#91

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, *Governor*

COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY

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THE LITTLE HOOVER COMMISSION'S REPORT ON CRIME AND VIOLENCE IN CALIFORNIA'S PUBLIC SCHOOL SYSTEM

DECEMBER 1988

The Little Hoover Commission's Report on Crime and Violence in California's Public School System

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December 21, 1988

The Honorable George Deukmejian
Governor of California

The Honorable David A. Roberti
President pro Tempore of the Senate
and Members of the Senate

The Honorable Kenneth L. Maddy
Senate Minority Floor Leader

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
and the Members of the Assembly

The Honorable Ross Johnson
Assembly Minority Floor Leader

Dear Governor and Members of the Legislature:

When schools do not educate our children, it is a tragedy. But when schools fail at the very minimum to keep our children safe, it is nothing short of a scandal. Yet each day in California, parents send their offspring to school to be exposed to assaults, drugs and violent crimes. The Commission on California State Government Organization and Economy, also known as the Little Hoover Commission, has completed its report on school safety in California's public school system. The Commission initiated its study in July 1988 out of concern for the high incidence of crime and violence that affect the students and staff in California's public schools.

The Commission's report finds that despite a constitutional right to safe school campuses, students and school staff are exposed to violent crimes, alcohol and drug abuse and property crimes. Violent crimes such as assaults, homicides, sex offenses, robberies and possession of weapons are a reality in today's schools. For example, California school districts reported a total of over 70,000 violent crimes for fiscal year 1986-87. Alcohol and drug abuse is a growing concern as a substantial number of students try alcohol and illegal drugs such as marijuana, cocaine and amphetamines. Over 80 percent of eleventh graders have tried alcohol and over 60 percent have been intoxicated. Moreover, approximately 50 percent of all eleventh graders have tried other drugs. Additionally, schools are plagued by a high incidence of property crimes such as arson, burglary, theft and vandalism. As the report details, school districts reported over 71,000 property crimes for fiscal year 1986-87.

The problems of school crime and violence exist, in part, because the State has failed to provide the leadership and direction that is necessary to ensure the safety of children. The Superintendent of Public Instruction has attempted to limit the liability of schools

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rather than work to ensure the safety of students and staff. In addition, a measure was vetoed last year that would have required the Department of Education to develop a comprehensive drug and alcohol abuse prevention program. Further, although the Department on its own could have adopted model curriculum standards patterned after the highly successful Drug Abuse Resistance Education (DARE) program, the Department failed to do so.

As a result of school crime and violence, many children and teachers are not able to learn and teach because of an atmosphere that is filled with the fear of violence. In addition, school crime and violence expose schools to the legal and financial liabilities of failing to provide a safe environment, including the costs of providing security at schools, insurance, legal counsel, and the cost of property crimes which alone amounted to almost $23 million in fiscal year 1986-87.

If left unattended, the problems of school crime and violence will continue to grow dramatically. To identify problem areas, schools and school districts are statutorily required to report school crime statistics to the Department of Education. However, the school crime reports are inaccurate, in part, because of the districts' inconsistent interpretations of the Department's instructions, because of the differences in the districts' data collection techniques, and because some districts intentionally underreport crime to avoid adverse publicity. Each of these circumstances diminish the effectiveness of efforts such as the DARE program that are aimed at curbing school crime and violence. Without accurate reports, state and local governments, schools, and school districts cannot effectively analyze crime problems and direct appropriate resources to eliminate the incidence of school crime.

To address the findings of the Commission's report, the Commission makes the following recommendations:

- The Governor and the Legislature should enact legislation to provide incentives that encourage parental and community involvement;

- The Governor and the Legislature should enact legislation to support and expand existing school/law enforcement partnerships;

- The Department of Education should adopt model curriculum standards for alcohol and drug abuse education that incorporate the components of the successful DARE program;

- The Department of Education should require, as part of the curriculum for attaining teaching credentials and administrative credentials, training in areas such as safety, alcohol and drug prevention and intervention, youth gang prevention and intervention, legal responsibilities, and methods of handling disruptive activity on campus;

- The Governor and the Legislature should enact legislation that requires an annual school safety plan for each school;

- The Governor and the Legislature should enact legislation that establishes a nongovernmental institute for school safety;

- The Governor should designate a percentage of the discretionary state funds now available through the Office of Criminal Justice Planning, the California Youth Authority, and the Federal State Advisory Group on Juvenile Justice and Delinquency Prevention to assist with implementing school safety programs;

- The Governor and the Legislature should enact legislation that would mandate attendance by school districts at the Department of Education's workshops for the school crime reports;

- The Superintendent of Public Instruction should allocate sufficient funds for the Department of Education to develop and implement a system for monitoring the school crime reports for completeness and accuracy;

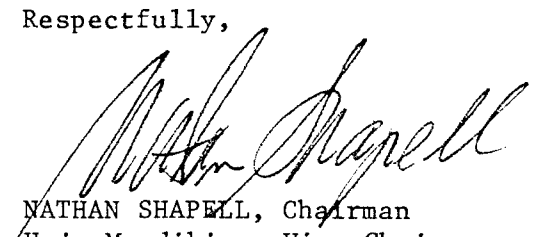
- The Department of Education should clarify its instructions for the reporting forms and rename the forms;

- The Governor and the Legislature should enact legislation that provides for criminal sanctions against principals and county superintendents who intentionally misreport data; and

- The Superintendent of Public Instruction should assume an aggressive leadership role by placing a high priority on school safety.

The Commission believes that the implementation of these recommendations will help curb the high incidence of crime and violence in schools, and thereby provide students and staff with the safe educational environment to which they have a right.

Respectfully,



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EXECUTIVE SUMMARY

Under the Superintendent of Public Instruction, the Department of Education (DOE) is responsible for administering California's public education system at the state level. During fiscal year 1988-89, about 4.9 million students will attend California's public schools in 1,025 school districts. To address the problems of school crime and violence, the DOE will spend approximately $14.7 million in state and federal funds, and estimates that the school districts will spend hundreds of millions of dollars more. Despite this tremendous financial commitment, the State's schools, students, and staff continue to be the target of crime and violence.

Although a provision in the California Constitution guarantees the right to safe schools, life on school campuses includes violent crimes, substance abuse, and property crimes. Crime and violence on school campuses exist for many reasons, including a continuation of the crime and violence in the community, ineffective administration at some of the schools, and a lack of leadership and direction by the State to ensure the safety of children. As a result, many children are denied an atmosphere that is conducive to learning, some students and staff suffer from stress, and schools are exposed to the legal and financial liabilities of failing to provide a safe environment.

State law requires that school districts report to the DOE statistics on crime committed at schools. In response to the law, the DOE established the School Crime Reporting Program. However, the reports submitted by school districts under the program are inaccurate because of the districts' inconsistent interpretations of the DOE's instructions, the differences in the districts' data collection techniques, the districts' fear of adverse publicity resulting from reports that show a high incidence of crime, and the DOE's inability to properly enforce the reporting requirements. Without accurate information on school crime, neither state and local governments nor schools and school districts can clearly identify problem areas and develop or revise strategies to address crime. If not addressed properly, the problems of school crime and violence will persist.

The Commission's report presents 12 recommendations related to addressing the problems of school crime and violence and ensuring the safety of schools. These recommendations include:

1. The Governor and the Legislature should enact legislation to encourage parent and community involvement in schools by providing parents and businesses with incentives, such as tax incentives.

2. The Governor and the Legislature should support the existing cooperative partnership between the DOE and the Office of the Attorney General by enacting legislation that would expand the partnership.

3. The DOE should provide leadership and direction to school districts for addressing the problems of substance abuse by adopting model curriculum standards for alcohol and drug abuse education that

incorporate the components of Los Angeles' Drug Abuse Resistance Education (DARE) program.

4. The Governor and the Legislature should enact legislation that would require an annual school safety plan for each school to ensure that the safety concerns of all school districts are addressed.

5. The DOE should require, as part of the curriculum for attaining teaching credentials and administrative credentials, training in safety, alcohol and drug prevention and intervention, youth gang prevention and intervention, legal responsibilities, and methods of handling disruptive activity on campus.

6. The Governor and the Legislature should statutorily establish a nongovernmental institute for school safety.

7. The Governor should designate a percentage of the discretionary state funds now available through the Office of Criminal Justice Planning, the California Youth Authority, and the Federal State Advisory Group on Juvenile Justice and Delinquency Prevention to assist with implementing school safety programs.

8. The Governor and the Legislature should enact legislation that allows the DOE to mandate attendance by all school districts at the training workshops for the Standard School Crime Reporting Forms to ensure the accuracy of the information reported under the School Crime Reporting Program. Further, the legislation should provide for a penalty against districts that do not attend the workshops.

9. The DOE should develop and implement a system for monitoring the school crime reports for completeness and accuracy. Further, the Superintendent of Public Instruction should allocate sufficient funds to develop and implement this monitoring system.

10. The DOE should clarify its instructions for completing the Standard School Crime Reporting Form and should rename the form to clarify that one of the intents of the State School Crime Reporting Program is to measure the amount of social disorder on school campuses that disrupts the education of students.

11. The Governor and the Legislature should enact legislation that provides for criminal sanctions against principals and county superintendents of education who intentionally misreport data on the Standard School Crime Reporting Form.

12. The Superintendent of Public Instruction should assume an aggressive leadership role by placing a high priority on school safety.

INTRODUCTION

During fiscal year 1988-89, about 4.9 million students will attend California's public elementary and secondary schools (K-12) in 1,025 elementary, high, and unified school districts. Each of these students, as well as the staff at the schools, has a state constitutional right to attend a "safe, secure and peaceful" campus. This right is the result of a 1982 constitutional amendment, commonly referred to as "the Victims' Bill of Rights," that, according to its proponents, was approved by California voters in response to a perceived inadequacy in the legal protections and remedies for the victims of crimes. Unfortunately, enforcing this right has proven difficult if not impossible in some areas, and the State's schools, students, and staff continue to be the target of crime and violence.

Background

Under the Superintendent of Public Instruction and with policy direction from the State Board of Education, California's public education system is administered at the state level by the Department of Education (DOE). According to the Governor's Budget, the DOE's total expenditures in fiscal year 1988-89 will be approximately $18.5 billion administered by a staff of approximately 2,617 personnel years. In an effort to address the problems of crime and violence during fiscal year 1988-89, the DOE will spend approximately $14.7 million in state and federal funds on school safety programs administered by a staff of 5.25 personnel years.

