's annual *safety services budget* (Please include personnel, equipment, and administrative costs)? \_\_\_\_\_
12. What percentage of your *annual school district budget* is dedicated to safety/security services? \_\_\_\_\_
13. Does your *school district* use any of the following equipment?
- \_\_\_\_\_ Walk through metal detectors  
 \_\_\_\_\_ Hand held metal detectors  
 \_\_\_\_\_ Surveillance cameras  
 \_\_\_\_\_ "Panic" alarms  
 \_\_\_\_\_ None of the above
14. Does your school district use *metal detectors* for any of the following purposes?
- \_\_\_\_\_ To check students entering campus in the beginning of the school day.  
 \_\_\_\_\_ To check students entering campus after lunch.  
 \_\_\_\_\_ To check students and other persons attending school-related events.  
 \_\_\_\_\_ Other uses. Please explain. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
15. Does your school district conduct *random searches* for drugs, alcohol or weapons?
- \_\_\_\_\_ Yes  
 \_\_\_\_\_ No
16. Does your school district use *dogs* to detect drugs?
- \_\_\_\_\_ Yes  
 \_\_\_\_\_ No
17. Does your school district use *video surveillance cameras* in any of the following areas or locations?
- \_\_\_\_\_ School buses  
 \_\_\_\_\_ Maintenance yards  
 \_\_\_\_\_ Campus entrances and exits  
 \_\_\_\_\_ Hallways  
 \_\_\_\_\_ Stairwells  
 \_\_\_\_\_ Libraries  
 \_\_\_\_\_ Parking lots  
 \_\_\_\_\_ Cafeteria

Campus quad areas

\_\_\_\_\_ High risk areas (Areas of poor lighting, swimming pools, where money is kept, labs)

\_\_\_\_\_ Other areas (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Who is responsible for monitoring your school district *video surveillance* system?

\_\_\_\_\_ Personnel employed by the school district

\_\_\_\_\_ Non-district contract personnel (Private patrol operators etc.)

\_\_\_\_\_ Municipal/county police personnel

\_\_\_\_\_ Community volunteers

19. Does a designated person on a regular, current action basis regularly review the *videotapes*?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

20. Are the *videotapes* only reviewed after an incident occurs?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

21. How effective are your *school district's* safety measures?

\_\_\_\_\_ Very effective-our school district is safe with very few incidents.

\_\_\_\_\_ Effective-our school district is safe with incidents occurring a few times a Week.

\_\_\_\_\_ Ineffective-our school district is unsafe with incidents occurring on a frequent basis.

22. Please provide any additional comments below.

## ENDNOTES

- <sup>1</sup>I. G. Abbott, Preface to *The Child and the State*, 1938, p. vii.
- <sup>2</sup>Alexander Volokh and Lisa Snell, *School Violence Prevention: Strategies to Keep Schools Safe*, Reason Foundation, Policy Study No. 234, October 1997.
- <sup>3</sup>Hanna Rosin and Claudia Deane, "Teens Feel the Threat of School Violence," *The Washington Post*, National Weekly Edition, May 3, 1999, p. 34.
- <sup>4</sup>*1998 Report Card on the Ethics of American Youth: Survey Data on Youth Violence*, Josephson Institute of Ethics, May 1999.
- <sup>5</sup>N. Brener, et al., "Recent Trends in Violence-Related Behaviors Among High School Students in the United States," *Journal of American Medical Association*, Center for Disease Control and Prevention, August 1999, Vol. 282, pp. 440-446.
- <sup>6</sup>Ronald Stephens, Executive Director, *National School Safety Center's Report on School Associated Violent Deaths*, National School Safety Center, Ventura, California, June 11, 1999.
- <sup>7</sup>Mary Hatwood, and Lee Powel, Preventing Violence in School, *Urban Education Journal*, 1995, <http://www.columbia.edu/>.
- <sup>8</sup>U.S. Department of Justice, Bureau of Justice Statistics, *School Crime Supplement to the National Crime Victimization Survey*, The Department, 1989 and 1995.
- <sup>9</sup>P. Kaufman, et al., *Indicators of School Crime and Safety*, NCES 98-251/NCJ 172215, U.S. Departments of Education and Justice, Washington, D.C.: 1998.
- <sup>10</sup>Sheila Heavinside, et al., *Violence and Discipline Problems in U.S. Public Schools: 1996-97*, National Center for Education Statistics, Washington, D.C., 1998.
- <sup>11</sup>"Kids These Days, 1999: What Americans Really Think About the Next Generation," *The Public Agenda*, New York, 1999, <http://www.publicagenda.org/>.
- <sup>12</sup>"The Secret Life of Teens," *Newsweek*, May 10, 1999.
- <sup>13</sup>Mindy Sink, "Shootings Intensify Interest in Home Schooling," *New York Times*, August 11, 1999, p. A-18.
- <sup>14</sup>*First Annual Report on School Safety*, U.S. Department of Education, Washington, D.C., October 1998.
- <sup>15</sup>John Cloud, "What Can Schools Do?," *TIME*, May 3, 1999, pp. 38-40.
- <sup>16</sup>Brigid Schulte, "After Littleton, Montgomery Schools Rethink Safety," *Washington Post*, July 12, 1999.
- <sup>17</sup>Kenneth S. Trump, "Crisis in the Classroom: Can Your Schools' Security Pass the Exam?," *Updating* (the newsletter of the National School Board Association's National Education Policy Network), Vol. 29, No. 3, June/July 1998.
- <sup>18</sup>*Ibid.*
- <sup>19</sup>Wendy Schwartz, "An Overview to Reduce School Violence," *ERIC*, ERIC Clearinghouse on Urban Education, No. 115, October 1996, <http://eric-web.tc.columbia.edu/>.
- <sup>20</sup>*Did the Law Cause Columbine?*, Center for Crime Victims Rights, Remedies and Resources, University of New Haven, paper presented to the Federalist Society, Washington, D.C., August 13, 1999.
- <sup>21</sup>Donald Lyman, "DARE Does Not Work," *Journal of Consulting and Clinical Psychology*, August 1999, Vol. 67: pp. 590-593.
- <sup>22</sup>Telephone interview with Principal Kelaurie Travis, Greenpoint School District, in Humboldt County, California, May 1999.
- <sup>23</sup>California Department of Justice, Crime and Violence Prevention Center, and Department of Education, Safe Schools and Violence Prevention Office, *Sample Survey of School Districts That Utilize Partnerships To Prevent Crime and Violence*, February 1999.
- <sup>24</sup>Ad Hoc Committee on the Prevention and Management of Conflict and Crime in the Schools, *Final Report of the Ad Hoc Committee on the Prevention and Management of Conflict and Crime in the Schools: To Evette Younger, Attorney, General; Wilson Riles, State Superintendent of Public Instruction*, Sacramento, 1975.
- <sup>25</sup>*Safe Campus: The Educator's Crime Prevention Journal*, California Department of Justice, 1983, Vol. 1.
- <sup>26</sup>California Department of Education, *Understanding and Reporting School Crime, A Report of the California Safe Schools Assessment*, Sacramento, The Department, 1997.
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- <sup>28</sup>Michael McCormick, et al., "Citizens Urged to Collaborate, Act Against Violence," *School Safety*, National School Safety Center, Ventura, California, Spring 1998, p. 4.
- <sup>29</sup>Walt Wiley, "Cop Plan for Schools Advances," *Sacramento Bee*, July 20, 1999, p. B-2.
- <sup>30</sup>Marcus Nieto, *The 1994 Violent Crime Control and Law Enforcement Act Today*, California Research Bureau, California State Library, Sacramento, April 1995; pp: 4-6.

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<sup>30</sup>Marcus Nieto, *Public Video Surveillance: Is It An Effective Crime Prevention Tool?*, California Research Bureau, California State Library, Sacramento, June 1997, pp. 28-30.

<sup>32</sup>Ibid.

<sup>33</sup>Telephone interview, Klye Koski, Operations Director, Huntsville City Schools, Huntsville, Alabama, May 1999.

<sup>34</sup>*Creating Safe and Drug Free Schools: An Action Guide*, Safe and Drug Free Schools, California Department of Education, September 1996, <http://www.ed.gov/offices/OESE/SDFS/actguid/searches.html>.

<sup>35</sup>R. P. Clayton, A. Cattarello, and B. Johnson, "The Effectiveness of Drug Abuse Education (Project DARE): Five-year Follow-up Results," *Preventive Medicine*, 1996, Vol. 25, pp. 307-318.

<sup>36</sup>Conflict Resolution/Peer Mediation (CR/PM) Research Project, c/o Stephen W. Smith, University of Florida, Gainesville, Florida, 1997, <http://www.coe.ufl.edu/CRPM/CRPMhome.html>.

<sup>37</sup>Finn-Aage Esbensen and D. W. Osgood, "Gang Resistance Education and Training (GREAT): Results from the National Evaluation," *Journal of Research in Crime and Delinquency*, May, 1999, Vol. 36 No. 2, pp. 194-225.

<sup>38</sup>D. Rosenbaum, et al., "Cops in the classroom: A Longitudinal Evaluation of Drug Abuse Resistance Education (DARE)," *Journal of Research in Crime and Delinquency*, 1994, Vol. 31, pp. 3-31.

<sup>39</sup>Denise Gottfredson, *Preventing Crime: What Works, What Doesn't, What's Promising. A Report to the United States Congress*, # 165366, National Institute of Justice, Washington, D.C., February 1997, pp. 5-36.

<sup>40</sup>Sherry Posnick-Goodwin, Researchers Question Value of DARE's Scare Tactic, *California Educator*, April 1997.

