

Date of Hearing: June 28, 2022  
Counsel: Mureed Rasool

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Reginald Byron Jones-Sawyer, Sr., Chair

SB 1273 (Bradford) – As Amended June 13, 2022

**SUMMARY:** Removes notification requirements imposed on school personnel to report specified offenses committed by pupils to law enforcement and eliminates criminal penalties for “willful disturbance” during school if committed by a pupil of that school. Specifically, **this bill:**

- 1) Exempts a pupil currently enrolled in a school from being charged with the misdemeanor offense of causing a willful disturbance at that public school or during a public school meeting.
- 2) Repeals the provisions of the Education Code related to mandatory reporting of incidents in which a specified school employee is attacked, assaulted, or physically threatened by a pupil.
- 3) Deletes mandated reporting requirements imposed on certain school employees regarding certain offenses, such as assault and drug sales, that are committed by pupils.
- 4) Retains the mandated reporting requirements imposed on specified school employees for certain firearm, pocketknife, BB gun, and other weapon related offenses committed by pupils.
- 5) Deletes immunity from liability arising from the above-described mandated reporting requirements.

**EXISTING LAW:**

- 1) Provides that any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor punishable by a fine of not more than \$500. (Ed. Code, § 32210.)
- 2) Requires any employee of a school district or of the office of a county superintendent of schools who is attacked, assaulted, or physically threatened by any pupil to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Requires the employee’s supervisor to report the incident as well. Provides that failure to make the report is an infraction punishable by a fine of \$1,000. (Ed. Code, § 44014, subd. (a).)
- 3) Provides that compliance with school district governing board procedures relating to the reporting of, or facilitation of reporting of, an incident in which an employee is attacked, assaulted, or physically threatened does not exempt a person under a duty to make the report

from making the report. (Ed. Code, § 44014, subd. (b).)

- 4) Prohibits a specified school employee from directly or indirectly inhibiting or impeding the making of the report by a person under a duty to make the report. Provides that an act to inhibit or impede the making of a report is an infraction punishable by a fine of not less than \$500 and not more than \$1,000. (Ed. Code, § 44014, subd. (c).)
- 5) Prohibits a specified school employee from imposing any sanctions against a person under a duty to make the report for making the report. (Ed. Code, § 44014, subd. (d).)
- 6) Requires the principal of a school, or their designee, to notify law enforcement of a specified act of assault before a pupil is suspended or expelled. (Ed. Code, § 48902, subd. (a).)
- 7) Requires the principal of a school, or their designee, to notify law enforcement by phone or any other appropriate method of any acts the pupil that may constitute specified offenses related to narcotics and alcohol, within one day of a pupil's expulsion or suspension. (Ed. Code, § 48902, subd. (b).)
- 8) Requires the principal of a school, or their designee, to notify law enforcement of any acts of a pupil that may involve the possession or sale of controlled substances, possession or discharge of a firearm in a school zone, bringing or possessing upon the grounds of a school specified weapons, sexual assaults, or possession of an explosive. (Ed. Code, § 48902, subd. (c).)
- 9) Provides that a principal, their designee, or any other person reporting a known or suspected criminal act, as specified, is not civilly or criminally liable as a result of making any report authorized unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report. (Ed. Code, § 48902, subd. (d).)
- 10) Requires the principal of a school or their designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined, to ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in the federal Individuals with Disabilities Education Act, for consideration by the appropriate authorities to whom he or she reports the criminal act. Provides that any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act. (Ed. Code, § 48902, subd. (e).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "SB 1273 will reduce law enforcement involvement in schools and give teachers and administrators, who are often best suited to determine the appropriate response, the flexibility and power they need to support students. Our existing system has led to alarming disparities in the type of students who are most likely to suffer these harms. Black students, Latinx students, students of color, and students with disabilities are disproportionately referred to law enforcement, cited, and arrested. Teachers and administrators will still be able to call law enforcement if they believe that is the right

response to a particular incident, but they will not be required to do so.”

- 2) **Law Enforcement Involvement in Schools and the Effect on Student Outcomes:** The primary concern with law enforcement involvement in school disciplinary efforts is that it leads to greater criminalization of student conduct, which in turn leads to increased involvement in the criminal justice system for those students. This phenomenon has been characterized as the “school-to-prison pipeline” and essentially implies, “a causal path linking school disciplinary practices, particularly those that physically exclude students from school, with student involvement in the juvenile justice and criminal justice systems.” (*Making School Safer and/or Escalating Disciplinary Response: A Study of Police Officers in North Carolina Schools*. RAND Corporation. (2021) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3577645](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3577645)> [as of Jun. 23, 2022] (*RAND: Schools*) at pg. 1.)