Table 1 shows the components of the DOE's total budgeted expenditures to reduce crime in schools.

TABLE 1

EXPENDITURES BUDGETED FOR FISCAL YEAR 1988-89
BY THE DEPARTMENT OF EDUCATION TO REDUCE SCHOOL CRIME

Program	Person Years	Personnel Services	State Operations	Local Assistance	Total
Partnership	1.0	$90,000	$75,983	$0	$165,983
School Crime Report	1.0	70,000	179,950	150,000	399,000
Drug Education	3.0	270,000	335,000*	13,050,064*	13,655,064*
Pros for Kids	.25	22,500	23,060	423,400	468,960
Totals	5.25	$452,500	$613,993	$13,623,464	$14,689,957

* Federal Funds

Source: Testimony provided by the Superintendent of Public Instruction for the hearing held by the Little Hoover Commission on August 25, 1988.

The DOE's efforts for reducing school crime and violence are focused within five areas: the School Safety Partnership; the School Crime Reporting Program; drug education and prevention; Pros for Kids; and the technical assistance given to other agencies on school safety.

The School Safety Partnership is a program established by the Interagency School Safety Demonstration Act of 1985 (Chapter 1457, Statutes of 1985) and was developed by the DOE and the Office of the Attorney General. The program is designed to encourage school districts, county offices of education, and law enforcement agencies to create partnerships for developing interagency strategies, programs, and activities that would improve school attendance and reduce the incidence of school crime and vandalism. The program's objectives are addressed through:

- a cadre of over 100 professionals from education, law enforcement, and the community who assist in the handling of specific school crime incidents and work to bring local schools and law enforcement personnel into a working partnership through presentations, workshops, and on-site visits;

- two regional conferences conducted yearly to disseminate information on effective school safety programs and to encourage the development of partnerships between school personnel and law enforcement officials; and

- a local assistance program in which the DOE funds school districts to cooperatively work with their local law enforcement officials to develop safe schools.

The School Crime Reporting Program, established in response to Assembly Bill 2483 (Chapter 1607, Statutes of 1984), was designed to help personnel in schools and school districts gather school crime data on a systematic basis beginning July 1, 1985. The program requires school districts to report crime statistics to the DOE on a semi-annual basis, and is intended to provide information so that effective programs to combat such crimes can be developed.

Under the Drug-Free Schools and Communities Act of 1986 (PL 99-570), the federal government will give about $13.6 million to California during fiscal year 1988-89 for drug education and prevention. Most of the funds will go directly to school districts to use for community education programs, events to prevent drug and alcohol abuse, family-oriented drug abuse prevention programs, and student and family counseling programs centered on the harmful effects of drug abuse. The funding for state operations is supposed to be used to establish a resource services system that provides to district and county educational personnel and community organizations information and technical assistance on successful prevention strategies, approaches, and programs. In addition to the federal funding, the DOE has devoted 3.0 personnel years to drug education and prevention.

The Positive Role Model Program was created by the Legislature in 1986 and is conducted by the DOE in conjunction with the Department of Justice, the Department of Alcohol and Drug Programs, the Office of Criminal Justice Planning, and a non-profit group called Pros for Kids. The program features a curriculum that is taught by former and current professional athletes, and is designed to provide positive role models for students to eliminate barriers such as drug abuse, and show students ways in which the students can succeed in life. The athletes also conduct motivational school assemblies and summer athletic training camps.

In addition to the programs described in the preceding paragraphs, the DOE has worked as a technical advisor with the Office of the Attorney General in developing and disseminating various publications addressing safety in schools. One of the publications, "School and Drugs: A Guide to Drug and Alcohol Abuse Prevention Curricula and Programs," describes what is needed for comprehensive school policies and procedures and outlines 28 established prevention curricula, programs, and projects. Another publication, "School Crime Handbook: A Summary of Penal and Civil Laws Pertaining to Crimes Committed on School Campuses," is designed to assist educational personnel in completing the form required under the School Crime Reporting Program.

The Office of the Attorney General, within the Department of Justice, also devotes a portion of its efforts to school safety. Although the overall appropriation for the operations of the School Safety Partnership is contained within the DOE's budget, the Attorney General's Crime Prevention Center contributes two personnel years to the partnership. In addition, the Attorney General will provide $150,000 in local assistance during fiscal year 1988-89. This money, which consists of twenty-five $6,000 matching training grants, will be awarded based on results of the 1986-87 Standard School Crime Report and will be used to implement peer help/peer counseling programs for seventh and eighth grade students. The Attorney General's Office also has programs and events for drug and alcohol abuse prevention and child abuse prevention, and issues publications related to school safety. However, the Attorney General's budget does not distinguish between schools and communities. Therefore, although the programs designed to help youth will affect schools, it is difficult to segregate that portion of the budget that is directed at schools only from that portion that is directed at the community.

In addition to the approximately $14.8 million expended at the state level, the DOE estimates that individual school districts will spend hundreds of millions of dollars on safety programs. Some of this money will come from the apportionment that each school district receives from the State and the remainder of the funds will come from local sources such as property taxes.

Scope and Methodology

The Commission initiated its study of crime and violence in California's public school system in July, 1988. The purpose of this study was to determine the extent of crime and violence in California's K-12 schools and to identify opportunities to address this problem. Specifically, the Commission focused on the following areas in conducting this study:

- The methods of gathering information on the extent and causes of school crime;

- The development and implementation of school campus safety programs; and

- School law enforcement efforts to benefit students and staff.

As a part of this study, the Commission held a public hearing on the problems of school crime on August 25, 1988 in Los Angeles. The Commission received testimony from individuals representing education, law enforcement, academia, and the community of Los Angeles.

In addition, Commission staff interviewed numerous individuals at the state and local government level including school administrators from California and other states, reviewed volumes of publications related to school safety, and visited three schools in the Los Angeles Unified School District.

Report Format

In addition to the Executive Summary, this report is presented in four sections, the first of which is this introduction. The second section contains the two major study findings; the third section presents the Commission's overall conclusions and recommendations for addressing crime and violence in public elementary and secondary schools. The fourth and final section is an appendix that defines the various categories of violent crimes and property crimes that are presented in some of the tables in the second section of this report.

STUDY FINDINGS

Finding #1 - Crime and Violence in California's Public Schools are Serious Threats to Students and Staff

Despite a provision in the California Constitution that guarantees the right to safe schools, life on school campuses includes violent crimes, substance abuse, and property crimes. Crime and violence on school campuses exist for many reasons, including a continuation of the crime and violence in the community, ineffective administration at some of the schools, and a lack of leadership and direction by the State to ensure the safety of children. As a result, many children are denied an atmosphere that is conducive to learning, some students and staff suffer from stress, and schools are exposed to the legal and financial liabilities of failing to provide a safe environment.

Inalienable Right to Safety

In 1980, the California Attorney General filed a lawsuit to restore safety in the Los Angeles Unified School District. The lawsuit was an attempt to direct attention to the problems of crime and violence in public schools and to gain safeguards for students. The lawsuit attempted to establish that public school students have special status and are entitled to special protections and rights, including the right to safe schools. In general, the lawsuit stated that students are compelled by law to attend school and that the school should then be safe. In addition, the lawsuit argued that the school district was denying the students several of their constitutional and fundamental rights, including the right against cruel and unusual punishment, the right to personal security, and, because students cannot learn in an atmosphere of violence, the right to a free public education. However, despite the arguments that crime and violence at schools deny students' constitutional rights, the courts refused to hold that a school had a duty to make schools safe.

In 1982, 56 percent of California voters approved a constitutional initiative, Proposition 8, which is also known as "the Victims' Bill of Rights." Proponents of the initiative indicated that Californians perceived a need to protect victims of crime because for the past 20 years the public had witnessed the courts expanding the rights of criminal defendants while the crime rate was climbing. The authors of the initiative attributed the rising crime rates to the courts and, therefore, designed the initiative to eliminate legal rules that favored defendants so that police and prosecutors could more easily obtain convictions of criminals.

Proposition 8 added sections 28(a) through (g) to Article I of the California Constitution to include a recognition of constitutional rights for victims of crime. The amendment declares that safeguards for victims' rights are necessary "so that public safety is protected and encouraged...." The amendment included victims of crime at schools by stating that "such public safety extends to the public...school campuses, where students and staff have the right to safe schools." This "safe schools provision" states: "All students and staff have the inalienable right to attend campuses which are safe, secure and peaceful."

Court Cases Testing Constitution

It was not until May, 1986 that a state court rendered the first judicial interpretation of schools' liability under the safe schools provision in the California Constitution. In the case of Hosemann v. Oakland Unified School District, Stephen Hosemann was physically assaulted on his junior high campus by a former schoolmate. Fearing further violence, he brought an action against the school district and his assailant. The action directed toward the school district maintained that the school failed to provide a safe environment and, therefore, deprived Hosemann of a constitutional right.

In rendering a decision, Superior Court Judge Richard Bartalini held that the safe school provision of the Constitution "is both mandatory and self-executing and places upon the defendant school district an affirmative duty to implement the mandate...should any school district fail to discharge its duty to make schools safe or fail to use reasonable diligence to discharge that duty, a student or staff member may recover damages from the school district if he or she proves he or she is injured as a legal result of the school district's failure." Judge Bartalini further ruled that employees of the school district could also be held liable in their individual capacities. Finally, he ordered the school district to submit a school safety plan for his review. Hosemann is now before the First District Court of Appeal.

In the wake of that landmark decision, many legal actions have been filed against California school districts in relation to the safe schools provision of the Constitution. Plaintiffs in the cases, which stem from a variety of incidents involving students on school grounds, argue that districts and, in some cases, staff members failed to provide the "safe, secure and peaceful" environment required by the Constitution. Such cases include:

- An amendment to a class action suit, filed on behalf of 15 students, that charged that the Los Angeles Unified School District violated the students' right to a safe school. The original claim sought $110 million from the district for failing to remove a teacher who had been accused of sexually molesting students.

- The parents of a fifth grade student contending that school officials failed to protect their son from verbal abuse by other pupils. The parents filed a claim for $351,000 in damages against the San Francisco Unified School District.

In addition to the California Constitution and the Hosemann decision, the safety of students and staff is protected by the United States Constitution. In Zemsky v. City of New York, the Board of Education of the City of New York, et al., a teacher brought a civil rights action under Title 42, United States Code, Section 1983. The teacher sought damages for repeated assaults by students, refusal of the school authorities to discipline the students involved, and failure of the school to provide him adequate security. The United States District Court held that the teacher had stated a viable civil rights damages claim against the school district for deprivation of his "liberty interest in freedom from bodily harm."