<sup>41</sup>California. California State Auditor, *School Safety: Comprehensive Resolution Programs Help Prepare Schools for Conflict*, #99107, August 1999.

<sup>42</sup>D. Johnson, and R. Johnson, "The Impact of Peer Mediation Training on the Management of School and Home Conflict," *American Education Research Journal*, 1995, Vol. 32, No. 4, pp. 829-844.

<sup>43</sup>*Conflict Resolution Effects on Behavior*, National Institute for Dispute Resolution, Washington, DC, 1998.

<sup>44</sup>Kathleen Vail, *Give Peace a Chance: Peer Mediators in Cleveland Choose Nonviolence*, The National Attorneys General/National School Board Association, June 1999, <http://www.keepschoolssafe.org/>.

<sup>45</sup>G. J. Botvin, et al., "Long-term Follow-up Results of a Randomized Drug Abuse Prevention Trial in a White Middle-class Population," *Journal of the American Medical Association*, 1995, Vol. 273, pp. 1106-1112.

<sup>46</sup>David Johnson and Roger Johnson, "Teaching Students To Be Peacemakers: Results of Five Years of Research," *Peace and Conflict: Journal of Peace Psychology*, 1995, Vol. 1, No. 4, p. 424.

<sup>47</sup>J. Hoover, R. Oliver, and R. Hazler, "Bullying: Perceptions of Adolescent Victims in Midwestern USA," *School Psychology International*, 1992, Vol. 13, pp. 5-6.

<sup>48</sup>Delbert Elliott and William Woodward, *Blueprints for Violence Prevention*, Center for the Study and Prevention of Violence, University of Colorado, 1999.

<sup>49</sup>J. Michael Kennedy, "A Fashion Statement with Real Meaning," *Los Angeles Times*, August 19, 1995, p. Metropolitan.



EXHIBIT 4

**Introduced by Senator Dills**February 23, 1995

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

## LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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



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

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

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

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

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

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

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

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) There is merit in collecting information that helps  
4 schools, school districts, and county offices of education  
5 identify the most urgent school safety issues confronting  
6 pupils, teachers, administrators, and community  
7 members. This information provides an objective basis  
8 for planning appropriate prevention and intervention  
9 strategies to enhance the safety of school campuses.

10 (b) There is a need for consistent and accurate  
11 reporting of incidents of school crime occurring on school  
12 campuses and in county-operated education programs.  
13 Therefore, the Legislature intends for procedures for

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

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

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

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

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

32 (a) Description of the crime.

33 (b) Victim characteristics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O





EXHIBIT 5

SENATE RULES COMMITTEE SB 1626  
 Office of Senate Floor Analyses  
 1020 N Street, Suite 524  
 (916) 445-6614 Fax: (916) 327-4478

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UNFINISHED BUSINESS

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Bill No: SB 1626  
 Author: Hughes (D)  
 Amended: 6/18/98  
 Vote: 21

SENATE PUBLIC SAFETY COMMITTEE : 6-0, 3/31/98  
 AYES: Vasconcellos, Rainey, Burton, McPherson, Schiff,  
 Watson  
 NOT VOTING: Kopp, Polanco

SENATE APPROPRIATIONS COMMITTEE : 9-0, 5/4/98  
 AYES: Johnston, Alpert, Burton, Dills, Hughes, Karnette,  
 Kelley, McPherson, Vasconcellos  
 NOT VOTING: Calderon, Johnson, Leslie, Mountjoy

SENATE FLOOR : 37-0, 5/14/98 (Consent)  
 AYES: Alpert, Ayala, Brulte, Burton, Calderon, Costa,  
 Dills, Greene, Hayden, Haynes, Hughes, Johannessen,  
 Johnson, Johnston, Karnette, Kelley, Knight, Kopp,  
 Leslie, Lewis, Lockyer, Maddy, McPherson, Monteith,  
 Mountjoy, O'Connell, Peace, Polanco, Rainey, Rosenthal,  
 Schiff, Sher, Solis, Thompson, Vasconcellos, Watson,  
 Wright  
 NOT VOTING: Craven, Hurt

ASSEMBLY FLOOR : 76-0, 8/13/98 - See last page for vote

---

SUBJECT : School security officers: training  
SOURCE : Peace Officers Research Association of  
 California

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□

DIGEST : This bill sets minimum required standards for applicants and existing employees who serve as school security officers.

Assembly Amendments allow fingerprints to be submitted electronically.

ANALYSIS : Existing law authorizes the governing board of any school district to establish a security department under the supervision of a chief of security.

Existing law authorizes a school district to establish an unpaid volunteer school police reserve officer corps to supplement a school police department. Any person deputized by a school district as a school police reserve officer shall complete the training prescribed by Section 832.2 of the Penal Code. It is the stated intent of the Legislature to allow school districts to use volunteer school police reserve officers to the extent necessary to provide a safe and secure school environment.

Existing law enacted in SB 366 (Chapter 117, Statutes of 1997) required POST to review minimum training and selection standards for school district police and members of a security or police department of a school district. The commission was required to report its findings and recommendations to the Legislature by January 1, 1998.

This bill:

1. States that it is the intent of the Legislature to ensure the safety of pupils, staff, and the public on or near California's community colleges, by providing community college security officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.
2. Requires that after July 1, 2000, every school security officer employed by a community college district who works more than 20 hours a week as a school security officer on the property of a community college, shall complete a course of training developed no later than July 1, 1999, by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training.

3. Provides that if any community college security officer is required to carry a firearm while employed, that

□

school security officer shall additionally satisfy the training requirements of Penal Code Section 832.

4. Defines "security officer" as any person primarily employed, or assigned to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or operated by the school district to protect persons or property or to prevent the theft or unlawful taking of district property of any kind or to report any unlawful activity observed to the district and local law enforcement agencies.
5. Provides that no security officer shall be employed, or continued to be employed, until the applicant or employee has submitted two copies of his or her fingerprints on forms, or electronically prescribed by the Department of Justice. The district would be required to submit the fingerprints to the Department of Justice, which, in turn, must submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services as a security guard need only submit one copy of his or her fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services, and who holds a firearms qualification card as specified in Section 7583.22, is exempt from the requirements of this subdivision.

The applicant or employee has been determined not to be a person prohibited from employment by the community college and has been determined by the Department of Justice not to be a person prohibited from possessing a firearm if the applicant or employee is required to carry a firearm.

The Department of Justice is authorized to participate in the National Instant Criminal Background Check System in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet these requirements.

6. Requires that every security officer employed prior to July 1, 2000, who works more than 20 hours a week as a school security officer shall meet the new training

□

requirements by July 1, 2002, unless he or she has completed an equivalent course of instruction, as specified.

7. Adds in the Business and Professions Code the same requirement that after July 1, 2000, (a) every security guard employed by a K-12 school district or community college, and, (b) every school security guard working on the property of a public K-12 or community college district pursuant to a contract with a private licensed security agency who works more than 20 hours per week, shall complete a course of training developed no later than July 1, 1999, by the Bureau of Security and Investigative Services of the Department of Consumer Affairs. Provides that the course shall be developed in consultation with the Commission on Peace Officer Standards and Training.

8. Makes related changes.

NOTE: There are 999 K-12 (586 elementary, 104 high school and 309 unified) level school districts in California; there are 106 community colleges in California. Many school districts at the K-12 level use unarmed security guards and most districts do not have their own school peace officers.

#### Related Legislation

SB 166 (Hughes), Chapter 117, Statutes of 1997, passed the Senate 35-2 (Noes: Hurtt, Mountjoy).

SB 1627 (Hughes), which is on the Senate Floor, sets new standards for school police officers. Both bills are intended to improve the level of training for school personnel -- school police officers (peace officers) and school security officers (who are not peace officers) -- on K-12 and community college property in order to better ensure school safety.

□

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: No

Fiscal Impact (in thousands)

Major Provisions	1998-99	1999-2000	2000-01	Fund
Training and -----See comments below----- See below fingerprint fees				
Processing fingerprint probably Special* cards minor, absorbable to process additional fingerprint cards, offset by fee revenues				
Training course rangeSpecial**				

\*Fingerprint Fees Account  
\*\*Private Security Services Fund

SUPPORT : (Verified 8/14/98)

Peace Officers Research Association of California (source)  
San Bernardino County sheriffs Department  
California School Employees Association  
Kern County Superintendent of Schools  
California College and University Police Chiefs Association  
City of Los Angeles  
Violence Prevention Coalition of Greater Los Angeles

ARGUMENTS IN SUPPORT : The author indicates the Executive Summary from the POST "Report to the Legislature on School Safety and Professional Standards for School Peace Officers/Security Personnel" (November 1997) states that:

"Great variations also exists with respect to the professional standards of school security guards. Whether as school employees or contract personnel, security officers generally wear uniforms and serve in prevention and reporting roles. Unlike school police officers, they do not investigate nor make arrests. There are no state minimum training standards for school security officers who are employees and only nominal for those who are contract security depending upon what safety equipment is possessed."

□

This bill and the companion measure, SB 1627, are designed to implement the POST report recommendations and to provide standardized training for both (1) school police and (2) school security officers whether employed or on contract. indicates the Executive Summary from the POST "Report to the Legislature on School Safety and Professional Standards for School Peace Officers/Security Personnel" (November 1997) states that:

"Great variations also exists with respect to the professional standards of school security guards. Whether as school employees or contract personnel, security officers generally wear uniforms and serve in prevention and reporting roles. Unlike school police officers, they do not investigate nor make arrests. There are no state minimum training standards for school security officers who are employees and only nominal for those who are contract security depending upon what safety equipment is possessed."

This bill and the companion measure, SB 1627, are designed to implement the POST report recommendations and to provide standardized training for both (1) school police and (2) school security officers whether employed or on contract.

