

AMENDED IN SENATE MARCH 24, 2021

SENATE BILL

No. 796

Introduced by Senator Bradford

February 19, 2021

~~An act to amend Sections 32282.1 and 38000 of the Education Code, relating to school safety. An act to amend Section 5002.6 of the Public Resources Code, relating to state parks.~~

LEGISLATIVE COUNSEL'S DIGEST

~~SB 796, as amended, Bradford. School safety: comprehensive school safety plans: school peace officers: pupil searches. State parks: state beaches: County of Los Angeles: deed restrictions.~~

~~Existing law requires the Director of Parks and Recreation, upon the adoption of a specified resolution by the Board of Supervisors of the County of Los Angeles, to grant to the County of Los Angeles, in trust for the people of California, all of the rights, title, and interest of the State of California in specified state beach property. Existing law prohibits any project for new or expanded noncommercial development on that beach property from exceeding an estimated cost limitation for each project of \$250,000, as adjusted. Existing law requires this cost limitation to be specified in each deed.~~

~~This bill would increase the cost limitation specified above to \$750,000. The bill would require the Director of Parks and Recreation to, on or before June 30, 2022, execute an amendment to the deeds that incorporates the above provisions.~~

~~(1) Existing law requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the~~

~~comprehensive school safety plan to contain specified elements. Under existing law, as the comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans to include, to the extent resources are available, clear guidelines for the roles and responsibilities for various people used by the school, including peace officers. Existing law encourages those guidelines to have specified elements.~~

~~This bill would encourage those guidelines to include additional elements, including, among other things, clear policies and procedures for how and when school administrators refer pupils to law enforcement. The bill would state the intent of the Legislature that a school's role of "loco parentis" when a pupil is on a school site does not extend to a pupil in distance learning in the home.~~

~~(2) Existing law authorizes a governing board of a school district to establish a school police department under the supervision of a school chief of police and authorizes the employment of peace officers.~~

~~This bill would prohibit a peace officer employed by a school district from sharing information collected from a pupil with other law enforcement agencies. The bill would require information gathered from a pupil by a peace officer employed by a school district to only be collected for the purpose of the pupil's school records and would prohibit the records from being shared with other law enforcement agencies unless the agency has a search warrant.~~

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

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

- 1 SECTION 1. Section 5002.6 of the Public Resources Code is
- 2 amended to read:
- 3 5002.6. (a) Notwithstanding any other ~~provision~~ of law, and
- 4 upon the adoption of a resolution of acceptance pursuant to
- 5 subdivision (h), the director shall grant to the County of Los
- 6 Angeles, at no cost to the county, in trust for the people of the State
- 7 of California, and subject to the conditions set forth in this section,
- 8 all of the rights, title, and interest of the State of California in lands,
- 9 and improvements thereon, generally described as follows, and
- 10 more particularly described in the deed:
- 11 (1) Parcel 1. Approximately 3.83 acres of unimproved land,
- 12 known as Las Tunas State Beach.

1 (2) Parcel 2. Approximately 31.21 acres of improved land,
2 known as Topanga State Beach.

3 (3) Parcel 3. Approximately 46.34 acres of improved land,
4 being a portion of Manhattan State Beach.

5 (4) Parcel 4. Approximately 26.03 acres of improved land,
6 known as Redondo State Beach.

7 (5) Parcel 5. Approximately 18.07 acres of improved land,
8 known as Royal Palms State Beach.

9 (6) Parcel 6. Approximately 30.64 acres of improved land,
10 being a portion of Point Dume State Beach.

11 (7) Parcel 7. Approximately 15.12 acres of unimproved land,
12 known as Dan Blocker State Beach, and that includes Latigo
13 Shores.

14 (8) Parcel 8. Approximately 10.50 acres of improved land,
15 being a portion of Malibu Lagoon State Beach, known as Surf
16 Rider Beach.