California's constitutional amendment and the various lawsuits show a clear intent to hold school districts accountable for the safety of students and staff. School districts no longer need to be found negligent to be liable for injuries to students; rather, the districts are liable for their failure to take reasonable steps to protect students and for the foreseeable consequences of such failures.

Violent Crimes in Schools Are a Reality

Gone are the days when the worst of student-related problems were playground arguments and schoolboy pranks. Today our schools face serious threats to the safety of students and staff. Among the worst of these threats are violent crimes including assaults, homicides, sex offenses, robberies, extortions, and the possession of weapons.

One of the earliest studies on school crime was conducted in 1978 by the National Institute of Education. The resulting report, "Violent Schools-Safe Schools," highlighted some startling statistics about criminal activity in our nation's schools. Included were the following figures for a one-month period:

- Approximately 282,000 secondary students reported being attacked;
- Almost eight percent of urban junior and senior high school students missed at least one day of school a month because they were afraid to go to school;
- Approximately 5,200 secondary teachers were physically attacked; 1,000 were injured seriously enough to require medical attention;
- About 6,000 secondary teachers had something taken either by force, by weapons, or by threat; and
- Approximately 525,000 attacks, shakedowns and robberies occurred in public secondary schools in one month.

The report also concluded that the risk of violence to teenagers was greater in school than elsewhere. While an average of 21 percent of all secondary students said they avoided restrooms out of fear for their safety and were afraid of being bothered or hurt at school, 12 percent of teachers hesitated to confront misbehaving students because of fear of reprisal.

Some more recent studies confirm the obvious implication that California is not immune to violence on school campuses. A March, 1984 survey conducted by the California School Employees Association, found that 36 percent of the respondents reported being physically attacked at school and that 46 percent of the respondents reported that they feared for their safety while on the job. A 1983-84 poll conducted by the Los Angeles Unified School District found that:

- The district's teachers were the victims of 231 violent attacks by students, intruders, and parents;

- 60 percent of the district's teachers did not feel safe on their school campuses;

- 59 district employees missed four or more weeks of work as a result of violence-related physical injury or psychological trauma; and

- An additional 83 teachers stayed out of school at least one day as a result of violence-related physical injury or psychological trauma.

The most recent information on campus crime and violence in California is contained in "A Report to the California State Legislature Regarding the Standard School Crime Reporting Program," which was issued by the DOE in April, 1988. The crime statistics presented in the report are for fiscal years 1985-86 and 1986-87, and are reported by school districts to the DOE as required under the DOE's School Crime Reporting Program. This program is discussed in detail and the accuracy of the report is questioned under the second finding in this section. Regardless of its accuracy, however, the report clearly indicates that violent crimes in schools are a reality. Of the 157,597 crimes reported for fiscal year 1986-87, the Commission classifies 70,247 crimes as violent. This number of violent crimes is higher than the number reported in fiscal year 1985-86: 67,838 violent crimes out of 162,733 total crimes.

In addition, during the Commission staff's visit to schools in Los Angeles, evidence of violence affecting schools was apparent. For example, a shooting had occurred directly outside the grounds of a junior high school in the South-Central district, just two days prior to the visit. While the atmosphere at the school did not appear tense or disrupted, Commission staff witnessed the three bullet holes in the door and exterior of one of the classrooms. Although school administrators argue that schools are a safe environment relative to the community, it is apparent that schools are not immune to the violence of that community.

In classifying certain crimes as violent, the Commission sought direction from the materials used in the School Crime Reporting Program. With the exception of homicide, all of the crime categories that the Commission classifies as violent are classified as crimes against persons in the "School Crime Handbook" (handbook). Homicide is not defined in the handbook, but obviously is violent. The handbook was prepared in 1986 by the Office of the Attorney General in cooperation with the DOE, and was intended to assist educational personnel in learning what school crimes they should report under the DOE's reporting program and how to report the crimes. For all of the crimes that the Commission classifies as violent, the handbook's definitions also suggest that the crimes are violent.

Table 2 shows a comparison of violent crime incidents that were reported by school districts as having occurred during fiscal years 1985-86 and 1986-87. The table distinguishes between the total number of crimes and the number of crimes involving students.

TABLE 2

COMPARISON OF VIOLENT CRIMES[1] REPORTED BY
SCHOOL DISTRICTS FOR FISCAL YEARS 1985-86 AND 1986-87

	Total Crimes			Crimes Involving Students		
Crime	1985-86	1986-87	Change	1985-86	1986-87	Change
Assault	54,526	57,347	2,821	50,848	52,866	2,018
Aggravated Assault	1,827	1,778	-49	1,460	1,356	-104
Homicide	15	14	-1	2	7	5
Misdemeanor Sex Offenses	1,549	1,916	367	1,549	1,916	367
Felony Sex Offenses	516	475	-41	516	475	-41
Robbery	1,345	866	-479	1,345	866	-479
Extortion	492	423	-69	492	423	-69
Possession of Weapons	7,568	7,428	-140	7,568	7,428	-140
Totals	67,838	70,247	--	63,780	65,337	--

Source: "A Report to the California State Legislature Regarding the Standard School Crime Reporting Program," Department of Education, April 1, 1988

1. Definitions for each of the violent crime categories are contained in the appendix of this report.

As shown in Table 2, the number of violent crimes increased from 67,838 in fiscal year 1985-86 to 70,247 in fiscal year 1986-87. There was a corresponding increase in the number of violent crimes involving students. By far, assaults comprise the largest segment of violent crimes, with 57,347 and 54,526 assaults reported in fiscal years 1986-87 and 1985-86, respectively. Moreover, this increase of 2,821 assaults account for most of the increase in the total number of violent crimes.

It is not known what percentage of the violent crime that occurs on school campuses is the result of the activities of youth gangs. However, it is certain that the community problems associated with gangs have spilled over to the schools.

Youth Gangs in Schools

Youth gangs have been in communities for a long time, but their recent

proliferation and the extent of their violence demand that communities address the problems created by the gangs. For example, in October, 1988, the Los Angeles Police Department reported that a new wave of killings in the city's South-Central district helped produce a 12.3 percent citywide increase in gang-related homicides in the first nine months of 1988. The figures showed 21 gang-related killings in the district during September, 1988. As one might expect, the recent gang activity that has received much media attention is not restricted to after-school incidents that occur only off-campus. Therefore, a discussion of crime and violence in schools must include gangs.

The National School Safety Center calls Los Angeles the "gang capital" of the nation, and estimates that the city has 70,000 gang members in more than 600 separate gangs. Most active gang members are under 18, but gang members are known to be as young as 7 and as old as 55. In addition, gang members are not restricted to only urban areas. Rather, they also exist in rural and suburban areas. The following is an excerpt from "Gangs in Schools - Breaking Up is Hard to Do," which was published by the National School Safety Center in January, 1988:

> Today violence perpetrated by gangs takes a greater toll than before, with gang-involved students playing a disproportionate role in acts of violence, vandalism, extortion, and threats to students and teachers on school campuses. Gang warfare has become more lethal as the weapons formerly used by gang members--fists, chains, knives, and small handguns--have been replaced by the heavier artillery of shotguns, automatic weapons, and explosives. Law enforcers also report today's gang members are more likely to be involved in drug dealing and related criminal activities, which contributes to their more violent behavior and weapon use.
>
> The trend of gang involvement in drug dealing is disturbing, and it especially concerns law enforcement officers. With its money-making potential, drug trafficking is turning more gangs into highly organized criminal organizations whose operations span the nation. Most rank and file gang members make relatively little money from drug dealing, but for kids who have never had anything, the lure of a steady and easy income is irresistible. Adult gang members frequently take over local drug dealing and make fabulous sums of money, shielding themselves from the law by using juvenile members for pickups and deliveries and as gang hitmen. Ten-year-olds are being used as weapons carriers and errand runners for the gangs. Gangs have learned juvenile criminals are treated far more leniently by the courts than adults when they are apprehended and convicted of drug charges or violent crimes. Schools are often used as drug distribution sites as well. These drug operations significantly increase the likelihood of serious violence and weapon use on campus.

There is some dispute over how accurately the above scenario describes the average situation at schools. The assistant chief in the Los Angeles Police Department stated that, while there may be isolated incidents that resemble the circumstances described above, such situations definitely are not the "norm." Further, although he acknowledged that gangs have affected schools, he cautioned that descriptions such as those given in the National School Safety Center report and those given in the media are "dangerous" generalizations. The assistant chief of the Los Angeles Unified School District Police stated that the vast majority of gang problems in schools are brought onto the campuses by non-student gang members. He further stated that gang activity on campus, including the wearing of gang colors and other means of gang identification, are not tolerated by school administrators in the Los Angeles Unified School District. Both of these statements were reiterated by various administrators with whom the Commission spoke during its visit to school campuses, and, to the extent possible, were confirmed by the Commission's own observations during visits to school campuses.

Regardless of the extent of gang activity on school campuses, there is no dispute that gangs do affect schools. Likewise, there is no dispute that gangs are becoming increasingly involved in drugs and that, to some extent, the involvement affects students. This involvement, however, is only one aspect of the drug problem that exists on school campuses.

Substance Abuse and Trafficking Among Students

In a 1986 report by the United States Department of Education, "What Works - Schools Without Drugs," Secretary of Education William J. Bennett stated that "the most serious threat to the health and well-being of our children is drug use." Indeed, despite the fact that drug and alcohol education has been mandated by the California Education Code since 1987, drug and alcohol abuse by our youth is still a problem of grave proportions.

In May, 1986, the Attorney General released the report "A Statewide Survey of Drug and Alcohol Use Among California Students in Grades 7, 9, and 11," which was directed at students during school year 1985-86. In June, 1988, the Attorney General issued a follow-up report of a similar survey directed at students during school year 1987-88. Both reports provided frightening statistics on the extent of the drug and alcohol abuse problem in today's schools. Table 3 provides excerpts from some of the information on alcohol abuse found in the Attorney General's second report.