ASSEMBLY FLOOR :

AYES: Ackerman, Aguiar, Alby, Alquist, Aroner, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowen, Bowler, Brewer, Brown, Bustamante, Campbell, Cardenas, Cardoza, Cedillo, Cunneen, Davis, Ducheny, Escutia, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Knox, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Margett, Martinez, Mazzoni, Migden, Miller, Morrissey, Morrow, Murray, Napolitano, Olberg, Oller, Ortiz, Pacheco, Papan, Perata, Poochigian, Prenter, Pringle, Richter, Runner, Scott, Shelley, Strom-Martin, Thompson, Thomson, Torlakson, Vincent, Washington, Wayne, Wildman, Woods, Wright, Villaraigosa

NOT VOTING: Floyd, McClintock, Sweeney, Takasugi

RJG:s1 8/17/98 Senate Floor Analyses

SUPPORT/OPPPOSITION: SEE ABOVE  
\*\*\*\* END \*\*\*\*

SB 1626  
Page 1

SENATE THIRD READING  
SB 1626 (Hughes)  
As Amended June 18, 1998  
Majority vote

SENATE VOTE : 37-0

PUBLIC SAFETY 8-0      APPROPRIATIONS 21-0

Ayes: Perata, Cunneen, Bowler, Hertzberg, House, Murray, Napolitano, Washington, Granlund,  
Sweeney,  
Washington

Ayes: Migden, Ashburn, Ackerman, Bordonaro, Kelley, Brewer, Cardenas, Escutia,  
Hertzberg, Kuehl, Machado, Olberg, Papan, Poochigian, Shelley, Strom-Martin,  
Thompson, Thomson,

SUMMARY : Requires school security officers, as defined, who work more than 20 hours per week to complete a new school security training course to be developed. Precludes security guards from being employed directly or as contract employees at K-12 schools or community colleges after July 1, 2000, unless they have cleared criminal background checks. Specifically, this bill :

- 1) Requires the creation of a new training course designed for school security officers.
- 2) Requires after July 1, 2000, every K-12 and community college school security officer and every school security officer working on the property of a K-12 school or community college district pursuant to a contract with a private licensed security agency, who works more than 20 hours a week as a school security officer, to complete the new course.
- 3) Requires every school security officer employed by a school district prior to July 1, 2000, to meet the new training requirement by July 1, 2002, but exempts security officers who have already completed a 32-hour training course related to school police/security functions.
- 4) Requires all security guards and school security officers employed by or working at a public school district to have passed criminal background checks before working at the schools.
- 5) Makes other conforming changes.

EXISTING LAW :

- 1) Authorizes the governing board of any school district to establish a security department under the supervision of a chief of security, and to employ personnel to ensure the safety of school district personnel and pupils and the security of the

□

SB 1626  
Page 2

school's property.

- 2) Authorizes the school district to use volunteer school police reserve officers, and requires deputized school police officers to complete certain training offered by Peace Officers Standards and Training (POST), currently consisting of 32 hours of training.
- 3) Provides no person who has been convicted of a violent or serious felony, as defined, shall be employed by a school district, or shall be employed by a school district in a position requiring qualifications, unless the conviction is for a serious (i.e., but not violent) felony and the person has obtained a certificate of rehabilitation and pardon or proves to the sentencing court by clear and convincing evidence that he or she has been rehabilitated for one full year.
- 4) Provides no person shall be employed or retained in employment by a school district who has been convicted of any sex offense, as defined, or controlled substance offense, as defined.

FISCAL EFFECT : According to the Assembly Appropriations Committee analysis, one-time costs to the Private Security Services Fund (i.e., under the State and Consumer Services Agency) of less than \$100,000 for course development.

COMMENTS : According to the author, "The California public expects schools to provide a safe environment. The California Constitution guarantees it. Nevertheless, great variation exists between schools and districts as it relates to the background checks and training of those who provide security services. The competency of those responsible for maintaining school safety is unquestionably a significant safety factor."

"This bill closes some of the wide disparities that exist with respect to the professional standards and training of security guards. Whether as school employees or contract personnel, security officers generally wear uniforms and serve in a prevention and reporting role working closely with the children. Unlike school police officers, they do not investigate nor make arrests. There are no state minimum training standards for school security officers whether contracted for or employed by the district. There are nominal training requirements only if the security officer is required to wear a weapon or safety equipment.

"The School Security Officer Bill will require that all employed or contracted officers in the K-14 system, who work more than 20 hours a week, shall complete a course of training developed by the Department of Consumer Affairs, Bureau of Security and Investigative Services in consultation with the Commission on Peace Officer Standards and Training.

"In addition, it requires that all contracted (i.e., employed security are not required to be checked) security officers receive a complete criminal records check prior to performing their duties. These records checks shall be performed by the California

□

SB 1626  
Page 3

Department of Justice and the Federal Bureau of Investigation.

"This bill recommends measured increases in the training and selection of school security officers. Again, the goal is to provide some credibility for the public and protection for the children and the employees that those who are guarding them, are themselves not criminals and know what they are doing." Please see the policy committee analysis for a more comprehensive discussion of this bill.

Analysis prepared by : David Hendren / apubs / (916) 319-3744

040578

FN

EXHIBIT 6



The documents following this page were  
photocopied from the files of the

Assembly Committee on

Criminal Law and Public Safety

D/P - Consent

ASSEMBLY COMMITTEE ON CRIMINAL LAW  
AND PUBLIC SAFETY

BILL NO: AB 158

FISCAL: NO

BYRON D. SHER, CHAIRMAN

URGENCY: NO

STATE CAPITOL, ROOM 2136  
(916) 445-3268

HEARING  
DATE: 2/9/83

BILL NO.: AB 158 (as introduced)

AUTHOR: TUCKER

SUBJECT: RESISTING OR OBSTRUCTING PEACE OFFICERS IN THE  
PERFORMANCE OF THEIR DUTIES.

DIGEST:

Existing law makes it a crime to willfully resist, obstruct or delay any public officer in the lawful discharge of duty. This bill would codify judicial decisions which have interpreted the term "public officers" to include peace officers.

STAFF COMMENTS:

Codifies Existing Practice. Commonly referred to as the crime of "resisting arrest", Section 148 of the Penal Code has long been interpreted to apply to "peace officers" as well as public officers. (See In re. Bacon (1966) 240 Cal. App. 2d 34 and use note to CALJIC 16.100 which states that the term public officer includes those persons designated as peace officers pursuant to Sections 830 through 830.9 of the Penal Code.) Therefore, this bill makes no substantive change in the law.

SOURCE: Winston Parkman

SUPPORT: PORAC

OPPOSITION: Unknown

ASSEMBLY COMMITTEE ON CRIMINAL LAW AND PUBLIC SAFETY  
BYRON SHER, Chairman

State Capitol - Room 2136  
(916) 445-3268

BILL ANALYSIS WORKSHEET

BILL NO.: AB 158 AUTHOR: Assemblyman Curtis R. Tucker

1. Source and background of the bill:

- (a) What, if any, person, organization or governmental entity requested introduction?  
Mr. Winston Parkman  
Attorney  
One Manchester, Suite 401, Inglewood (213) 678-4101
- (b) Has a similar bill been before either this session or a previous session of the Legislature? If so, please identify the session, bill number and disposition of the bill.  
No known legislation
- (c) Has there been an interim committee report on the bill? If so, please identify the report.  
No known interim report.
- (d) Please attach copies of any background material in explanation of the bill, or state where such material is available for reference by committee staff.
- (e) Please attach copies of letters of support or opposition from any group, organization or governmental agency which has contacted you either in support of or opposition to the bill.

2. Amendments prior to hearing:

- (a) Do you plan any substantive amendments to this bill prior to hearing? Yes \_\_\_\_\_ No xx
- (b) If the answer to (a) is yes, please explain briefly the substance of the amendments to be prepared.

3. Need for the bill:

- (a) Please describe the specific problem or deficiency in current law that this bill seeks to remedy.

This bill amends the Penal Code Section 148 to include "peace officer" and not just "public officer or police officer"

- (b) Please present specific facts or examples that demonstrate the need for this bill. Due to the substantial number of wrongful convictions obtained for alleged violation of Section 148 of the California Penal Code it is necessary to specify "peace officer", because a peace officer is not necessarily considered a public officer.

- (c) If no facts or examples are presented, please explain why the bill is nonetheless needed.

- (d) If the proposed remedy in the bill goes beyond the need demonstrated by your facts or examples, please explain why.

4. Costs imposed by this bill:

Please estimate the cost or savings to any state or local law enforcement or correctional agency, including the judicial system, imposed by this bill, and explain the format used to estimate the cost or savings.

None

RETURN THIS FORM TO: Ann Boone, Committee Secretary  
Criminal Law and Public Safety Committee  
Room 2136, State Capitol

TO File - AB 158

FEB 10 1983

STATE OF CALIFORNIA

QUIN DENVER, State Public Defender

**Office of the State Public Defender**

1107 NINTH STREET, THIRD FLOOR  
SACRAMENTO, CA 95814  
(916) 322-2976

February 8, 1983

Assemblyman Curtis R. Tucker  
State Capitol  
Sacramento, CA 95814

Re: AB 158

Dear Assemblyman Tucker:

We understand that the purpose of this amendment to the offense of interfering with an officer is to clarify the law.

We suggest that since a clarification is being attempted, the following language also be inserted after who, line 3: "by physical conduct." (See AB 2629 (M. Waters) 1979-80 reg. sess) this statute is overly broad and too often is used where there are merely abusive words. We feel that this suggested amendment would make it clear that persons cannot be penalized for the exercise of free speech. It would limit the offense to those situations in which offenders are actually preventing an officer from discharging their duties.

