

**Introduced by Senator Bradford**

February 18, 2022

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An act to amend ~~Section~~ *Sections 32210 and 48902* of, and to repeal ~~Sections 32210 and~~ *Section 44014* of, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as amended, Bradford. School safety: mandatory notifications.

(1) Existing law provides that any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor and subject to a fine of not more than \$500. ~~Under~~

*This bill would exempt pupils who are currently enrolled in the school district from that provision.*

(2) *Under* existing law, whenever any employee of a school district or county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, the employee and any person under whose direction or supervision the employee is employed who has knowledge of the incident are required to promptly report the incident to specified law enforcement authorities. Failure to make the report is an infraction punishable by a fine of not more than \$1,000. An act by specified persons to inhibit or impede the making of the report is an infraction punishable by a fine of not less than \$500 and not more than \$1,000.

This bill would repeal those provisions.

(2)

(3) The federal Gun-Free Schools Act prohibits a local educational agency from receiving certain federal funds unless the local educational

agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by the local educational agency.

Existing state law requires the principal of a school or the principal’s designee to notify the appropriate law enforcement authorities of the county or city in which the school is situated of certain acts committed by a pupil that may be unlawful, including, among others, the selling or possession of narcotics or other designated controlled or regulated substances, and acts of assault, as specified.

This bill would delete the acts referenced above from the category of acts for which the principal or the principal’s designee is required to notify the appropriate law enforcement authorities, as described above. The bill would also exclude from this notification requirement a violation involving certain instruments, such as an instrument that expels metallic projectiles, a spot marker gun, a razor blade, or a box cutter. The bill would only require notification where notification would be consistent with the above-described referral requirement under the federal Gun-Free Schools Act. The bill would also make related conforming changes.

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

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

- 1     ~~SECTION 1. Section 32210 of the Education Code is repealed.~~
- 2     SECTION 1. Section 32210 of the Education Code is amended
- 3     to read:
- 4     32210. (a) Any person who willfully disturbs any public school
- 5     or any public school meeting is guilty of a misdemeanor, and shall
- 6     be punished by a fine of not more than five hundred dollars (\$500).
- 7     (b) *This section shall not apply to any person who is a pupil*
- 8     *currently enrolled in the school district.*
- 9     SEC. 2. Section 44014 of the Education Code is repealed.
- 10    SEC. 3. Section 48902 of the Education Code is amended to
- 11    read:
- 12    48902. (a) The principal of a school or the principal’s designee
- 13    shall notify the appropriate law enforcement authorities of the
- 14    county or city in which the school is located of any acts of a pupil
- 15    that may involve a violation of Section 626.9 or 626.10 of the
- 16    Penal Code, excluding a violation involving an instrument that

1 expels a metallic projectile, such as a BB or a pellet, through the  
2 force of air pressure, carbon dioxide pressure, or spring action, a  
3 spot marker gun, a razor blade, or a box cutter. The notification  
4 requirement shall apply only to a violation where notification  
5 would be consistent with the requirements under the federal  
6 Gun-Free Schools Act (20 U.S.C. Sec. 7961(h)).

7 (b) The principal of a school or the principal's designee reporting  
8 a criminal act committed by a schoolage individual with  
9 exceptional needs, as defined in Section 56026, shall ensure that  
10 copies of the special education and disciplinary records of the pupil  
11 are transmitted, as described in Section 1415(k)(6) of Title 20 of  
12 the United States Code, for consideration by the appropriate  
13 authorities to whom the principal or the principal's designee reports  
14 the criminal act. Any copies of the pupil's special education and  
15 disciplinary records may be transmitted only to the extent  
16 permissible under the federal Family Educational Rights and  
17 Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

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