TABLE 3

PERCENT OF STUDENTS TRYING ALCOHOL
AT LEAST ONCE AND PERCENT INTOXICATED AT LEAST ONCE, BY AGE AND GRADE

Grade of Student Surveyed and School Year	Percent by Age 12 (Grade 7)		Percent by Age 14 (Grade 9)		Percent by Age 16 (Grade 11)	
	Tried	Intoxicated	Tried	Intoxicated	Tried	Intoxicated
Grade 7						
1985-86	57.8	15.8				
1987-88	54.1	14.5				
Grade 9						
1985-86			77.6	47.1		
1987-88			67.9	37.6		
Grade 11						
1985-86					85.0	65.2
1987-88					83.2	61.5

Source: "Second Statewide Survey of Drug and Alcohol Use Among California Students In Grades 7, 9, and 11," Office of the Attorney General, June, 1988

As Table 3 shows, experimental drinking begins at an early age with the vast majority of students participating by the eleventh grade. About 54 percent of the seventh graders surveyed during school year 1987-88 had tried alcohol; 83.2 percent of the eleventh graders had experimented with drinking. Moreover, the drinking does not end with simple experimentation. Over 60 percent of the eleventh graders surveyed reported having been intoxicated by alcohol at least once.

Based on the Attorney General's reports, the percentage of students who drink alcohol frequently is much lower than the percentage that has experimented with alcohol. For example, although the percent of eleventh grade students drinking beer within the six months prior to the 1987-88 survey was 68.3 percent, the percent drinking beer weekly was 19.5 percent. Nevertheless, the figures indicate that, by grade eleven, about one student in five drank beer weekly or more often.

The Attorney General's figures for students using other drugs such as marijuana, cocaine, and amphetamines are also discouraging. Table 4 shows some of the statistics on drug abuse found in the Attorney General's second report.

TABLE 4

PERCENT OF STUDENTS TRYING OTHER DRUG(S)
AT LEAST ONCE AND PERCENT INTOXICATED/HIGH AT LEAST ONCE, BY AGE AND GRADE

Grade of Student Surveyed and School Year	Percent by Age 12 (Grade 7)		Percent by Age 14 (Grade 9)		Percent by Age 16 (Grade 11)	
	Tried	Intoxicated	Tried	Intoxicated	Tried	Intoxicated
Grade 7						
1985-86	10.7	8.8				
1987-88	9.0	6.0				
Grade 9						
1985-86			35.7	30.3		
1987-88			23.4	19.9		
Grade 11						
1985-86					51.4	45.1
1987-88					42.4	36.1

Source: "Second Statewide Survey of Drug and Alcohol Use Among California Students In Grades 7, 9, and 11," Office of the Attorney General, June, 1988

As Table 4 shows, a significant percentage of students experiment with drugs other than alcohol. Nine percent of the seventh graders surveyed during school year 1987-88 had tried illegal drugs; 42.4 percent of the eleventh graders had experimented with illegal drugs. The percentage (51.4 percent) of eleventh grade students that responded in 1985-86 as having experimented with illegal drugs is what caused Attorney General John K. Van de Kamp to state, "...it is a sad and sobering reality that trying drugs is no longer the exception among high school students--it is the norm." As in the case with students drinking alcohol, students experimenting with drugs become intoxicated, or "high." About 60 percent of the eleventh graders surveyed during school year 1987-88 reported having been intoxicated by illegal drugs at least once.

Similar to the figures for alcohol abuse, the Attorney General reports that the percentage of students using illegal drugs on a regular basis is much lower than the percentage of students who only occasionally use drugs. However, according to the survey for school year 1987-88, about 1 out of every 23 students reported smoking marijuana every day of the year. This figure is down from the reports for school year 1985-86, which showed 1 out of every 13 students smoking marijuana daily.

Although many of the Attorney General's figures shown for alcohol and drug use in school year 1987-88 are less than the figures for school year 1985-86, the project director of both surveys cautions that the decreases may not solely be a result of decreased alcohol and drug use. In the second report, Rodney Skager, Ph.D, who was commissioned by the Attorney General to conduct both surveys, stated that "in the two years since the

first survey, the political and law enforcement climate against the use of illicit drugs has increased in militancy. In this climate, there may have been a consequent increase in the tendency on the part of students to give more socially desirable responses even to an anonymous questionnaire. This possibility rather than actual declines in substance use could account for part or all of the differences between the 1985-86 and 1987-88 results." Dr. Skager did, however, acknowledge that during the same two-year period there was an increased emphasis on prevention programs along with continued attention from the media to the dangers of drug use; hopefully, the decline in reported alcohol and drug use reflects the impact of these positive influences. A final reason for guarded optimism is the fact that 2.7 percent of the questionnaires received in the first survey were removed from the sample because they reflected improbably high levels of drug and alcohol use, inconsistent response patterns, or incompleteness. According to Dr. Skager, "for this and other reasons, including the likelihood that at least some of the most seriously involved users of alcohol and other drugs would have dropped out of school by grade 11, the results of the survey probably provide somewhat conservative estimates of the amount and frequency of alcohol and drug use by California young people."

Alcohol and drug use on school campuses is reflected in the crime statistics reported by school districts to the Department of Education. The DOE's "Report to the California State Legislature Regarding the Standard School Crime Reporting Program," issued in April, 1988, showed that districts reported about 16,000 crimes related to substance abuse for fiscal year 1986-87; this figure was also shown as 1 incident per 207 students. For fiscal year 1985-86, the districts reported approximately 20,000 substance abuse crimes, or 1 incident per 271 students. According to the report, substance abuse can refer to the possession, use, or sale of any controlled substance from alcohol to heroin. In addition to questions regarding the accuracy of the districts' reports, the DOE acknowledges that the aggregate numbers in its report to the Legislature cannot be used as definitive information about the types and severity of substance abuse in schools. However, the DOE claims that the numbers "are useful in defining the scope of the overall substance abuse problem in California schools."

As is the case with its description of the extent of violent crimes, the DOE report to the Legislature clearly indicates that a substance abuse problem exists regardless of the report's accuracy. Likewise, the DOE's report describes the extent and problems of property crimes in schools.

Property Crimes Against Students and the School

Property crimes, as reported by school districts to the DOE, are comprised of several categories: arson, burglary, thefts from students, thefts from the school, and vandalism. Table 5 shows a comparison of the figures for property crimes as reported by school districts to the DOE for fiscal years 1985-86 and 1986-87.

TABLE 5

COMPARISON OF PROPERTY CRIMES[1] REPORTED BY
SCHOOL DISTRICTS FOR FISCAL YEARS 1985-86 AND 1986-87

	Total Crimes			Offenders (When Identified)					
	No. of Incidents			Student		Non-Student		Percent Student	
Crime	1985-86	1986-87	Change	1985-86	1986-87	1985-86	1986-87	1985-86	1986-87
Arson	1,275	1,125	-150	568	549	287	239	66.4	69.7
Burglary	10,213	8,378	-1,835	3,413	1,419	3,358	2,734	50.4	34.2
Theft-Students	17,411	16,566	-845	12,182	12,028	878	961	93.3	92.6
Theft-School	8,778	8,031	-747	3,854	3,074	1,928	1,939	66.7	61.3
Vandalism	37,023	37,251	228	6,860	7,629	6,080	8,781	53.0	46.5
Totals	74,700	71,351	-3,349	26,877	24,699	12,531	14,654	68.2	62.8

Source: "A Report to the California State Legislature Regarding the Standard School Crime Reporting Program," Department of Education, June, 1987 and April, 1988

1. Definitions for each of the property crimes categories are contained in the appendix of this report.

As shown in Table 5, school districts reported to the DOE a total of 74,000 school property crimes for fiscal year 1985-86 and over 71,000 property crimes for fiscal year 1986-87. In each of the fiscal years, vandalism was reported as having the highest number of incidence and theft from students had the second highest.

Columns under the "Offenders" heading in Table 5 reflect the number of incidents in which the school districts identified suspects for the property crimes. For this reason, the totals under this heading are less than the totals under the "Total Crimes" heading. Of the total number of property crimes for which the district identified suspects in fiscal year 1986-87, the districts identified students as suspects in 62.8 percent of the incidents. For fiscal year 1985-86, the districts identified students as suspects in 68.2 percent of the incidents.

Finally, consistent with the analysis of other statistics from the DOE's report on school crime, the Commission notes that there are questions regarding the accuracy of the figures reported by districts. The accuracy of the report will be discussed in the second finding of this section.

Schools Reflect Their Communities

There are many causes for the crime and violence that occurs on today's

school campuses; a discussion of some of these causes should begin with the communities in which the schools exist. The heart of a school's community is a student's home. Unfortunately, the home sometimes is also the heart of problems that cause a student to behave violently and commit crimes. For example, children that are exposed to violence at home, whether as a victim or a witness, sometimes imitate the violent behavior outside the home. The report "School Bullying and Victimization," published by the National School Safety Center, states that "as with alcoholism and other forms of abusive behavior, evidence strongly suggests that bullying tends to be an intergenerational problem. Many childhood bullies, in fact, are often abused by one parent at home and (may) witness that parent abuse his spouse and the child's siblings." Another report, "Delinquency Patterns in Maltreated Children and Siblings," by Bolton, Reich and Guitierras indicated that maltreated youth may become delinquents or, more often, may become dropouts or runaways; whereas their siblings who were not maltreated, but who observed the violence, engaged in victimizing others because they assume that it is acceptable behavior. In a June, 1988 report, the California Commission on Educational Quality's technical advisory committee on safety stated that "the youth frequently sets himself or herself up for disaster because the youth has learned to control the environment through the same behavior that may have precipitated the abuse years ago. This is the familiar world the youth knows; and no matter how unpleasant, it is predictable."

Intergenerational delinquency, which occurs when a delinquent youth follows in the footsteps of delinquent parents or other older family members, appears to be another cause of crime and violence in schools. In a draft report that outlined factors that could be used by the California Youthful Offender Parole Board in identifying youths who were at risk of behaving violently and/or returning to crime, the California Youth Authority indicated that youths who had parents with criminal records were at risk. Other studies, such as the report to the California Commission on Educational Quality, suggest that violence may be learned and "with some families, violence is actually encouraged, supported and expected. Generational gang affiliation, drug and alcohol addiction, and criminal behavior are commonplace in high crime areas and are part of the profile of serious delinquent youth."

Apathetic parents are almost as damaging as parents who encourage their children to engage in crime and violence. By not monitoring children's activities, including school, parents can imply that they do not care about the children's well-being and further imply consent of the children's negative behavior. For example, an undated paper written by George J. McKenna, a former principal who is credited with turning Los Angeles' George Washington Preparatory High School from one of the city's worst institutions into a model school, stated that "parents or guardians of gang members either do not know, pretend not to know, do not care, or feel powerless to do anything about the gang-related activities of their children." In addition, by not becoming involved in their children's schooling, parents do not share in their children's achievements and do not offer incentive for the children to continue succeeding.