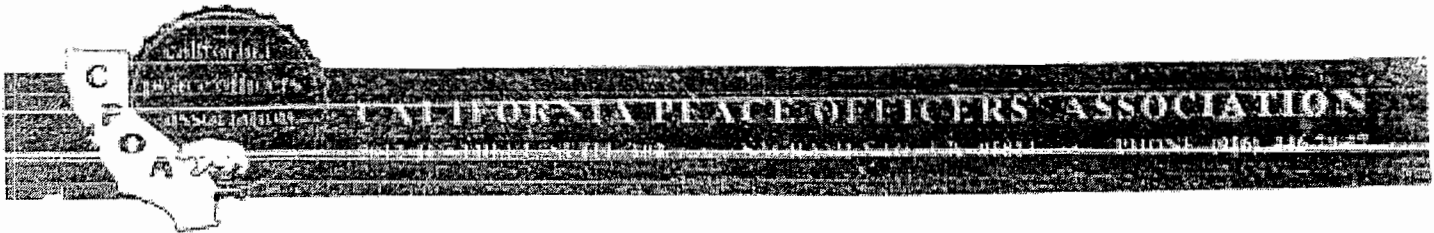
If you or your staff wish to discuss this further, please do not hesitate to contact me.

Very truly yours,

*Marjorie C. Swartz*

MARJORIE C. SWARTZ  
Deputy State Public Defender

MCS:vt  
cc: Criminal Law and  
Public Safety Committee



President  
**JOSEPH J. NORTON**  
 Chief, Fresno City

1st Vice President  
**LEE ROBINSON**  
 Chief, Alameda

2nd Vice President  
**JAL ROSANO**  
 Chief, Santa Rosa

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 Sheriff, Contra Costa County

4th Vice President  
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 Chief, Alameda

Treasurer  
**G. J. WALKER**  
 Sheriff, Alameda County

February 3, 1983

The Honorable Curtis Tucker  
 California State Assembly  
 State Capitol  
 Sacramento, CA 95814

**WILLIAM J. ANTHONY**  
 Director, Division of  
 Law Enforcement  
 California Department of  
 Justice

Dear Assemblyman Tucker:

**BARBARA AYRES**  
 Captain (Retired), Orange County

Re: AB 158

**HAROLD BARKER**  
 Assistant Sheriff  
 San Mateo County

Your bill, AB 158, has been reviewed by the  
 Law and Legislative Committee of the California  
 Peace Officers' Association.

**SHERMAN BLOCK**  
 Sheriff, Los Angeles County

The committee has taken a position of "approve  
 in principle" on your bill.

**NORMAN BOZEM**  
 Executive Director,  
 Peace Officers Standards &  
 Training

If you desire our assistance, please do not  
 hesitate to call upon us. At your request, we  
 will endeavor to provide you with research and  
 testimony at committee hearings on this bill.

**GLEN CRAIG**  
 Commissioner,  
 California Highway Patrol

Sincerely,

**RAYMOND C. DAVIS**  
 Chief, Santa Ana

*Joanne McShane*  
 Joanne McShane  
 Legislative Assistant

**JOHN DUFFY**  
 Sheriff, San Diego County

**HERB FORCE**  
 Manager, Corporate Security  
 Standard Oil Company  
 of California

**DONALD FURKES**  
 Chief, Brea

**MARVIN H. HANNOFT**  
 Sheriff, Inyo County

**DUANE LOWE**  
 Sheriff, Sacramento County

**CORNELIUS MURPHY**  
 Chief, San Francisco

**MAUREEN O'CONNELL**  
 Sheriff, Alameda County

**FRANK J. SCHÖBER, JR.**  
 Commanding General  
 California Military Department

**JAMES R. SMITH**  
 Chief, Los Angeles

**ROBERT WASSERMAN**  
 Chief, Fresno

**NORMAN A. WOODS**  
 Special Agent in Charge  
 Federal Bureau of Investigation  
 San Diego

**LEAH VANA**

WINSTON W. PARKMAN, INC.

LAW OFFICES  
ONE MANCHESTER SUITE 401  
INGLEWOOD, CALIFORNIA 90301

WINSTON W. PARKMAN

17 JANUARY 1983

TELEPHONE  
(213) 678-1100

HONORABLE CURTIS TUCKER  
ASSEMBLYMAN, 50TH DISTRICT  
STATE CAPITOL  
SACRAMENTO, CALIFORNIA

JAN 20 1983

RE: SECTION 148 AMENDED

Dear Curtis:

Thank you for the copy of the proposed amended Section 148 P.C.

I have read the case of IN RE BACON, a copy of which you sent to me.

While it is true, the Court of Appeal has held in those cases that Section 148 is applicable to peace officers, that Court is in error.

You must consider, most judges have been prosecutors and are still prosecutor minded and this is an easy out for them.

I cite you a Connecticut case as competent authority for the definition of public office:

"The essential characteristics of "public office" are: (1) authority conferred by law, (2) fixed tenure of office, and (3) power to exercise some portion of sovereign functions of government; the key element of such test is that the "officer" is carrying out some sovereign function."

SPRING V. CONSTANTINO, 168 CONN. 563

"The essential elements to establish a public position as a "public officer" are:

"The position must be created by the constitution, the legislature, or through authority conferred by the legislature, a position of sovereign power of government must be delegated to the position, duties and powers must be defined, directly or impliedly, by the legislature . . . and these duties must be performed without control of superior power other than law and the position must have some permanency and continuity."

STATE V. TAYLOR, 260 IOWA 634.

HONORABLE CURTIS TUCKER  
PAGE TWO

Clearly, a city police officer does not fit this definition.

A public officer or official is the "holder of a public office."  
Not all persons in public employment are public officers or  
officials, because the public officer's position requires the exercise  
of some portion of sovereign power, whether great or small.

See "TOWN OF ARLINGTON V. BOARD OF CONCILIATION  
AND ARBITRATION (MASS.) 352 N.C. 2d 974."

Most people charged with 148 Penal Code violations do not have  
the funds with which to carry the fight to the State Supreme Court;  
not do they wish to suffer the expense even though they have the  
money.

The IN RE BACON case cited in the cases furnished by  
someone to you, (240 C.A. 2d 35) nowhere touches the point  
I have raised. (See notes 14, 15 & 20). The closest the  
Court came to this point was on page 54 wherein the "public  
officer" status was challenged unsuccessfully on grounds of  
"jurisdiction" only, not otherwise.

The following peace officers are also public officers, because  
their superiors are public officers:

1. Deputy Sheriffs;
2. Deputy District Attorneys;
3. Alcoholic Beverage Control deputies; and
4. Many others, but not city police officers.

Very truly yours,  
WINSTON W. PARKMAN, INC.

BY: Winston W. Parkman  
WINSTON W. PARKMAN

KWP:chp



AB 158

# Peace Officers Research Association of California

STATE OFFICE  
1912 F STREET • SACRAMENTO, CALIFORNIA 95814  
(916) 441-0660 • (800) 952-5263

JAN 18 1983

January 13, 1983

Assemblyman Byron Sher, Chairman  
Public Safety Committee  
State Capitol  
Sacramento, CA 95814

Re: AB 158 Tucker

Dear Assemblyman Sher:

PORAC, representing 35,000 members through more than 400  
peace officer associations, is supporting AB 158-peace officers.

We therefore urge your YES vote on AB 158.

Respectfully,

*M. D. McFall*

MONTE D. MCFALL, Director  
Legislative Division

MDM:gr

cc: ✓ Assemblyman Curtis Tucker

WINSTON W. PARKMAN, INC.  
LAW OFFICES  
ONE MANCHESTER, SUITE 401  
INGLEWOOD, CALIFORNIA 90301

A.I.D.

WINSTON W. PARKMAN

4 AUGUST 1982

TELEPHONE  
1213 676-412

HONORABLE CURTIS TUCKER  
ASSEMBLYMAN 50th DISTRICT  
STATE CAPITOL  
SACRAMENTO, CA. 95814

Dear Curtis:

As a defense attorney in criminal cases, I am appalled at the number of wrongful convictions obtained for alleged violation of Section 148 of the California Penal Code.

Section 148 refers to persons who interfere with "Public Officers" not peace officers.

The legislature, in its collective wisdom, wisely chose the term "public officer" for a reason. Surely had it meant to include "peace officers" it would have done so.

A day does not pass without someone being convicted under this section for interfering with a police officer, who, by no definition, is "public officer."

I suggest we legalize the court's judgments by amending Penal Code section 148 to read as follows:

"148. Resisting or obstructing public officer or police officer.

Every person who wilfully resists, delays, or obstructs any public officer or any peace officer, in the discharge or attempt to discharge any duty of his office . . . etc."

*and, etc.*  
If we add "peace officer" to the statute, then the conviction will be legal.

-ONE-

PAGE TWO  
CURTIS TUCKER

RE: SECTION 148 P.C.

---

It is virtually impossible to convince a judge that a peace officer is not necessarily a public officer; so many "innocent" defendants are wrongfully convicted under the present section 148.

Thank you for your consideration of this matter.

Very truly yours,  
WINSTON W. PARKMAN, INC.

BY: Winston W. Parkman  
WINSTON W. PARKMAN

WWP:chp

EXHIBIT 7

The documents following this page were  
photocopied from the files of the

Assembly Committee on

Public Safety.

**WORKING COPY  
DO NOT REMOVE**

Date of Hearing: March 9, 1987

AB 462

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Larry Stirling, Chair

AB 462 (N.Waters) - As Introduced: February 3, 1987

SUBJECT: SHOULD THE CRIME OF RESISTING, DELAYING OR OBSTRUCTING A PEACE OFFICER BE EXPANDED TO ENCOMPASS EMERGENCY MEDICAL TECHNICIANS AND MOBILE INTENSIVE CARE PARAMEDICS?