It is difficult to find literature assessing the connection between mandated reporting requirements for school offenses and its possible ramifications. However, there is a great amount of data of School Resource Officers (SROs) and their effects on school campuses. For example, research has found that SROs naturally tend to get involved in school discipline events such as thefts, student altercations, and drug or alcohol possession. (*Id.* at 4.) In instances when SROs view such misconduct through the criminal justice lens rather than as “normative youth development,” their involvement can escalate a school disciplinary response, especially if students become upset at the rule enforcement. (*Id.* at 5.) Assessing their study of North Carolina schools and SROs, the RAND Corporation concluded in part that SROs, “reduce serious violent behavior on school grounds, but have no effect – positive, or negative – on weapon, drug, or alcohol offenses.” (*Id.* at 29.)

This bill, in part, would repeal reporting requirements for instances where students committed specified assaults and narcotic or alcohol related offenses, but it would leave reporting requirements for certain weapons related offenses. Most notably, this bill does not prevent school employees from contacting law enforcement but leaves it to their discretion. The primary question then becomes whether teachers and school administrators are equipped with the proper policies and guidelines on when they should determine a matter is more of a “normative youth development” issue, or a problem which necessitates law enforcement involvement.

- 3) **Argument in Support:** According to the *Association of California School Administrators*, “Decades of research show the long-term harm to young people of even minimal contact with justice systems. Young people arrested in school are less likely to graduate from high school and more likely to wind up incarcerated.<sup>1</sup> Alarming, Black, Indigenous, and Latinx students, as well as students with disabilities, are disproportionately referred to law enforcement, cited, and arrested.

“Yet existing law forces school administrators and staff to notify law enforcement of certain types of incidents, even when they know doing so will be harmful and regardless of the particular circumstances of the incident. Under Education Code section 48902, school administrators are required to notify law enforcement even when a student is caught in possession of a small amount of cannabis. Under Education Code section 44014, educators may also be fined for failure to make required reports to law enforcement.

“SB 1273 makes several positive and 21st century changes to existing law. First, it eliminates overreaching state mandates for school notification of law enforcement, thereby encouraging schools to adopt non-punitive, trauma-informed, and health-based approaches to school-related behaviors. By eliminating these mandates, the bill increases educator discretion in determining when to notify law enforcement about a student’s school-related behaviors so that they can take into consideration the totality of the circumstances.

“Second, the bill eliminates criminal penalties for school staff who fail to report incidents of alleged assaults or physical threats against school employees.

“Finally, SB 1273 repeals Education Code section 32210, which makes it a misdemeanor for an enrolled students to “willfully disturb” a public school or public school meeting. Section 32210 has been used to criminalize student behavior more appropriately handled through behavioral supports or school discipline. Moreover, this provision is unneeded: other Penal Code provisions exist that may apply if someone is creating a serious disturbance on a school campus.”

- 4) **Argument in Opposition:** According to the *Peace Officers’ Research Association*, “PORAC is deeply concerned with SB 1273. This bill presents serious obstacles for our officers seeking to protect and serve the most vulnerable among us, our children. For example, in Section 1 of the bill, a student can willfully disrupt any public school or school board meeting without any consequence. If the behavior occurs on the school site and the site administrator cannot stop the staff or student, law enforcement would be unable to assist until that student batters or threatens another, making the entire school unsafe. This situation will ultimately lead to the school locking down and causing more psychological trauma to the students and staff.

“In addition, Section 2 repeals Education Code §44014 and allows schools to under-report injuries to school employees. It also allows schools and districts to forbid an employee from calling law enforcement when “attacked, assaulted, or physically threatened by a pupil.” Not only does this section directly obstruct victims’ rights, but it also encourages the hiding and covering up of crimes on school campuses by deleting the consequences of not reporting certain violent acts. Administrators, who may be more concerned about the perception of their school than safety, will be motivated to not properly report crimes.

“Lastly, similar to Section 1, Section 3 amends Education Code §48902 and removes the requirement that a school call law enforcement if a student has committed a CPC §245(a)(1) (Assault with A Deadly Weapon). This language also removes the civil or criminal protection of the caller should they be physically assaulted or suspect that a deadly weapon has been brought onto the school site. Therefore, if a principal, teacher, or any other person calls in a report of a deadly weapon, serious controlled substance, assault, or attack by a student on campus, that individual will have exposed themselves to potential civil and criminal liability. Also, SB 1273 removes the language protecting teachers and other school employees from potential employer discipline, including dismissal, for contacting law enforcement when the employer may have a policy forbidding such action—even if that employee feels their life was in danger.

“There can be no doubt that school safety should be of the utmost priority. Studies have shown that students and teachers returning to school after the pandemic have faced a more

violent environment. We must work together to improve the safety of our children and staff on school campuses. We need communication, collaboration, and accountability between our school administrators and law enforcement more now than ever before. SB 1273 goes in the opposite direction.”

**5) Related Legislation:**

- a) SB 906 (Portantino) would require school authorities to notify law enforcement if they believe a pupil may commit a homicidal act and requires schools to send letters to parents that outline information related to the safe storage of firearms. SB 906 is pending hearing on the Assembly floor.
- b) AB 610 (Kalra) would eliminate criminal penalties for “willful disturbance” of a school or school meeting and aligns disciplinary notification requirements with the federal Gun-Free Schools Act. AB 610 was held in the Assembly Education Committee.