The community at large also is responsible for causing students to commit crimes and behave violently. Mr. McKenna maintains that gangs do not exist as a natural outgrowth of poverty, but rather "because factors within our society allow young people to feel hopeless and helpless, and become disenfranchised from a system that offers no guarantee of a quality education or economic security." In its report "Gangs in Schools - Breaking Up is Hard to Do," the National School Safety Center states that "schools may safely assume that violent and anti-social gang behavior usually suggest psychological, emotional, attitudinal and cultural assimilation problems, a weak family structure, or a combination thereof. Additionally, gang members are likely to remain gang members because of fear, poor self-esteem and a genuine inability to understand or cooperate with others outside their group." In addition, an article in the New York Times dated April 29, 1987, suggests that crime "appears to be feeding on itself and that adolescents, who are in the most violence-prone years, are more likely to commit crimes." The article also quotes Robert Herrnstein, a professor of psychology at Harvard University and co-author of the book "Crime and Human Nature," as saying, "Seeing other people break the law is disinhibiting. Teenagers, whose moral development lags behind their physical and psychological maturity, are vulnerable."

Sometimes, violence on school campuses is the result of violence in the community spilling over to the schools. These incidents are often random and are difficult to prevent. Sometimes, community violence and its effect on schools are simply too unpredictable to prepare for. One such incident occurred in February, 1984 when a sniper attacked an elementary school in the South-Central district of Los Angeles while children were playing in the school playground. Although they are unpredictable, these incidents are examples of how community violence is one of the causes of crime in schools.

Ineffective Administration at Schools

Examples of effective administration, such as that exhibited by George J. McKenna in Los Angeles' George Washington Preparatory High School, are evidence that problems of crime and violence on school campuses can be overcome. However, in schools where the administration is weak, problems will continue to exist. The fact that a large amount of crime and violence does exist on California school campuses implies that poor administration must account for at least a small part of the problems. Apparently, some administrators don't care about the problems.

For example, an administrator in the central office of a school district in San Diego stated that he was aware of some principals who, by their nature, are antagonistic toward students and thereby cause some problems on campus. Other principals, he claimed, have good intentions but simply do not know how to address some of the problems that they face on campus. This claim is supported by a study performed by Harvard University's Graduate School of Education researchers and published in the Harvard Education Letter for September, 1987. The study indicated that administrators at two urban California schools that were plagued by poor attendance had tried every remedy from campus supervision by plainclothes police to after-school detention, independent study, and summer camp; the school realized little improvement. The researchers found that the administrators failed to

reduce truancy because they "did not take either students or teachers into account." The report stated, "Having talked mainly to one another, they (the administrators) did not realize that many teachers felt 'solving' the attendance problem would only swell their classes with reluctant, hard-to-teach students."

In the instance just described, the administrators recognized the problem and attempted to address it. Testimony received by the Commission at the August hearing from the director of the Attorney General's Crime Prevention Center suggests that some school principals do not know that problems exist. The director related an incident in which he accompanied the assistant chief of police for the Los Angeles Unified School District on a visit to one of the district's schools. The principal was unaware of the existence of student gang members on campus until the assistant chief of police pointed out some of the identifying apparel of two rival gangs. Thus, some administrators lack the knowledge, skills, and desire to adequately address the problems that they must face on a daily basis.

Lack of State Leadership

Although state government is largely responsible for providing the leadership necessary to address a problem as pervasive as crime and violence in schools, there appears to be a void in the direction provided at the state level. The State does not appear to be fully committed to providing this direction and ensuring the safety of children in public schools. For example, the Department of Education, which is responsible for "promot(ing) safe and orderly learning environments for our schools," should be working to ensure that school districts comply with the safe schools provision in the constitution and the subsequent judicial interpretation of schools' responsibility for providing a safe environment for students. Instead, as outlined in the DOE's draft report "Agenda for the Twenty-first Century: A Blueprint for K-12 Education," the Superintendent of Public Instruction is choosing to promote legislation that would limit school districts' liability in relation to the safe schools provision. This action is not consistent with the DOE's mandate.

Another example of the DOE's shortcomings is that it has not adopted model curriculum standards for alcohol and drug prevention and intervention, even though there are programs that have proven effectiveness. One such program, the Drug Abuse Resistance Education (DARE) project in Los Angeles, is being used in 670 communities in 41 states nationwide. Instead of adopting such a program, the DOE distributes over $13 million in federal funds to 1,025 school districts without providing guidance for effectively spending the money. Although in the summer of 1988 the DOE began developing draft curriculum standards for alcohol and drug education, they have not adopted the standards and do not expect to issue them to school districts until the spring of 1989. In September, 1988, the Governor vetoed Assembly Bill 2941 (Clute) which would have required the DOE to develop a comprehensive drug and alcohol abuse prevention program. This program, which was supported by the DOE, would have placed the DOE in a leadership role. The Governor's veto message stated that the legislation was unnecessary and premature, and cited the various federal, state, and local government funds that are provided for individual school district programs. The veto message further stated that budgeted state funds were

sufficient to provide the necessary essential services provided for by state government, and that "the demands placed on budget resources require all of us to set priorities." However, the veto message did not address the issue of state leadership.

Despite the ruling in Hosemann v. Oakland Unified School District, which required the school district to develop a school safety plan, the State also has not taken the lead in requiring all school districts to develop school safety plans. One measure, Assembly Bill 4600 (La Follette/Hughes), would have required all school districts to adopt school site safety plans by June 30, 1990; the Governor vetoed the bill. In his veto message, the Governor indicated that the School Safety Partnership program was funded for developing a planning guide for school safety. However, developing a planning guide does not go far enough. In light of the Hosemann decision, prudent risk management dictates that safety plans are required of all school districts. The DOE apparently recognized this theory because it supported Assembly Bill 4600. Nevertheless, the veto message further reiterated that budgeted state funds were sufficient to provide the necessary essential services provided for by state government, and that "the demands placed on budget resources require all of us to set priorities." Again, the veto message did not address the issue of state leadership.

In addition, the State does not require as part of teacher credentialing or administrative credentialing any training in school safety issues such as alcohol and drug prevention, youth gangs, school site safety, and handling disruptive activity on campus. It is not practical to expect teachers and administrators who are in unanticipated environments to effectively address safety problems for which they are not prepared, much less expect them to effectively teach and administrate.

Finally, the State does not have a clearinghouse for materials related to school safety issues; nor is there a single agency that has the expertise in all aspects of school safety necessary to provide comprehensive training on safety and oversight for the coordination of safety efforts. The lack of a clearinghouse presents an obstacle to teachers and administrators who have recognized problems but who do not know how to address the problems. Although many useful materials related to all aspects of school safety exist, identifying and gathering the materials appropriate for particular circumstances is a time-consuming task. Further, a single entity responsible for training and oversight would be useful in two ways. First, it would provide a comprehensive perspective on the new and developing issues of school safety including liability, training teachers and administrators, and developing and assessing school safety plans. Second, it would provide the coordination needed by the various agencies whose efforts related to school safety are duplicative or uncomplementary.

It appears that the Superintendent of Public Instruction has failed to assume the leadership role necessary to ensure the safety of students and staff in schools. Rather than provide the direction or requirements that would allow school districts to better provide a safe environment, he has worked to avoid the liability of ensuring school safety and has not made school safety a high priority.

Students Cannot Learn, Teachers Cannot Teach

The effects of school crime and violence are many; some are readily apparent, some are hidden only to surface at a later time. The immediate effects of violence on student and staff victims are seen in the physical injuries sustained by the students and staff. However, as tragic and longlasting as those effects are, they are not the only ones suffered by victims of violence. Moreover, those students and staff physically injured by crime and violence are not the only victims.

When crime and violence exist in schools, students and staff are denied their inalienable right to a safe environment. In addition, students and staff are denied an atmosphere that is conducive to education. Students cannot learn and teachers cannot teach when they live in fear of physical violence. The recent report to the California Commission on Educational Quality, prepared by its technical advisory committee on school safety, concluded that students' and staff's abilities to learn and teach are directly affected by their emotional and physical injuries and their fears. A study by the federal "Working Group on School Violence and Discipline" indicated that "an orderly school environment was essential to learning; that disorder in some American schools was significant enough to pose obstacles to positive educational experiences; and that no amount of money, teacher salary raises or improved facilities, materials or curricula will encourage students to learn if they are distracted or fearful."

The emotional effects of being victimized vary, of course, among individuals. However, several studies have identified some of the effects that are common to victims. For example, in their report, "Special Intervention Programs for Child Witnesses to Violence," Dr. Robert S. Pynoos and Dr. Spencer Eth state that "children who witness acts of violence represent a population at significant risk of developing anxiety, depressive, phobic, conduct, and post-traumatic stress disorders." The study further suggests that school-age children can suffer adverse effects in school performance and learning and "are more likely to react to traumatic violence with aggressive or inhibited behavior and with psychosomatic complaints. Adolescents may embark upon a period of post-traumatic acting-out behavior expressed by school truancy, precocious sexual activity, substance abuse and delinquency." Also, recent findings indicate that these psychological consequences for traumatized children can last for years.

The "Report to the California Commission on Educational Quality" references Dr. Alfred Bloch, assistant clinical professor of psychiatry at the University of California, Los Angeles. After examining more than 1,000 teachers, many of whom describe their teaching environment as the "combat zone" and who described symptoms of fatigue, headaches, gastrointestinal problems, cardiovascular problems, and hypertension, Dr. Bloch stated, "What we are seeing is very much akin to the kind of stress that soldiers in World War II and the Korean War had experienced." In his 1978 report, "Combat Neurosis in Inner-City Schools," Dr. Bloch indicated that threats of a brutal attack were often more psychologically disabling than the actual event. He further stated that "the teachers felt especially demoralized when, in attempting to report an attack, they found the principal to be indifferent or, worse, fault-finding. The teachers said

that they were usually discouraged from reporting incidents of violence. Although legally required to do so, they received the implicit (and sometimes explicit) message that it was not in their best interest to pursue the matter, i.e., that the administrators might consider them unsuccessful." In this situation, teachers are faced with a threat to their job security and the real or perceived dangers of violence in the classroom. The Superintendent of Public Instruction has not exercised the leadership necessary to encourage full and adequate crime reporting.