DIGEST

Under current law, willfully resisting, delaying or obstructing any public officer or peace officer in the discharge or attempt to discharge any duty of his or her office is a misdemeanor, punishable when no other punishment is prescribed by up to one year in the county jail, a fine not to exceed \$1,000 or both.

This bill extends the definition of this crime to encompass those who willfully resist, delay or obstruct an emergency medical technician or mobile intensive care paramedic, as defined.

COMMENTS

- 1) Purpose. Under current law, it is a crime for one to stop at the scene of an emergency for the purpose of viewing either the scene or the activities of emergency personnel in the course of their duties, and to impede such persons from performing their duties. This provision, however, does not proscribe one from doing so when not for these specified purposes. According to the state Emergency Medical Services Authority, this bill is needed because the lack of specific intent to go to the scene for the purposes of viewing it has been successfully used as a defense.
- 2) Technical Amendment Suggested. This bill amends Section 148 of the Penal Code. Since Section 402 of the Penal Code already makes it a crime under certain circumstances to interfere with emergency personnel in the performance of their duties (see Comment #1), the author may wish to consider expanding the circumstances under which Penal Code Section 402 applies, rather than having two separate sections in different areas of the code which address the same type of activity.

It should be noted that this bill carries a maximum jail term of 1 year in the county jail, and that Section 402 carries a maximum jail term of 6 months. Should the author elect to take this amendment, he could either leave the maximum penalty at 6 months, raise the maximum penalty to 1 year, or allow for a maximum penalty of 1 year just for those offenders with the specific intent to interfere with an emergency. Allowing for a higher penalty under certain circumstances under the last option would not be disproportionate since such persons are more culpable than those who simply go to the scene of an emergency for the purpose of viewing it.

- 3) What Are "Emergency Medical Technicians" and "Mobile Intensive Care Paramedics?" This bill defines "emergency medical technician" to be those "possessing a valid course completion certificate from a program approved by the State Department of Health Services for the medical training and education of ambulance personnel" and who meet certain standards as set forth in the Health and Safety Code. It defines "mobile intensive care paramedics" to be those who meet the standards as set forth in the Health and Safety Code.

The Health and Safety Code, however, provides that the local Emergency Medical Services Authority, not the Department of Health Services, shall provide for certification of emergency medical technicians. Additionally, the the code no longer provides for certification of "mobile intensive care paramedics," but instead provides for three levels of emergency medical technicians. In order to reflect the proper definitions of emergency medical technicians, this bill should be cross-referenced to Division 2.5 of the Health and Safety Code.

- 4) What Does A Duty of "Office" Include? This bill (and current law) refers to those who discharge "any duty of his or her office." Although commissioned emergency medical technicians would have duties of their "office," noncommissioned emergency medical technicians who are employed by private enterprise would not have duties of "office." In order to clarify that this bill is intended to refer to emergency technicians, whether commissioned or not, it should be amended to read "any duty of his or her employment."

SOURCE: Two-volume County Sheriff's Office

SUPPORT: None on file

OPPOSITION: None on file

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DO NOT REMOVE

AB 462

CONCURRENCE IN SENATE AMENDMENTS

AB 462 (N. Waters) - As Amended: June 17, 1987

ASSEMBLY VOTE 79-0 ( April 21, 1987 ) SENATE VOTE 33-0 ( July 9, 1987 )  
(Consent Calendar)

Original Committee Reference: PUB. S.

insert

DIGEST

As passed by the Assembly, this bill extended the definition of resisting, delaying or obstructing a peace officer or any public officer to encompass those who willfully resist, delay or obstruct emergency medical technicians (EMTs), as defined.

The Senate amendments:

- 1) Provide that when law enforcement officers and EMTs are at the scene of an accident, management of the scene of the accident shall vest with the law enforcement agency.
- 2) Require law enforcement representatives to consult with representatives of other response agencies also at the scene to ensure that resources are properly used.

FISCAL EFFECT

No additional state costs.



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*Senate Floor Analysis*  
THIRD READING

AB 462  
N. Waters (D)  
6/17/87 in Senate  
Majority

28.8

79-0, p. 1462, 4/21/87  
(Passed Assembly on Consent)

SUBJECT: Crimes

SOURCE: Tuolumne County Sheriff's Office

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DIGEST: This bill would include emergency medical technicians in the provision which makes it a misdemeanor to willfully resist, delay, or obstruct any public officer or peace officer in the discharge of his or her office.

This bill also provides for management of an accident scene when law enforcement officers and emergency medical technicians are present at the scene of an accident.

ANALYSIS: Under current law every person who willfully resists, delays, or obstructs any public officer or peace officer, in the discharge or attempt to discharge any duty of his or her office may be punished by a fine not exceeding \$1,000, or by a county jail term not exceeding one year, or by both.

This bill would include within the above provisions the willful resistance, delay, or obstruction of emergency medical technicians in the discharge or attempt to discharge the duties of their office or employment.

Existing law does not identify mobile intensive care paramedics or emergency medical technicians within the category of the people who should not be interfered with during the course of their duty or employment. This bill would criminalize such interference, thereby providing the same protection to emergency medical technicians as already provided to peace officers.

CONTINUED

Existing law authorizes designated peace officers to close areas affected by explosions, natural disasters, accident, or other disasters whenever there is a menace to the public health or safety, and prohibits unauthorized persons to willfully and knowingly enter or willfully remain in those areas.

This bill would provide that when law enforcement officers and emergency medical technicians are at the scene of an accident, management of the scene of the accident, as defined, shall be vested in the appropriate law enforcement agency, and would require the representative of that law enforcement agency to consult with the representatives of other response agencies at the scene to ensure that all appropriate resources are properly utilized, thus imposing a state-mandated local program by imposing new duties upon local law enforcement agencies.

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: Yes

SUPPORT: (Verified 6/30/87)

Tuolumne County Sheriff's Office (source)  
California Ambulance Association  
California Association of Safety Employees

ARGUMENTS IN SUPPORT: Proponents assert that in a number of instances paramedics have experienced "uncalled for interference" in their attempts to provide skilled care in life-threatening situations.

RJG:lm 7/1/87 Senate Floor Analyses

Legislative Analyst  
March 30, 1987

ANALYSIS OF ASSEMBLY BILL NO. 462 (Norman Waters)  
As Amended in Assembly March 16, 1987  
1987-88 Session

Fiscal Effect:

Cost: No additional state costs.

Revenue: Unknown revenues to local governments and state special funds from fines and penalty assessments.

Analysis:

This bill makes it a crime to willfully resist, delay, or obstruct emergency medical technicians in the discharge of their office or employment. This crime would be punishable by a fine of up to \$1,000, imprisonment in a county jail for up to one year, or by both fine and imprisonment.

Under existing law, it is a crime, punishable as specified above, to willfully resist, delay or obstruct public officers or peace officers in the discharge of their office.

Fiscal Effect

To the extent that fines are imposed as a result of this bill, local governments and certain state special funds could receive additional revenues from fines and penalty assessments.

Mandated Local Program. The bill could result in local law enforcement and incarceration costs. The bill contains a crimes and infractions disclaimer.

This copy Rec'd 3/4 (DVO)

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Larry Stirling, Chair

Bill No. AB 462  
Author N. Waters

1100 J Street, Room 404  
Sacramento, CA 95814  
(916) 445-3268

BILL ANALYSIS WORKSHEET

1) NEED FOR BILL.

a) Please describe the specific problem or deficiency in current law that this bill seeks to remedy.

CURRENT LAW DOES NOT INCLUDE PENALTY PROVISIONS  
FOR PERSONS WHO WILLFULLY RESIST, DELAY, OR  
OBSTRUCT EMERGENCY MEDICAL TECHNICIANS OR MOBILE  
INTENSIVE CARE PARAMEDICS IN THE DISCHARGE OF  
THEIR DUTIES.

b) Please present specific facts or examples that demonstrate the need for this bill.

A VEHICLE ACCIDENT IN YUBA COUNTY WHERE  
A MOTORCYCLE LEFT THE HIGHWAY AND CRASHED DOWN  
AN EMBANKMENT. COMPANION(S) ACCOMPANYING THE  
ACCIDENT VICTIM PHYSICALLY RESISTED EFFORTS OF CERTAIN  
TO TREAT THE VICTIM. SHERIFF'S OFFICER'S CALLED AND NO  
PROVISION PROHIBITING SUCH BEHAVIOR. ALSO, THE D.D. OFFICE INVESTIGATED  
THE DETAILS THAT CURRENT LAW WAS NOT APPLICABLE.

c) If no facts or examples are presented, please explain why the bill is nonetheless needed.

N/A

- d) If the proposed remedy in the bill goes beyond the need demonstrated by your facts or examples, please explain why.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) SOURCE AND BACKGROUND OF BILL.

- a) What, if any, person, organization or governmental entity requested introduction of this bill?

Deputy Sheriff, Guilford County Sheriff's Office  
\_\_\_\_\_

- b) Has a similar bill been before either this session or a previous session of the Legislature? If so, please identify the session, bill number, and disposition of the bill.

No  
\_\_\_\_\_

- c) Has there been any interim committee report on this bill? If so, please identify the report.

No  
\_\_\_\_\_

- d) Please attach copies of any background material in explanation of this bill, or state where such material is available for reference by committee staff.

N/A  
\_\_\_\_\_

- e) Please attach copies of letters of support or opposition you have received.

None at this time  
\_\_\_\_\_

3) AMENDMENTS PRIOR TO HEARING.