**6) Prior Legislation:**

- a) SB 419 (Skinner) Chapter 279, Statutes of 2019, extended the prohibition against suspending a pupil enrolled in kindergarten or any of grades 1 to 3 for disrupting school activities or otherwise willfully defying the valid authority of school staff to include grades 4 to 8 permanently, and grades 9 to 12 until January 1, 2025, and applies these prohibitions to charter schools.
- b) AB 420 (Dickerson) Chapter 660, Statutes of 2014, eliminated the option to suspend or recommend for expulsion a pupil who disrupted school activities or otherwise willfully defied the authority of school officials and instead authorizes schools to suspend a pupil in grades 6-12 who has substantially disrupted school activities or substantially prevented instruction from occurring.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

ACLU California Action (Co-Sponsor)  
 Alliance for Boys and Men of Color (Co-Sponsor)  
 Advancement Project  
 Alliance for Children's Rights  
 Alliance San Diego  
 Anti-defamation League  
 Arts for Healing and Justice Network  
 Association of California School Administrators  
 Black Organizing Project  
 Black Parallel School Board  
 Brothers, Sons, Selves Coalition  
 Brown Issues  
 California Association of School Counselors  
 California Coalition for Women Prisoners  
 California Public Defenders Association

California Rural Legal Assistance Foundation, INC.  
California School-based Health Alliance  
Californians for Justice  
Californians for Safety and Justice  
Child Care Law Center  
Children Now  
Children's Defense Fund - CA  
Children's Defense Fund-california  
Coleman Advocates for Children & Youth  
Communities United for Restorative Youth Justice  
Communities United for Restorative Youth Justice (CURYJ)  
Community Asset Development Redefining Education  
Community Coalition for Substance Abuse Prevention and Treatment  
Congregations Organized for Prophetic Engagement  
Corazon Healdsburg  
Courage California  
Democrats of Rossmoor  
Disability Rights California  
Dolores Huerta Foundation  
Drug Policy Alliance  
East Bay Community Law Center  
Educators for Excellence - Los Angeles  
Ella Baker Center for Human Rights  
Empowering Pacific Islander Communities  
Empowering Pacific Islander Communities (EPIC) Fiscally Sponsored by Community Partners  
Equal Justice Society  
Fresno Barrios Unidos  
Friends Committee on Legislation of California  
Genders & Sexualities Alliance Network  
Generation Up  
Gente Organizada  
Genup (generation Up)  
Great Public Schools Now  
H.e.r.o. Tent  
Improve Your Tomorrow, INC.  
Initiate Justice  
Inland Empire United, a Project of Tides Advocacy  
John Burton Advocates for Youth  
Juvenile Justice & Delinquency Prevention Commission of Marin County  
Law Foundation of Silicon Valley  
Lawyers Committee for Civil Rights of The San Francisco Bay Area  
Lawyers Committee for Civil Rights of The San Francisco Bay Area  
Loud for Tomorrow  
Mid-city Community Advocacy Network  
Motivating Individual Leadership for Public Advancement  
National Center for Youth Law  
National Institute for Criminal Justice Reform  
Pacific Juvenile Defender Center  
Parent Organization Network

Pittsburg Youth Action  
Project Knucklehead  
Public Advocates  
Public Advocates INC.  
Public Counsel  
Riverside County Public Defender's Office  
San Jose Unified Equity Coalition  
Showing Up for Racial Justice- Marin  
Sigma Beta Xi, INC. (sbx Youth and Family Services)  
Social Justice Learning Institute  
Starting Over, INC.  
Students Deserve  
Surj Marin - Showing Up for Racial Justice  
The Children's Partnership  
The Collective for Liberatory Lawyering  
The Democrats of Rossmoor  
The Gathering for Justice  
The Los Angeles Trust for Children's Health  
Trauma Informed Los Angeles  
United Teachers Los Angeles  
Youth Alive!  
Youth Alliance  
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School  
Youth Justice Education Clinic, Loyola Law School  
Youth Law Center

1 Private Individual

## **Opposition**

Administrators Association of San Diego City Schools  
Arcadia Police Officers Association  
Association for Los Angeles Deputy Sheriffs  
Burbank Police Officers' Association  
California Coalition of School Safety Professionals  
California Police Chiefs Association  
California State Sheriffs' Association  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Fullerton Police Officers' Association  
Inglewood Police Officers Association  
Los Angeles School Police Officers Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Peace Officers Research Association of California (PORAC)  
Placer County Deputy Sheriffs' Association  
Pomona Police Officer Association  
Riverside Police Officers Association

Riverside Sheriffs' Association  
San Diego County District Attorney's Office  
Santa Ana Police Officers Association  
Santa Ana Police Officers Political Action Committee  
Upland Police Officers Association

1 Private Individual

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