17 (b) (1) The grant in trust for the people of the State of California
18 made pursuant to subdivision (a) shall be made upon the express
19 condition that the County of Los Angeles shall use, operate, and
20 maintain the granted lands and improvements ~~thereon~~ *on the lands*
21 for public recreation and beach purposes in perpetuity, and shall
22 comply with all restrictions specified in each deed and prescribed
23 in subdivision (e). The county shall not make or permit any other
24 use of the granted lands and improvements. ~~Any~~ A violation of
25 this prohibition or ~~any~~ a violation of subdivision (e) shall constitute
26 a breach of conditions for purposes of paragraph ~~(2)~~ of this
27 subdivision. (2).

28 (2) Upon a material breach of ~~any~~ a condition of a grant made
29 pursuant to this section ~~which~~ *that* is determined by a court of
30 competent jurisdiction to have been made intentionally, the State
31 of California shall terminate the interest of the County of Los
32 Angeles in the granted lands and improvements pursuant to Chapter
33 5 (commencing with Section 885.010) of Title 5 of Part 2 of
34 Division 2 of the Civil Code. Upon exercise of the state's power
35 of termination in accordance with Section 885.050 of the Civil
36 Code, all rights, title, and interest of the County of Los Angeles
37 in the granted lands and improvements shall terminate and revert
38 to, and rest in, the state, and the county shall, within 30 days from
39 the date of that judgment, pay to the state an amount equal to funds
40 received by the county annually from the appropriation under

1 schedule (a) of Item 3680-105-516 of the Budget Act of 1995 or
2 from any subsequent appropriation received from the state
3 specifically for the operation or maintenance of the granted lands
4 and improvements. However, in no event shall that payment exceed
5 the sum of one million five hundred thousand dollars (\$1,500,000).
6 The returned funds shall be deposited in the State Parks and
7 Recreation Fund.

8 (3) Notwithstanding Section 885.030 of the Civil Code, the
9 state's power of termination pursuant to paragraph (2) shall remain
10 in effect in perpetuity.

11 (c) ~~Any~~ An operating agreement between the State of California
12 and the County of Los Angeles pertaining to any of the real
13 property described in subdivision (a), in existence at the time of
14 the grant, shall be terminated by operation of law upon the
15 conveyance of the real property to the County of Los Angeles.

16 (d) There is hereby excepted and reserved to the State of
17 California from the grants made pursuant to subdivision (a) all
18 mineral deposits, as defined in Section 6407, ~~which~~ *that* lie below
19 a depth of 500 feet, without surface rights of entry.

20 (e) The transfer of all rights, title, and interest in the lands and
21 improvements described in subdivision (a) shall be subject to the
22 following restrictions, which shall be specified in each deed:

23 (1) (A) No new or expanded commercial development shall be
24 allowed on the granted real property.

25 (B) ~~Any~~ A project for new or expanded noncommercial
26 development on the granted real property shall not exceed an
27 estimated cost limitation for each project of ~~two hundred fifty~~
28 ~~thousand dollars (\$250,000);~~ *seven hundred fifty thousand dollars*
29 *(\$750,000)*, as adjusted annually to reflect the California
30 Construction Index utilized by the Department of General Services.
31 ~~Any~~ An authorization for new and expanded noncommercial
32 development shall be limited to projects that provide for the safety
33 and convenience of the general public in the use and enjoyment
34 of, and enhancement of, recreational and educational experiences,
35 and shall be consistent with the use, operation, and maintenance
36 of the granted lands and improvements as required pursuant to
37 subdivision (b). The expenditure of public funds for shoreline
38 protective works shall only be permitted for those protective works
39 that the County of Los Angeles determines are necessary for the
40 protection of public infrastructure or a public facility. For purposes

1 of this subparagraph, “project” means the whole of an action that
2 constitutes the entirety of the particular type of new construction,
3 alteration, or extension or betterment of an existing structure.

4 (C) Notwithstanding subparagraph (B), the deed for the
5 conveyance of Royal Palms State Beach shall contain a provision
6 that allows for the implementation of the state-approved local
7 assistance grant (project number SL-19-003) to the County of Los
8 Angeles already approved in the Budget Act of 1988 for
9 noncommercial development to rehabilitate the existing park
10 infrastructure at that state beach.