Financial Costs of School Crime and Violence

In addition to the physical and psychological toll taken by crime and violence in schools, there are also adverse financial effects. First, there are the immediate costs of repairing or replacing school property that is damaged, destroyed, or stolen. Second, there is a cost that results from the efforts of schools and federal, state, and local governments to prevent or follow up on school crime and violence. Finally, there are insurance costs, legal counsel costs, and potential damages associated with schools' liability to provide a safe environment for students and staff.

Property crimes on school campuses have the most visible financial costs. In both its first and second "Report to the California State Legislature Regarding the Standard School Crime Reporting Program," the DOE provides the estimated dollar losses for property crimes reported by school districts for fiscal years 1985-86 and 1986-87. Table 6 shows those figures.

TABLE 6

ESTIMATED DOLLAR LOSSES FOR PROPERTY CRIMES REPORTED BY SCHOOL DISTRICTS FOR FISCAL YEARS 1985-86 AND 1986-87

	Number of Incidents		Estimated Dollar Loss		
	1985-86	1986-87	1985-86	1986-87	Change
Arson	1,275	1,125	$11,703,203	$11,512,604	-$190,599
Burglary	10,213	8,378	2,332,509	2,497,550	165,041
Theft - Students	17,411	16,566	*	*	
Theft - School	8,778	8,031	1,574,399	1,655,560	81,161
Vandalism	37,023	37,251	7,727,917	7,212,826	-515,091
Totals	74,700	71,351	$23,338,028	$22,878,540	-$459,488

* The DOE reports that reliable dollar value estimates are unavailable because these are losses reported by individuals.

Source: "A Report to the California State Legislature Regarding the Standard School Crime Reporting Program," Department of Education, June, 1987 and April, 1988

As Table 6 shows, 74,700 property crimes during fiscal year 1985-86 cost over $23 million to repair or replace school property. In fiscal year 1986-87, 71,351 property crimes cost almost $23 million. Neither of the cost figures include the amount of loss suffered by individual students because the DOE does not report the figures. The DOE claims that "because these are losses from individuals, reliable estimates as to value are unavailable." Also noted in Table 6, arson accounted for the fewest number of property crime incidents but the largest dollar loss in both fiscal years. Vandalism accounted for the second largest dollar loss in both years.

Another financial cost of school crime and violence is the expense that schools and federal, state, and local governments incur for their efforts to prevent or follow up on school crime and violence. For example, in addition to the over $14 million in state and federal funds that the Department of Education spends to reduce school crime, the California Attorney General's Office funds programs, events, and publications related to alcohol and drug abuse prevention, child abuse prevention, and other school safety issues. Further, the State incurs costs when the perpetrators of school crime and violence enter the State's penal system. Similarly, local governments incur costs related to school crime and violence when problems that occur on school campuses require local law enforcement agencies to become involved. Finally, the schools themselves spend money to curb crime and violence on their campuses. Most school districts operate and maintain school police departments or other security staff. For example, the Los Angeles Unified School District spends over $18 million a year for police and campus supervision services. The Department of Education estimates that, in total, school districts spend hundreds of millions of dollars to provide safe school campuses.

A third area of financial costs is associated with the schools' liability for providing safe environments for students and staff. Court cases related to school safety are continually being decided, and in numerous decisions the liability of schools is being determined. The safe schools provision in the constitution and the decision rendered in Hosemann v. Oakland Unified School District may add new liabilities to the existing legal protections and precedents for assisting injured students and staff. Not all experts agree with this opinion, however. In his article, "The 'Safe Schools Provision': Can a Nebulous Constitutional Right Be A Vehicle For Change?," lawyer Stuart Biegel, from the UCLA Graduate School of Education, presents five alternative positions regarding the interpretation of Section 28(c) of Article I of the California Constitution:

1. It is simply a restatement of previous law because what it says is neither new nor different;

2. It is not self-executing and, therefore, represents an invitation to the Legislature to come up with a statutory scheme for implementing the provision;

3. It maximizes school safety by making it easier to prosecute those who commit crimes on school grounds;

4. It provides for additional duties and/or remedies under existing tort law doctrines; and

5. It mandates an affirmative duty to make schools safe regardless of cost.

In a letter to members of the School Safety Partnership, the DOE lawyers indicated that if the theory of schools' liability as presented in the Hosemann decision is validated, the public school system in California could be bankrupted or resources would have to be "radically reallocated away from the educational process." This statement represents the low priority placed on school safety by the DOE.

Regardless of the final outcome of the Hosemann decision, schools already are experiencing the costs of legal liability through the rising costs of insurance and legal counsel. To mitigate the high cost of insurance, many school districts, particularly the smaller ones, have formed "joint power authorities" to insure themselves. The joint power authorities allow the districts to insure themselves for claims up to a certain amount, $100,000 for example. Above that amount, the school districts must purchase insurance from insurance companies for claims ranging up to $1 million. Above $1 million, school districts can become part of a statewide "excess liability pool." This "pool" is a means by which districts can combine their resources to provide coverage for extremely large losses. In addition to claims, legal fees are assumed by the joint power authorities for claims that are under the self-insured "ceiling."

The director of risk management for a joint power authority that was formed by some of the school districts in San Diego County stated that "it is difficult to identify the exact costs associated with school safety, but the losses resulting from claims and the costs of legal counsel have, without question, risen as a result of increased crime and violence in schools." As an example, the total dollar amount of losses resulting from claims for the San Diego joint power authority increased almost 210 percent from $538,460 in fiscal year 1981-82 to $1,668,146 in fiscal year 1986-87. According to the director of risk management, part of the increase is because of losses resulting from claims related to school crime and violence. Of the claims contributing to the total losses, only the claims for students injured in fights are distinguished by the joint power authority and are clearly related to school violence. The losses for these claims increased almost 1,800 percent from $7,255 in fiscal year 1984-85, the earliest year for which information is available, to $137,146 in fiscal year 1986-87.

Another example of the escalating cost of losses for claims related to school crime and violence comes from Industrial Indemnity, one of the largest underwriters for school districts in California. The insurance company had arson claims totalling about $10 million for the five-year period between 1980 and 1985. In 1986 and 1987, arson claims totalled approximately $12 million and $15 million, respectively. In addition, the custom programs manager for Industrial Indemnity stated that legal costs have escalated because of an increase in the number of claims related to school crime and violence.

It is difficult to determine the total financial costs of school crime and violence, just as it is impossible to accurately measure the learning that does not occur and the amount of suffering that results from crime and violence in schools. It is clear, however, that despite a constitutional right to safe schools, life on school campuses includes violent crimes, substance abuse, and property crimes. These circumstances exist, in part, because schools reflect their communities, some schools are ineffectively administered, and the State has not provided the leadership necessary to ensure the safety of children attending California's schools.

Finding #2 - School Crime Reports Do Not Accurately Describe the Extent of Crime and Violence in Schools

State law requires that school districts report to the Department of Education (DOE) statistics on crime committed at schools. In response to the law, the DOE established the School Crime Reporting Program. However, the reports submitted by school districts under the program are inaccurate because of the districts' inconsistent interpretations of the DOE's instructions, the differences in the districts' data collection techniques, the districts' fear of adverse publicity resulting from reports that show a high incidence of crime, and the DOE's inability to properly enforce the reporting requirements. Without accurate information on school crime, neither state and local governments nor schools and school districts can clearly identify problem areas and develop or revise strategies to address crime. If not addressed properly, the problems of school crime and violence will persist.

School Crime Reporting Requirements

In 1984, the Legislature passed Assembly Bill 2483 (Stirling) which became Penal Code Section 628 (Chapter 1607, Statutes of 1984). The legislation has four main requirements:

1. Schools and school districts must report incidents of crime committed on school campuses or at school-related events to the DOE on a semi-annual basis;

2. The DOE must compile the data submitted by districts on a county-by-county and statewide basis each year and report both the current and previous year's information to the Legislature;

3. Beginning with the second year, the DOE must evaluate the crime prevention programs in the school districts by comparing the numbers and rates of crimes and resulting economic losses for each year against the previous years; and

4. The DOE must, upon request, supply to the county superintendents of schools and each county probation department a summary of that county's district reports and the statewide aggregate data.

The theory behind the legislation is that effective reporting techniques that measure and assess schools' and school districts' particular crime problems can lead to the development of successful programs to combat campus crime. The accuracy of the crime statistics reported is important for several reasons, including:

- Standard reporting procedures allow districts to analyze crime problems on their schools' campuses and to direct appropriate resources to schools to eliminate the incidence of school crime;

- When accurate information on school crime is available, state, county, and local government agencies can develop or revise intervention and prevention strategies;

- If some schools underreport their incidence of school crime and other schools overreport, unfair or inaccurate comparisons are made among schools or districts;

- The Legislature needs complete and accurate information on school crime to enact legislation to assist schools and communities in developing strategies for reducing the incidence of school crime; and

- When school crime occurs, its incidence is public information. If the public is to support and assist schools in implementing school safety activities, the information presented must be accurate and credible.

In response to Penal Code Section 628, the DOE established the School Crime Reporting Program. The program, which is administered through the School Climate Unit in the DOE's Instructional Support Services Division, was designed to help personnel in schools and school districts gather school crime data on a systematic basis beginning July 1, 1985. The program now provides comparative data for fiscal years 1985-86 and 1986-87. The data reported by schools and school districts is done so on the Standard School Crime Reporting Form, which contains instructions for completing the form and definitions of the crime classifications that are identified on the form.

To introduce the reporting form and its instructions and to discuss reporting procedures with school district personnel, the DOE conducted 25 workshops throughout the State in May and June, 1985. Each participant received forms, reporting instructions, and training during a two-hour session. In addition, the DOE mailed sample sets of the form and reporting instructions to all districts in June, 1985. In July and August, 1985, the DOE distributed to the districts a sufficient number of reporting forms for all schools within the districts. Further, the DOE conducted six additional regional workshops in December, 1985, to accommodate district personnel or school level representatives who were able to attend the previous workshops. In 1986, the DOE presented six more workshops. In total, representatives from between 25 to 30 percent of California school districts attended the 37 workshops.

To assist educational personnel in learning what school crimes to report and how to report the crimes, Penal Code Section 626.1 (Chapter 300, Statutes of 1984) was enacted. The legislation required the Office of the Attorney General to prepare and present to the Superintendent of Public Instruction a report that contains a summary of California penal and civil laws pertaining to crimes committed against persons or property on school grounds. In response to this legislation, the Attorney General, in cooperation with the DOE, published and distributed the "School Crime Handbook" in 1986. The handbook also provides detailed definitions of the various crimes that are required on the school crime report.