- a) Do you plan any substantive amendments to this bill prior to hearing?

Yes \_\_\_\_\_ No X

b) If the answer to (a) is "yes" please explain briefly the substance of the amendments being prepared (or attach a copy of the draft which has gone to Legislative Counsel).

*n/a*

4) COSTS IMPOSED BY BILL.

Please estimate the cost or savings to any state or local law enforcement or correctional agency, including the judicial system, imposed by this bill and explain the formula used to estimate the cost or savings.

*INDETERMINATE - NO COST TO STATE.*

RETURN THIS FORM TO: Darlene Fridley-Blue  
Committee Secretary  
Assembly Committee on Public Safety  
1100 J Street, Room 404  
Sacramento, CA 95814

BACKGROUND  
AB 462

Emergency Medical Services Authority

Susan French  
Legislation  
2-4336

PC Section 148  
bill amends to expand obstruction of justice

PC Section 243  
bill cross reference this Section for the definition of EMT and Mobile  
Intensive Care Paramedic.

H+S Division 2.5  
Pre-Hospital Emergency Medical Care Technicians certified and  
authorized by local Emergency Medical Service Agency. Must also meet  
standards/regulations as established by the State Emergency Medical  
Services Agency.

PC Section 402

Makes it a misdemeanor to interfere with Emergency Professionals when  
going to scene for purpose of viewing.

According to Legislative Counsel and EMSA, EMT's are not public  
officials, nor are "commissioned" to perform public duties.



# CALIFORNIA AMBULANCE ASSOCIATION

3814 Auburn Blvd., Suite 70 • Sacramento, CA 95821  
Administrative Office (916) 483-3852 • Government Relations (916) 446-7505

MAR 6 1987

March 6, 1987

The Honorable Norma Waters  
State Capitol  
Sacramento, CA 95814

Dear Assembly Member Waters:

I am writing on behalf of the California Ambulance Association to inform you that we are in wholehearted support of your AB 462. Our members have experienced, on more than one occasion, uncalled for interference with their attempts to provide skilled paramedic care in life-threatening situations.

California statutes clearly do not identify emergency medical technicians or mobile intensive care paramedics within the category of the people who should not be interfered with during the course of their duties. Your legislation is extremely important to the quality of care received by the citizens of this state.

Thank you for your interest and concern in this area. We stand ready to support this bill in every way possible.

Respectfully submitted,

Michael Nilssen  
President  
California Ambulance Association

MN/rm

cc: Members, Assembly Public Safety Committee  
Consultant, Assembly Public Safety Committee



EXHIBIT 8



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**JACK O'CONNELL**

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

March 4, 2010

Dear County and District Superintendents, Charter School Administrators, and Chief Business Officers:

### GOVERNOR'S BUDGET FOR 2010-11

On January 8, 2010, Governor Arnold Schwarzenegger released his budget for 2010-11. In addition to proposals for 2010-11, the budget includes new proposals for revising the enacted 2008-09 and 2009-10 budgets to address the state's fiscal crisis.

This letter provides information on the Governor's proposals that affect kindergarten through grade twelve (K-12) education. Copies of this document, as well as other budget-related documents, are available on the California Department of Education (CDE) Education Budget Web page at <http://www.cde.ca.gov/fq/fr/eb/>. Official state budget documents are available on the Department of Finance (DOF) Web site at <http://www.dof.ca.gov/> (Outside Source).

The proposals for both 2008-09 and 2009-10 are currently under consideration by the Legislature, which is meeting in special session to address the state's fiscal crisis. The proposals for 2010-11 will be considered by the Legislature throughout the spring. Both sets of proposals are likely to change significantly before final enactment.

#### Overview

The state again faces a huge budget challenge. The Governor's Budget projects a deficit of \$19.9 billion for the two-year period including fiscal years 2009-10 and 2010-11. On January 8, 2010, Governor Schwarzenegger declared a "fiscal emergency." Pursuant to Proposition 58 (Article IV, Section 10[f] of the California Constitution), the Legislature is required to hold a special session and must act within 45 days to address the emergency. If the Legislature does not act within 45 days, it may not act on other bills or adjourn until it has done so.

This \$19.9 billion deficit is the result of a variety of factors. The state has seen a greater than anticipated decline in General Fund revenues. Some budget reductions did not materialize and temporary budget solutions are set to expire. As a result, the Governor's Budget proposes to close the budget gap in the current and budget years through expenditure reductions across most programs and significant increases in federal funds.

In the event that increases in federal funds do not materialize, the Governor's Budget proposes to suspend tax credits and make additional ongoing program reductions.

#### Proposition 98

##### 2008-09 Proposition 98 Changes

Due to a greater than anticipated drop in state revenues, the minimum funding level required by Proposition 98 is projected to be \$2.2 billion below the level provided to K-12 and community college (K-14) programs under the 2008-09 budget package as amended in July 2009. The Governor proposes to reduce 2008-09 spending for K-14 programs from state and local funds by \$82.9 million, from \$49.1 billion to \$49 billion. The DOF projects this savings can be achieved through natural savings and will not change amounts allocated to K-14 programs.

In connection with the 2008-09 spending reduction, the Governor's Budget proposes to reopen the Proposition 98 certification that was enacted in Assembly Bill 3 of the 2009 Fourth Extraordinary Session (ABX4 3), (Chapter 3, Statutes of 2009, Fourth Extraordinary Session). This proposed change to the certified Proposition 98 guarantee for 2008-09 would mean that the Proposition 98 minimum funding level would be calculated under "Test 1" for the first time since 1988-89. Figure 1 provides an overview of Proposition 98 principles and the calculation methodology.

Effectively, this change would mean the outstanding maintenance factor of \$11.2 billion specified in ABX4 3 would no longer exist. As enacted in ABX4 3, the \$11.2 billion maintenance factor would have been restored over time to the Proposition 98 base as the state's economy and revenues improve, as outlined in the constitution. The Governor's Budget recognizes an \$11.2 billion statutory "in-lieu" maintenance factor obligation and proposes to begin repayment in 2012-13; however, repayment would no longer be based on the constitutional formula and would be at the discretion of the Legislature.

Figure 1  
Proposition 98 Overview

#### Basic Principles

Proposition 98, approved by the voters in 1988, provides a constitutionally guaranteed minimum level of funding to K–12 schools and community colleges.

In years of “normal” state revenue growth, K–14 education is guaranteed a level of state and local funding at least equal to the funding level received in the prior year, adjusted for changes in enrollment and per capita personal income.

In years of extraordinarily good or bad revenue growth, K–14 education participates in the state's gains or losses according to specified “fair share” formulas.

Proposition 98 may be suspended in a statute passed with a two-thirds vote, enacted separately from the budget.

Following a “fair share” reduction in the level of the Proposition 98 funding guarantee or a suspension of the guarantee, the state eventually must restore K–14 education funding to the level that would have been provided had no reduction occurred. The pace of this restoration is tied to the pace of the state's economic recovery.

#### The Specifics: Test 1, Test 2, Test 3, and Restoration

Specifically, the guaranteed minimum funding level for K–14 education is the greater of:

- Test 1—Percent of General Fund Revenues: The percentage of state General Fund tax revenues received by schools and community colleges in 1986–87 as adjusted for the impact of shifts in property taxes from local governments to schools (currently about 40.6 percent), or
- Test 2—Maintenance of Prior-Year Service Levels: The prior-year level of funding from state aid and local property taxes increased for enrollment growth and inflation as measured by the change in per capita personal income.

However, in years when the percentage growth in per capita General Fund revenues is less than the percentage growth in per capita personal income and the difference exceeds 0.5 percent, the following alternative test is substituted for Test 2:

- Test 3—Adjustment Based on Available Revenues: The prior-year level of funding from state aid and local property taxes increased for enrollment growth and inflation as measured by the change in per capita General Fund revenues plus 0.5 percent. Test 3 ensures that K–14 education bears a fair share of the state's General Fund revenue growth or decline in extraordinarily good or bad revenue growth years.
- Test 3B—“Equal Pain, Equal Gain”: Test 3B is the same as Test 3, except that K–14 education cannot suffer more cuts than the rest of the state budget.

Restoration—If the Proposition 98 guarantee is reduced because of the application of Test 3 or a suspension of the guarantee, the amount lost is never repaid. The funding level must eventually be restored in the future, however, according to a formula that is tied to the pace of the state's economic recovery.

#### 2009–10 Proposition 98 Changes

The Governor's Budget projects General Fund revenues for 2009–10 will be \$1.5 billion less than expected as of the July enacted budget. As a result of the reduction in General Fund revenues, the current year Proposition 98 guarantee is projected to be decreased by \$568 million, from \$50.4 billion to \$49.9 billion. This reduction is made up of a projected \$340 million in savings from the kindergarten through grade three (K–3) Class Size Reduction program and a savings due to a decline in average daily attendance (ADA).

#### 2010–11 Proposition 98 Changes

The Governor's Budget projects General Fund revenues for 2010–11 will increase by \$1.2 billion over the revised 2009–10 level. As a result of this increase, the Governor's Budget provides \$50 billion in state and local funds for K–14 programs under Proposition 98 in 2010–11. This is an increase of \$100 million from the revised 2009–10 funding level.

The Governor's Budget proposes eliminating a current sales tax on fuel and increasing the excise tax on gasoline. This proposal has a negative effect on the Proposition 98 guarantee because the fuel sales taxes are General Fund revenues used in determining the Proposition 98 minimum funding level for K–14 education. The loss of \$1.8 billion in General Fund revenues equates to a \$900 million decrease in the minimum amount of funding required for K–14 education.