11 (D) The estimated cost limitation specified in subparagraph (B)
12 shall not apply to the noncommercial projects necessary to bring
13 public accessways and public facilities into compliance with the
14 *federal* Americans with Disabilities Act of 1990, as amended (42
15 U.S.C. Sec. 12101 et seq.). The limitation described in this
16 subparagraph shall not affect the restriction described in
17 subparagraph (A) of paragraph (1) of subdivision (e).

18 (2) The granted lands and improvements ~~may~~ shall not be
19 subsequently sold, transferred, or encumbered. For purposes of
20 this section, “encumber” includes, but is not limited to, mortgaging
21 the property, pledging the property as collateral, or any other
22 transaction under which the property would serve as security for
23 borrowed funds. ~~Any~~ A lease of the granted lands or improvements
24 shall only be consistent with the public recreation and beach
25 purposes of this section.

26 (f) As an alternative to the exercise of the power of termination
27 for a material breach of conditions, each condition set forth in this
28 section shall be enforceable as a covenant and equitable servitude
29 through injunction for specific performance issued by a court of
30 competent jurisdiction.

31 (g) On and after June 30, 1998, it is the intent of the Legislature
32 that ~~any~~ an application by the County of Los Angeles Fire
33 Department to secure state funding support for boating safety and
34 enforcement on waters within the County of Los Angeles shall be
35 given priority consideration by the Legislature, unless an alternative
36 source of funding is secured ~~prior to~~ before that date ~~which~~ that
37 serves the same or similar purposes.

38 (h) This section shall become operative only if the Board of
39 Supervisors of the County of Los Angeles adopts a resolution
40 accepting the fee title grants, in trust for the people of the State of

1 California, in accordance with this section, of the lands and
2 improvements described in subdivision (a).

3 *SEC. 2. With regard to any deed executed by the Director of*
4 *Parks and Recreation granting property to the County of Los*
5 *Angeles pursuant to Section 5002.6 of the Public Resources Code,*
6 *the director, on or before June 30, 2022, shall execute an*
7 *amendment to that deed modifying the deed restriction required*
8 *by subdivision (e) of Section 5002.6 of the Public Resources Code*
9 *to incorporate the provisions of subparagraph (B) of paragraph*
10 *(1) of subdivision (e) of Section 5002.6 of the Public Resources*
11 *Code as amended by this act.*

12 ~~SECTION 1. Section 32282.1 of the Education Code is~~
13 ~~amended to read:~~

14 ~~32282.1. (a) As comprehensive school safety plans are~~
15 ~~reviewed and updated, the Legislature encourages all plans, to the~~
16 ~~extent that resources are available, to include clear guidelines for~~
17 ~~the roles and responsibilities of mental health professionals,~~
18 ~~community intervention professionals, school counselors, school~~
19 ~~resource officers, and police officers on school campuses, if the~~
20 ~~school district uses these people.~~

21 ~~(b) The guidelines developed pursuant to subdivision (a) are~~
22 ~~encouraged to include all of the following elements:~~

23 ~~(1) Primary strategies to create and maintain a positive school~~
24 ~~climate, promote school safety, and increase pupil achievement,~~
25 ~~and prioritize mental health and intervention services, restorative~~
26 ~~and transformative justice programs, and positive behavior~~
27 ~~interventions and support.~~

28 ~~(2) Consistent with paragraph (2) of subdivision (a) of Section~~
29 ~~32282, protocols to address the mental health care of pupils who~~
30 ~~have witnessed a violent act at any time, including, but not limited~~
31 ~~to, any of the following:~~

32 ~~(A) While on school grounds.~~

33 ~~(B) While going to or coming from school.~~

34 ~~(C) During a lunch period whether on or off campus.~~

35 ~~(D) During, or while going to or coming from, a~~
36 ~~school-sponsored activity.~~

37 ~~(3) Clear policies and procedures for how and when school~~
38 ~~administrators refer pupils to law enforcement.~~