Also in 1986, the DOE sent to all school districts a separate manual of instructions for completing the Standard School Crime Reporting Forms. Unlike the instructions contained on the reporting form itself, the manual provides some examples for reporting crimes and provides suggestions to

districts for collecting and reporting the crime data effectively and efficiently.

Reports Are Inconsistent

Despite the efforts of the DOE and the Attorney General's Office, the school crime reports are inaccurate. In both its first and second report of crime data to the Legislature, the DOE qualified the accuracy of the information provided by school districts. One reason for the inaccuracy is that individual schools may have used different criteria in defining what constitutes a crime. For example, assault is defined as "an unlawful attempt...to commit a violent injury on the person of another," and a strict interpretation of this definition would include a school yard fist fight. However, in discussing this example with various administrators, the Commission determined that there is some variation among schools in determining how serious a fight has to be before it is recorded as an assault on the school crime report. One school district administrator stated that he reports all fights because they involve students; other administrators, however, stated that they would not report all fights because, in some cases, there is mutual intent on the part of the individuals fighting.

Another example of inconsistency in the definition of what constitutes a crime is shown by the Los Angeles Unified School District (LAUSD). The LAUSD reports only those incidents in which a victim was identified and a crime was reported through one of the local law enforcement agencies. The LAUSD's administrators responsible for the school crime report stated that because the report is called a "crime" report, and all crimes are reported to law enforcement, only those incidents reported to a law enforcement agency should be reported to the State. The administrators acknowledge that even though some incidents that result in suspensions or expulsions are also classified under one or more of the categories on the school crime report, these incidents are not reported to the DOE if they are not reported to a law enforcement agency.

According to the DOE, however, the LAUSD's method of reporting contradicts the intent of the school crime reports. The assistant superintendent of the DOE's Instructional Support Services Division and the School Climate Unit's principal consultant for the program agreed that the school crime reports should measure the amount of social disorder on school campuses that disrupts students' education, regardless of the involvement of law enforcement agencies. Although the DOE officials acknowledged that nowhere in the report's instructions or the "School Crime Handbook" is it specified that all suspensions and expulsions related to the categories on the school crime report should be reported, they stated that, in the three years since the program's inception, the DOE has consistently advised school personnel to report all incidents that result in suspensions, expulsions, and/or injuries. Two administrators from different districts confirmed the DOE's claims; the administrators each had participated in the DOE's workshops and each stated that they report all suspensions and expulsions.

Since only between 25 and 30 percent of all school districts attended the DOE's workshops and the DOE consistently explains instructions at the workshops, it appears that because not all school districts attend the

DOE's workshops there is more opportunity for inconsistency in the interpretation of the DOE's instructions. In addition, because the DOE's written instructions are not more explicit, it is unclear to the districts that the intent of the school crime report is to measure the amount of social disorder on school campuses that disrupts students' education, to measure that disruption regardless of the involvement of law enforcement agencies, and to identify all incidents that result in suspension, expulsions, and injuries. Moreover, it appears that the report is misnamed because it does not have a title that suggests the inclusion of all incidents regarding school disciplinary action.

The inconsistencies in interpretation of the DOE's instructions may account for some of the obvious inaccuracies in the statistics provided by the school districts. In his testimony before the Commission, the Superintendent of Public Instruction gave a few examples of inaccurate reporting, including:

- In the first year of reporting, one elementary school district with an enrollment of 20,000 students reported 2,336 assaults while the largest unified district in the State with an enrollment of nearly 600,000 students reported only a total of 1,345 assaults. After working with the DOE, the elementary district reported a total of 137 assaults in the second year; and

- An urban district with an enrollment of 37,000 students reported a total of 76 assaults while another urban district with an enrollment of nearly 46,000 students reported 2,754 assaults.

It appears that these inaccuracies occurred because of inconsistencies in interpreting the DOE's instructions. It is unclear, however, whether the inconsistencies were the result of the districts' faulty interpretations or the DOE's faulty instructions. Regardless, these inconsistencies clearly result in inaccuracies.

Differences in Data Collection

In providing testimony to the Commission, the Superintendent of Public Instruction suggested another cause of the inaccuracies in the school crime report. He suggested that schools probably vary in how systematically they collect and record school crime data. This reason implies the likelihood that some schools have developed sophisticated reporting and data recording procedures, while other schools may approach the task in a less structured and, possibly, less thorough manner. The Superintendent indicated that schools that do not have an organized and consistently applied data collection system are more likely to underreport crime. The underreporting of crime, whether intentional or not, obviously results in inaccurate reports.

Intentional Underreporting of Crime

Some school administrators intentionally underreport the amount of crime activity in their districts because they fear that their districts might receive adverse publicity as a result of the reports. According to the testimony given to the Commission by the Superintendent of Public

Instruction, some schools may have underreported the incidence of crime on their campuses to avoid the stigma of being labeled a "high crime campus." The Superintendent gave the example of a comparison among the first-year reports provided by three large urban districts, two of which have enrollments of more than 36,000 students and are very similar in socio-economic status. One of the two districts reported 145 incidents of substance abuse and the other district reported only 8 incidents. The third district, a nearby elementary district with an enrollment of more than 12,000 students, reported no incidents of substance abuse, assaults, aggravated assaults, or sex offenses. In its second report of crime data to the Legislature, the DOE stated that it had documented several cases of intentional underreporting during the 1985-86 reporting period, and that it had followed up on the cases. One of the cases involved the elementary district just described. The second-year data for the elementary district did not contain any obvious omissions, and the DOE suggested that the problem of intentional underreporting may have been less of a factor in the second year of the crime reporting program.

The unwillingness of schools to report all crime because of the fear of adverse publicity is not without foundation. The media places pressure on schools in the way that it covers the DOE's reports to the Legislature. The Superintendent of Public Instruction related an instance in which a union high school district in the San Joaquin Valley reported an increase in substance abuse crimes from 26 incidents in fiscal year 1985-86 to 71 incidents in fiscal year 1986-87. The Superintendent claimed that the increase was because the district had worked cooperatively with the Sheriff's Department in an undercover operation during the second reporting year. The district also reported that 72 lockers were broken into; the break-ins occurred mostly on weekends. As a result of the district's diligence, the local papers reported that the district "Led the Valley in Crime" for that year. Another pressure exerted by the media is its unpredictable coverage of the school crime reports; specifically, the presentation of the same information in completely different contexts. For example, when the DOE's second report to the Legislature was issued, one prominent newspaper carried the headline, "California school crime jumps four percent," while another prominent newspaper's headline read, "School crime rate down in state." This lack of consistency demonstrated by the media could be one of the reasons why some administrators are reluctant to report all crimes.

No Enforcement of Law

Another fundamental cause for the inaccuracy of the reports is that, until 1989, there are no measures for the enforcement of the law. Although Penal Code 628 requires school districts to report incidents of crime, the law did not provide any penalties for the districts' failure to report or for intentional misreporting. Moreover, the legislation did not provide any funding for the DOE's monitoring of the districts' completion of the reports or the accuracy of the reports. Consequently, in addition to the lack of accuracy of the reports that were submitted, some counties failed to submit reports to the DOE. For the first year of the School Crime Reporting Program, 50 school districts failed to submit at least one of the two semi-annual reports; 26 districts failed to submit reports in the

second year. The combination of intentional underreporting and failure to report indicated a need for enforcement measures.

In 1988, the Legislature approved Assembly Bill 2583 (Stirling) which was enacted to become Section 14044 of the Education Code and Section 628.2 of the Penal Code (Chapter 78, Statutes of 1988). This legislation makes school principals responsible for reporting crime statistics to the county superintendents of schools and makes the county superintendents responsible for reporting to the State. This measure further authorizes the Superintendent of Public Instruction to levy a penalty against school districts or county offices of education if their school crime reports are not submitted or are intentionally misleading. Under these circumstances, which would be determined by the DOE, the Superintendent of Public Instruction may withhold from the state apportionment to a school district or county office of education an amount equal to one-half of the county superintendent's salary.

Because this law does not take effect until January 1, 1989, its results are limited. In his testimony to the Commission in August, 1988, the Superintendent of Public Instruction claimed that the DOE used the penalty to threaten 20 districts that were late with their semi-annual reports; the Superintendent stated that all 20 districts submitted their reports as a result of the threat. It is not clear how a penalty that is not enforceable until January, 1989 could be effective prior to August 1988. Nevertheless, although the penalty may prove effective in getting districts to submit their reports, the penalty's effects on the accuracy of the reports may be minimal without monitoring by the DOE. In fact, the DOE still has no funding for any monitoring activities to ensure the accuracy of the reports. For fiscal year 1989-90, the DOE has submitted to the Department of Finance a budget change proposal requesting additional funding for staff to verify the accuracy of the districts' reports. In a preliminary decision, however, the Department of Finance rejected the proposal and indicated that the previous two years' augmentation of the program's budget already supported the DOE's verification efforts. Contrary to the Department of Finance's statement, verification of the counties' reports currently is not possible because the DOE has only one person budgeted for the school crime report. Further, although the Department of Finance's rejection statement acknowledges Assembly Bill 2583, it incorrectly claims that "there is no penalty for false reporting" and that the bill "will have a minor impact on workload which should be absorbable."

The lack of a system of monitoring districts' completion and submission of the school crime reports could render Assembly Bill 2583 meaningless. In addition, the penalties allowable under Assembly Bill 2583 may not provide enough incentive for districts to report accurately. The provision of criminal sanctions or penalties, such as those for the non-reporting of child abuse incidents and for perjury, may provide a better incentive for county superintendents to report and to report accurately.

Effects of Inaccurate Reports

Inaccurate reports can have a variety of adverse effects, most of which will allow the problems of school crime and violence to perpetuate. For

example, without accurate reports, districts cannot effectively analyze crime problems on their schools' campuses and direct appropriate resources to schools that need the resources to eliminate the incidence of school crime. Likewise, state, county, and local government agencies cannot develop or revise intervention and prevention strategies when accurate information on school crime is not available. In addition, as some of the examples of district comparisons given earlier in this report have shown, if some schools underreport their incidence of school crime and/or other schools overreport, unfair or inaccurate comparisons are made among schools, districts, or counties.

Finally, the Legislature needs complete and accurate information on school crime before it will enact legislation to assist schools and communities in developing strategies for reducing the incidence of school crime. The Legislature will not accept information that must be qualified because of the various causes of inaccurate reporting. Similarly, it is less likely that the public will support and assist schools in implementing school safety activities if the information presented is not accurate and credible.