#### 2010–11 Major Funding Adjustments

Figure 2 provides major adjustments to 2010–11 spending. Although total Proposition 98 funding is flat from year to year, the adjustments are largely negative because of the need to backfill one-time solutions in 2009–10.

**Figure 2**  
**K–12 Proposition 98 Funding**  
**2010–11 Adjustments (in millions)**

Program or Activity	Amount
<b>One-time funding</b>	
Emergency Repair Program	\$ 50
Categorical funding for new schools in 2008–09 and 2009–10	20
Charter school facilities funding	18
<b>Ongoing funding</b>	
Backfill revenue limit reduction	1,500
Special education—behavioral intervention plan	65
Categorical funding for new schools	15
Mandates—suspension of all mandates except for inter/intra district transfers (\$7.7 million) and the California High School Exit Exam (CAHSEE) (\$6.8 million)	14
School district administrative costs	-1,200
Reduction to the K–3 Class Size Reduction program due to projected savings in the program	-550
Contracting out	-300
Negative cost-of-living adjustment	-202
Reduction of California Work Opportunity and Responsibility to Kids (CalWORKS) Stage 3	-123
Reduction in child care reimbursement rate limits in voucher-based programs	-77
County office of education administrative consolidation	-45

**New School Categorical Funding**

The Governor’s Budget provides \$15 million from the General Fund to provide categorical funding to newly established schools. Under current law, schools established after the base year used for allocating the categorical funds that were made flexible in 2008–09 may receive an allocation for these programs if they are administering the programs as they existed before they were made flexible. Additionally, the Governor’s Budget provides \$20 million in one-time funds to provide categorical funding for newly established schools in 2008–09 and 2009–10.

**School Facilities Emergency Repairs (Williams)**

The Governor’s Budget provides \$50 million from the Proposition 98 Reversion Account for emergency facility repairs pursuant to the Williams lawsuit settlement in 2004. Additional information on the Williams case is available on the CDE Williams Case Web page at <http://www.cde.ca.gov/eo/ce/wc/index.asp>.

**Reduction in Administrative Costs**

The Governor’s Budget proposes to reduce school district revenue limit funding by approximately \$1.5 billion to account for reductions to local administration. Of this amount, \$1.2 billion is the result of a proposal to “reduce the proportion of funding school districts spend on central administration and protect classroom spending, including spending for teachers and principals, from further reductions.” An additional \$300 million is proposed to be achieved by eliminating barriers to contracting out to enable school districts to achieve cost reductions

Additionally, the Governor’s Budget proposes a \$45 million reduction to county offices of education (COE) revenue limits. This proposal would require COE to consolidate services and functions, which may include forming regional consortia to provide services.

**K–3 Class Size Reduction**

The Governor’s Budget proposes to reduce the K–3 Class Size Reduction program by \$550 million to reflect projected savings in the program. ABX4 3 allows school districts to continue receiving funds for the program even though they increase class sizes. Savings will occur because the funding level is lower for higher class sizes.

**Mandates**

The Governor’s Budget suspends all K–12 mandates except costs associated with inter/intra district transfers (\$7.7 million) and the CAHSEE (\$6.8 million). The Governor’s Budget also proposes to fund costs associated with special education behavioral intervention plans (\$65 million).

**Cost-of-Living and Growth Adjustments**

The budget is reduced by \$202.2 million for school district and COE revenue limits and most categorical programs to reflect a negative cost-of-living adjustment of 0.38 percent.

The Governor’s Budget projects a 0.11 percent increase in ADA. The Governor’s Budget provides growth funding only for programs listed in Figure 3.

**Figure 3  
Growth Adjustments by Program**

Program and Resource Code	Growth
Charter school categorical block grants (0000)	0.11%
County office of education revenue limits (0000)	0.11
School district revenue limits (0000)	0.11
Special education—state portion only (various)	0.11
Child nutrition (5310)	0.11

### Child Care and Development

The Governor's Budget proposes to reduce child development funding by \$77.1 million through the continued use of the 2005 Market Rate Survey and by reducing the reimbursement rate ceilings for licensed child care providers in voucher-based programs from the 85th percentile to the 75th percentile of the regional market rate. The proposal will also reduce the reimbursement rate ceilings for licensed-exempt providers from 90 percent of the ceilings for licensed family child care homes to 70 percent. The reimbursement rate changes would be effective July 1, 2010. This proposal affects the voucher-based programs, including the Alternative Payment Program (\$12 million) and the CalWORKS Stage 2 (\$37 million) and Stage 3 (\$28.1 million) programs.

The budget further reduces the CalWORKS Stage 3 program by \$122.9 million to achieve additional ongoing Proposition 98 General Fund savings. In the past, CalWORKS Stage 3 has been fully funded to provide continued child care services for former CalWORKS families after their 24 months of Stage 2 transitional services have ended. Unlike CalWORKS Stage 1 and Stage 2, Stage 3 is not an entitlement program.

### Charter Schools

The Governor's Budget provides \$18.4 million in one-time funds to the Charter Schools Facilities Grant Program to convert the program from a reimbursement model to an annual grant program, allowing charter schools that currently receive these funds budgetary cash relief.

### Federal Funds

The Governor's Budget proposes \$8 million for the Fresh Fruit and Vegetable Program, which provides an additional free fresh fruit or vegetable snack to students during the school day.

### Program Reforms

In addition to expenditure reductions, the Governor's Budget proposes additional flexibilities to schools through program reforms.

#### Teacher Seniority

The Governor's Budget proposes to change state law to give local school districts the flexibility to lay off, assign, reassign, transfer and rehire teachers based on skill and subject matter needs without regard to seniority.

#### Substitute Costs

The Governor's Budget proposes to eliminate provisions in state law that require teachers who have been laid off to receive first priority for substitute assignments and these substitutes be paid at the rate they received before they were laid off if they work more than 20 days within a 60-school-day period.

#### Notification Process for Teacher Layoffs

The budget proposes to change the staffing notification window for teachers to 60 days after the state budget is adopted or amended. Under current law, teachers must be notified by March 15.

### What is Next?

We will continue to keep you posted on the decisions made in the special session for the current year. In the meantime, you can find detailed information about individual programs on the CDE Funding Web page at <http://www.cde.ca.gov/fg/fo/>. The information available includes a program description, the allocation methodology, eligibility criteria, application process, and important dates. You can also subscribe to the CDE Funding mailing list to receive e-mail notifications as requests for applications are announced and posted on the Web. To subscribe, select the "Join the Funding Mailing List" link on the CDE Available Funding Web page at <http://www.cde.ca.gov/fg/fo/af/>.

If you have any program-specific questions regarding the impact of the 2010–11 budget package, please utilize the CDE Search CDE Funding Web page at <http://www.cde.ca.gov/fg/fo/sf/> to locate CDE funding and contact information.

If you have any questions regarding this subject or the 2010–11 Budget, please contact the Fiscal Policy Division by phone at 916-324-4728. You may also contact Carol Bingham, Director, Fiscal Policy Division, by e-mail at [cbingham@cde.ca.gov](mailto:cbingham@cde.ca.gov).

Sincerely,

JACK O'CONNELL

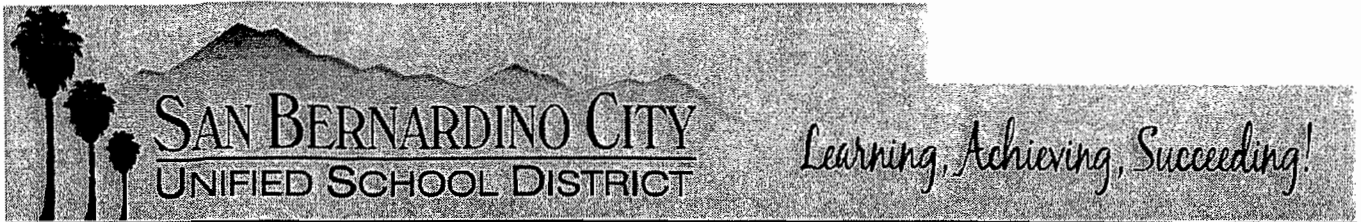
JO:ap

NOTICE: The guidance in this letter is not binding on local educational agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, this letter is exemplary, and compliance with it is not mandatory. (See California Education Code Section 33308.5.)

California Department of Education  
1430 N Street  
Sacramento, CA 95814

Last Reviewed: Monday, March 08, 2010

EXHIBIT 9



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## Crime Statistics

### District Police Stats

	Crime	2007-2008	2006-2007	2005-2006
About the District Police	Robbery (211 PC)	86	78	74
Staff Directory	Battery on School Property (243.2 PC)	24	6	41
Services	Possession of Alcohol on School Property (25608 PC)	11	18	17
Truancy (Daytime Loitering)	Fighting (415 PC)	795	699	751
Safety Tips	Burglary (459 PC)	65	87	116
Crime Statistics	Petty Theft (488 PC)	72	164	155
CA Codes	Grand Theft (487 PC)	35	43	51
CA Courts	Knife on School Grounds (626.10 PC)	80	204	139
	Gun on School Grounds (626.9 PC)	2	12	10

For more information on these crime statistics, contact the School District Police at (909) 388-6030.

**STAFF ONLY**

**NOTIFY ME**

**CONTACT US**

San Bernardino City Unified School District, 777 North F Street, San Bernardino, CA 92410, (909) 381-1100

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EXHIBIT 10



## SCHOOL SAFETY

# DOJ Releases Updated K-12 School Crime Stats

### WASHINGTON

December 14, 2009

The U.S. Department of Justice (DOJ) Office of Justice Programs Bureau of Justice Statistics just released *Indicators of School Crime and Safety: 2009*.