1 ~~(4) The creation of a formal diversion program to address minor~~
2 ~~school-based criminal offenses, aimed at minimizing arrest citations~~
3 ~~and bookings.~~

4 ~~(5) The creation of a protocol for schoolsite administrators to~~
5 ~~refer pupils who exhibit indicators of mental health needs to mental~~
6 ~~health professionals or school counselors, instead of a referral to~~
7 ~~the police department or school police department, where~~
8 ~~appropriate.~~

9 ~~(6) Training of all officers working on campus in crisis~~
10 ~~intervention to handle calls that relate to pupils in mental health~~
11 ~~crisis or exhibiting behavior that may indicate a mental health~~
12 ~~crisis.~~

13 ~~(e) It is the intent of the Legislature that a school’s role of “loco~~
14 ~~parentis” when a pupil is on a schoolsite does not extend to a pupil~~
15 ~~engaging in distance learning while in the home.~~

16 ~~SEC. 2. Section 38000 of the Education Code is amended to~~
17 ~~read:~~

18 ~~38000. (a) The governing board of a school district may~~
19 ~~establish a security department under the supervision of a chief of~~
20 ~~security as designated by, and under the direction of, the~~
21 ~~superintendent of the school district. In accordance with Chapter~~
22 ~~5 (commencing with Section 45100) of Part 25, the governing~~
23 ~~board of a school district may employ personnel to ensure the~~
24 ~~safety of school district personnel and pupils and the security of~~
25 ~~the real and personal property of the school district. It is the intent~~
26 ~~of the Legislature in enacting this section that a school district~~
27 ~~security department is supplementary to city and county law~~
28 ~~enforcement agencies and is not vested with general police powers.~~

29 ~~(b) The governing board of a school district may establish a~~
30 ~~school police department under the supervision of a school chief~~
31 ~~of police and, in accordance with Chapter 5 (commencing with~~
32 ~~Section 45100) of Part 25, may employ peace officers, as defined~~
33 ~~in subdivision (b) of Section 830.32 of the Penal Code, to ensure~~
34 ~~the safety of school district personnel and pupils, and the security~~
35 ~~of the real and personal property of the school district.~~

36 ~~(c) The governing board of a school district that establishes a~~
37 ~~security department or a police department shall set minimum~~
38 ~~qualifications of employment for the chief of security or school~~
39 ~~chief of police, respectively, including, but not limited to, prior~~
40 ~~employment as a peace officer or completion of a peace officer~~

1 training course approved by the Commission on Peace Officer
2 Standards and Training. A chief of security or school chief of
3 police shall comply with the prior employment or training
4 requirement set forth in this subdivision as of January 1, 1993, or
5 a date one year subsequent to the initial employment of the chief
6 of security or school chief of police by the school district,
7 whichever occurs later. This subdivision shall not be construed to
8 require the employment by a school district of additional personnel.

9 (d) A school district may assign a school police reserve officer
10 who is deputized pursuant to Section 35021.5 to a schoolsite to
11 supplement the duties of school police officers pursuant to this
12 section.

13 (e) It is the intent of the Legislature to evaluate the presence of
14 peace officers and other law enforcement on school campuses and
15 to identify and consider alternative options to ensure pupil safety
16 based on the needs of the local school communities. It is the intent
17 of the Legislature to consider encouraging local educational
18 agencies to use school resources currently allocated to such
19 personnel, including school police departments and contracts with
20 local police or sheriff departments, for pupil support services, such
21 as mental health services and professional development for school
22 employees on cultural competency and restorative justice, as
23 needed, if found to be a more appropriate use of resources based
24 upon the needs of the pupils and campuses that serve them.

25 (f) (1) A peace officer employed by a school district pursuant
26 to subdivision (b) shall not share information collected from a
27 pupil with other law enforcement agencies.

28 (2) (A) Information gathered from a pupil by a peace officer
29 employed by a school district shall only be collected for the
30 purpose of the pupil's school records.

31 (B) The records described in subparagraph (A) shall not be
32 shared with other law enforcement agencies unless the agency has
33 a search warrant.