This annual report examines crime occurring in school as well as on the way to and from school. It also provides the most current detailed statistical information on the nature of crime in schools and school environments and responses to violence and crime at school.

### Key findings include the following:

In the 2007–08 school year, an estimated 55.7 million students were enrolled in prekindergarten through grade 12. Preliminary data show that among youth ages 5–18, there were 43 school-associated violent deaths from July 1, 2007, through June 30, 2008. In 2007, among students ages 12–18, there were about 1.5 million victims of nonfatal crimes at school, including 826,800 thefts<sup>3</sup> and 684,100 violent crimes (simple assault and serious violent crime). During the 2007–08 school year, 85 percent of public schools recorded that at least one violent crime, theft, or other crime occurred at their school. The following section presents key findings from each section of the report.

### Violent Deaths

- From July 1, 2007, through June 30, 2008, there were 21 homicides and 5 suicides of school-age youth (ages 5–18) at school, or about 1 homicide or suicide of a school-age youth at school per 2.1 million students enrolled during the 2007–08 school year.

### Nonfatal Student and Teacher Victimization

- In 2007, students ages 12–18 were victims of about 1.5 million nonfatal crimes (theft<sup>3</sup> plus violent crime<sup>4</sup>) while they were at school, compared to about 1.1 million nonfatal crimes while they were away from school.
- In 2007, the rates for theft and violent crime were higher at school than away from school. In that year, students were victims of 31 thefts per 1,000 students at school, compared to 21 thefts per 1,000 students away from school. At school there were 26 violent crimes per 1,000 students, compared to 20 violent crimes per 1,000 students away from school.
- Although there was an overall decline in the victimization rates for students ages 12–18 at school between 1992 and 2007, there was no measurable difference in the rate of crime at school between 2004 and 2007. Between 1992 and 2007 the rate of crime for students away from school declined.
- In 2007, 4 percent of students ages 12–18 reported being victimized at school during the previous 6 months: 3 percent reported theft,<sup>3</sup> and 2 percent reported violent victimization. Less than half of a percent of students reported serious violent victimization.
- In 2007, 10 percent of male students in grades 9–12 reported being threatened or injured with a weapon on school property in the past year, compared to 5 percent of female students.
- Higher percentages of Black students (10 percent) and Hispanic students (9 percent) reported being threatened or injured with a weapon on school property than White students (7 percent) and American Indian/Alaska Native students (6 percent).
- During the 2007–08 school year, a greater percentage of teachers in city schools (10 percent) reported being threatened with injury than teachers in town schools (7 percent) and suburban or rural schools (6 percent each). A greater percentage of teachers in city schools (5 percent) and suburban schools (4 percent) reported being physically attacked, compared to teachers in rural schools (3 percent).

- A greater percentage of secondary school teachers (8 percent) reported being threatened with injury by a student than elementary school teachers (7 percent). However, a greater percentage of elementary school teachers (6 percent) reported being physically attacked than secondary school teachers (2 percent).

### **School Environment**

- During the 2007–08 school year, 85 percent of public schools recorded that one or more incidents of crime had taken place at school, amounting to an estimated 2.0 million crimes. This figure translates to a rate of 43 crimes per 1,000 public school students enrolled in 2007–08. During the same year, 62 percent of public schools reported an incident of crime that occurred at school to the police, amounting to about 704,000 crimes—or 15 crimes per 1,000 public school students enrolled.
- In 2007–08, 75 percent of public schools recorded one or more violent incidents of crime, 17 percent recorded one or more serious violent incidents, 47 percent recorded one or more thefts, and 67 percent recorded one or more other incidents. Thirty-eight percent of public schools reported at least one violent incident to police, 13 percent reported at least one serious violent incident to police, 31 percent reported at least one theft to police, and 49 percent reported one or more other incidents to police.
- During the 2007–08 school year, 25 percent of public schools reported that bullying occurred among students on a daily or weekly basis, and 11 percent reported that student acts of disrespect for teachers other than verbal abuse took place on a daily or weekly basis. With regard to other discipline problems reported as occurring at least once a week, 6 percent of public schools reported student verbal abuse of teachers, 4 percent reported widespread disorder in the classroom, 4 percent reported student racial/ethnic tensions, and 3 percent reported student sexual harassment of other students.
- Twenty percent of public schools reported that gang activities had happened at all during 2007–08 and 3 percent reported that cult or extremist activities had happened at all during that school year.
- In 2007, 23 percent of students ages 12–18 reported that there were gangs at their schools. Overall, a smaller percentage of White students (16 percent) and Asian students (17 percent) reported a gang presence at school than Black students (38 percent) and Hispanic students (36 percent).
- In 2007, 22 percent of all students in grades 9–12 reported that someone had offered, sold, or given them an illegal drug on school property in the past 12 months.
- Ten percent of students ages 12–18 reported that someone at school had used hate-related words against them, and more than one-third (35 percent) reported seeing hate-related graffiti at school in 2007.
- In 2007, 32 percent of students ages 12–18 reported having been bullied at school during the school year. Twenty-one percent of students said that they had experienced bullying that consisted of being made fun of; 18 percent reported being the subject of rumors; 11 percent said that they were pushed, shoved, tripped, or spit on; 6 percent said they were threatened with harm; 5 percent said they were excluded from activities on purpose; and 4 percent of students said they were tried to make do things they did not want to do or that their property was destroyed on purpose.
- In 2007–08, 34 percent of teachers agreed or strongly agreed that student misbehavior interfered with their teaching, and 32 percent reported that student tardiness and class cutting interfered with their teaching. Seventy-two percent of teachers agreed or strongly agreed that other teachers at their school enforced the school rules, and 89 percent reported that the principal enforced the school rules.
- A higher percentage of secondary school teachers than elementary school teachers reported that student misbehavior (39 vs. 33 percent) and student tardiness and class cutting (45 vs. 26 percent) interfered with their teaching in 2007–08. During the same year, a lower percentage of secondary school teachers than elementary school teachers agreed that school rules were enforced by teachers (56 vs. 79 percent) and by the principal in their school (86 vs. 89 percent).

### **Fights, Weapons, and Illegal Substances**

- In 2007, 36 percent of students in grades 9–12 reported they had been in a fight anywhere, and 12 percent said they had been in a fight on school property during the preceding 12 months. In the same year, 44 percent of males said they had been in a fight anywhere, compared to 27 percent of females, and 16 percent of males said they had been in a fight on school property, compared to 9 percent of females.
- Eighteen percent of students in grades 9–12 in 2007 reported they had carried a weapon anywhere, and 6 percent reported they had carried a weapon on school property during the previous 30 days. There were at least three times as many males as females who reported carrying a weapon—either anywhere or on school property—in all survey years. In 2007, for example, 9 percent of males carried a weapon on school property, compared to 3 percent of females, and 29 percent of males carried a weapon anywhere, compared to 7 percent of females.
- In 2007, 45 percent of students in grades 9–12 reported having consumed at least one drink of alcohol anywhere, and 4 percent reported having consumed at least one drink on school property during the

previous 30 days.

- Twenty percent of students in grades 9–12 in 2007 reported using marijuana anywhere during the past 30 days, and 4 percent reported using marijuana on school property during this period.

#### **Fear and Avoidance**

- In 2007, approximately 5 percent of students ages 12–18 reported that they were afraid of attack or harm at school, and 3 percent reported that they were afraid of attack or harm away from school. In 2007, smaller percentages of White students (4 percent) and Asian students (2 percent) reported being afraid of attack or harm at school than their Black (9 percent) and Hispanic (7 percent) peers.
- In 2007, 7 percent of students ages 12–18 reported that they had avoided a school activity or one or more places in school in the previous 6 months because of fear of attack or harm: 3 percent of students avoided a school activity, and 6 percent avoided one or more places in school.

#### **Discipline, Safety, and Security Measures**

- Forty-six percent of public schools (approximately 38,500 schools) took at least one serious disciplinary action against a student during the 2007–08 school year. Of the 767,900 serious disciplinary actions taken, 76 percent were suspensions for 5 days or more, 19 percent were transfers to specialized schools, and 5 percent were removals with no services for the remainder of the school year).
- Although the overall percentage of public schools taking a serious disciplinary action declined between 1999–2000 (54 percent) and 2003–04 (46 percent), there has been no measurable change since then. This same general pattern of decline between the period of 1999–2000 and 2003–04 with no measurable change in more recent survey years held both for the percentage of public schools that reported taking serious disciplinary actions for the offense of physical attacks or fights and for the offense of insubordination.
- Between the 1999–2000 and 2007–08 school years, there was an increase in the percentage of public schools reporting the use of the following safety and security measures: controlled access to the building during school hours (from 75 to 90 percent); controlled access to school grounds during school hours (from 34 to 43 percent); students required to wear badges or picture IDs (from 4 to 8 percent); faculty required to wear badges or picture IDs (from 25 to 58 percent); the use of one or more security cameras to monitor school (from 19 to 55 percent); the provision of telephones in most classrooms (from 45 to 72 percent); and the requirement that students wear uniforms (from 12 to 18 percent).
- Between the 2003–04 and 2007–08 school years, there was an increase in the percentage of public schools reporting the drug testing of student athletes (from 4 to 6 percent), as well as an increase in the percentage of public schools reporting the drug testing of students in other extracurricular activities (from 3 to 4 percent).
- During the 2007–08 school year, 43 percent of public schools reported that they had an electronic notification system for a school-wide emergency, and 31 percent of public schools reported that they had a structured, anonymous threat reporting system.
- The majority of students ages 12–18 reported that their school had a student code of conduct (96 percent) and a requirement that visitors sign in (94 percent) in 2007. Metal detectors were the least commonly observed security measure. Ten percent of students reported the use of metal detectors at their school.

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