If not addressed properly, the problems of school crime and violence will persist. Unfortunately, school crime reports submitted by school districts to the DOE are inaccurate, thereby preventing state and local governments and schools and school districts from clearly identifying problem areas and developing or revising strategies to address crime. The inaccuracy of the school crime reports, which defeats the intent of state law, results from the districts' inconsistent interpretations of the DOE's instructions, the differences in the districts' data collection techniques, the districts' fear of adverse publicity resulting from reports that show a high incidence of crime, and the DOE's inability to properly enforce the reporting requirements. Vigorous leadership by the Superintendent must be exercised to ensure compliance with reporting laws.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Students and school staff have the inalienable right to safe campuses; this right is guaranteed by the California Constitution. Despite the guarantee and the fact that school safety is an integral part of education, life on school campuses includes violent crimes, substance abuse, and property crimes. These problems exist, in part, because most schools reflect their communities, because some schools suffer from ineffective administration, and because the State has failed to provide the leadership and direction that is necessary to ensure the safety of children. As a result, many children and teachers are not able to learn and teach because of an atmosphere that is filled with the fear of violence. Further, crime and violence causes some students and staff to suffer from stress. Finally, school crime and violence exposes schools to the legal and financial liabilities of failing to provide a safe environment.

If left alone, the problems of school crime and violence will continue. To allow state and local governments, schools, and school districts the opportunity to identify problem areas and develop or revise strategies to address crime, state law requires that school districts report to the DOE statistics on crime committed at schools. However, the reports submitted by school districts are inaccurate. The inaccuracies result from the districts' inconsistent interpretations of the DOE's instructions, the differences in the districts' data collection techniques, the districts' fear of adverse publicity resulting from reports that show a high incidence of crime, and the DOE's inability to properly enforce the reporting requirements. Each of these circumstances diminish the effectiveness of efforts aimed at curbing school crime and violence.

Recommendations

1. To encourage parent and community involvement in schools, the Governor and the Legislature should enact legislation to provide parents and businesses with incentives, such as tax incentives. The incentives for parental involvement should be contingent upon the parents' participation in, and successful completion of, parenting courses that demonstrate effective child-raising practices and that include activities and techniques that parents can use to assist their children to succeed in school. Further, the training should be designed for each of the developmental phases: pre-school, elementary, middle, and high school. Incentives for community involvement should be available for businesses that allow employees to spend time in their children's classrooms or to participate in their children's school activities at least once per semester with no loss in salary to the employee.

2. To increase the effectiveness of existing cooperative programs between school and law enforcement, the Governor and the Legislature should support the School Safety Partnership by enacting legislation that would allow the partnership to fully implement at least the following activities:

- Develop resource materials pertinent to gang prevention and intervention;

- Develop a model school safety instrument for assessing school safety, and developing and implementing training for the effective use of the assessment tool;

- Provide technical assistance to law enforcement agencies in developing school safety plans and strategies for reducing the incidents of school crime; and

- Identify and promote successful programs in the area of student responsibility, conflict resolution and peer mediation, and non-assaultive environment.

3. To provide leadership and direction to school districts for addressing the problems of substance abuse, the Department of Education should adopt model curriculum standards for alcohol and drug abuse education. The department should adopt the standards no later than April 30, 1989, and the standards should outline a comprehensive program that incorporates the components of the Drug Abuse Resistance Education (DARE) program in Los Angeles. The program should, at least:

   - Provide accurate information related to alcohol and drugs, including the adverse effects of substance abuse;

   - Teach students decision-making skills;

   - Teach students how to resist peer pressure;

   - Give students ideas for alternatives to alcohol and drug use;

   - Encourage students to improve their self concept; and

   - Teach students fundamentals of personal safety.

   In addition, the program should be introduced to students at the early elementary level and should present new concepts by increasing the depth and complexity of the education at appropriate age intervals.

4. To ensure that the safety concerns of all school districts are addressed, the Governor and the Legislature should enact legislation that would require through the Department of Education an annual school safety plan for each school, and would require school districts and county offices of education to review and approve the plans and certify to the Superintendent of Public Instruction that each school within their jurisdiction has completed a plan and that the plans address the safety concerns that were identified through a systematic planning process. The process should include, but not be limited to:

   - Assessing the current status of school crime committed on school campuses and at school-related functions;

- Identifying appropriate strategies and programs that will provide or maintain a high level of school safety; and

- Developing an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan should identify available resources which will provide for implementation of the plan.

In addition, the legislation should require the Office of the State Architect to review all school construction projects for adequate school safety features.

5. To prepare teachers and administrators for the environment in which they will be expected to effectively function, the Department of Education should require, as part of the curriculum for attaining teaching credentials and administrative credentials, training in at least the following areas:

   - Safety;
   - Alcohol and drug prevention and intervention;
   - Youth gang prevention and intervention;
   - Legal responsibilities; and
   - Methods of handling disruptive activity on campus.

6. The Governor and the Legislature should statutorily establish a nongovernmental institute for school safety that has an advisory board that is appointed by the Governor after consultation with the Superintendent of Public Instruction and the Attorney General. The board would represent, for example, the legal, law enforcement, education, judiciary, probation, insurance, and government communities. The institute's duties would include, but not be limited to:

   - Conducting research on school safety issues;

   - Providing a clearinghouse for information and program models;

   - Collecting and analyzing case law and legal issues;

   - Developing training materials and courses related to school safety for teachers and administrators;

   - Developing training materials and courses for both sworn and non-sworn school security staff;

   - Recruiting volunteers as teachers and consultants on specific school safety topics;

   - Coordinating with the different levels of government responsible for ensuring safe schools;

- Working with entities such as the Commission on Teacher Credentialing and the Commission on Peace Officers Standards and Training to ensure that school safety issues are included in the programs designed to prepare teachers, administrators, and officers for their future jobs;

- Consulting with local schools, school districts, and county offices of education on the development of safety plans;

- Creating and maintaining a relevant library; and

- Sponsoring and arranging for workshops on school safety issues for the legal community including judges.

7. The Governor should designate a percentage of the discretionary state funds now available through the Office of Criminal Justice Planning, the California Youth Authority, and the Federal State Advisory Group on Juvenile Justice and Delinquency Prevention to assist with implementing school safety programs.

8. To ensure the accuracy of the information reported under the School Crime Reporting Program, the Governor and the Legislature should enact legislation that allows the Department of Education to mandate attendance by all school districts at the training workshops for the Standard School Crime Reporting Forms. This legislation should amend Section 14044 of the Education Code and Section 628.2 of the Penal Code (Assembly Bill 2583) to mandate the attendance and provide for a penalty against districts that do not attend the workshops the same as for those that do not submit school crime reports. In addition, the Superintendent of Public Instruction should strictly enforce Assembly Bill 2583 by assessing penalties against any school district or county office of education that does not comply with the law.

9. To further ensure the accuracy of the information reported under the School Crime Reporting Program, the Department of Education should develop and implement a system for monitoring the school crime reports for completeness and accuracy. The system should allow the DOE to annually examine and verify crime reporting procedures in a minimum sample of 50 districts and 10 county offices of education. As part of the verification, the DOE should consider comparing the reports to the districts' suspension/expulsion reports. The Superintendent of Public Instruction should allocate sufficient funds to develop and implement this monitoring system.

10. To clarify that one of the intents of the State School Crime Reporting Program is to measure the amount of social disorder on school campuses that disrupts the education of students, the Department of Education should include in its instructions for completion of the Standard School Crime Reporting Form language that specifies:

    - All incidents that can be classified under one or more of the categories on the reporting form, and that results in the suspension, expulsion, or injury of a student, should be reported

on the form regardless of the involvement of law enforcement agencies.

Further, the Department of Education should rename the reporting form "Standard Form for Reporting School Crime and Disciplinary Incidents."

11. To provide greater incentive to counties to not misreport on the Standard School Crime Reporting Forms, the Governor and the Legislature should enact legislation that provides for criminal sanctions against principals and county superintendents of education who intentionally misreport data on the Standard School Crime Reporting Form. In conjunction with this law, the Standard School Crime Reporting Form should be amended to require principals and county superintendents of education to sign the forms under penalty of perjury.

12. The Superintendent of Public Instruction should assume an aggressive leadership role by placing a high priority on school safety.

APPENDIX

Definitions of Violent Crimes and Property Crimes

On the "Standard School Crime Reporting Form," which is used by schools and school districts to report the school crime statistics, the category of assault is listed as "assault/attack/menace." The category of aggravated assault is listed as "assault/attack with a deadly weapon." Both of these categories refer to assault, which is defined by Penal Code Section 240 as "an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another," and battery, which is defined by Penal Code Section 242 as a "willful and unlawful use of force or violence upon the person of another." Also included in these categories is the placement or throwing of a caustic chemical, the release of injurious or offensive substances, and sexual battery.

The sex offenses are distinguished by the severity of the punishment; that is, whether the offenses are misdemeanors or felonies. However, some of the crimes can be punishable as either misdemeanors or felonies depending on the age of the victim. Although misdemeanor crimes such as obscene telephone calls are arguably non-violent, crimes such as sodomy clearly are violent regardless of the age of the victim. Other sex offenses include rape and child molestation.

Robbery is defined by Penal Code Section 211 as the "felonious taking of personal property in the possession of another from his person or immediate presence, and against his will, accompanied by means of force or fear," and extortion, as defined by Penal Code Section 518, involves "the obtaining of an official act of a public officer, induced by a wrongful use of force or fear...."

The category of possession of weapons is classified as a violent crime category because of the violence perpetrated with weapons. It is clear that the possession of weapons such as guns, knives, metal knuckles, and some explosives are intended for use in a violent manner. Even the handbook defines the possession of weapons as a crime against persons, and presents the definitions in a section between battery and robbery.

Property crimes, as reported by school districts to the Department of Education, are comprised of several categories: arson, burglary, thefts from students, thefts from school, and vandalism. According to Penal Code Section 451, a person is guilty of arson when he or she "willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land or property." Penal Code Section 459 states that burglary occurs when a person enters certain structures or vehicles "with intent to commit grand or petty larceny or any felony." In part, theft is described by Section 484 of the Penal Code as occurring when a person steals, fraudulently appropriates, or defrauds another person of money or property. Finally, Penal Code Section 594 states that vandalism is committed when a person maliciously defaces with paint or any other liquid, damages, or destroys any property not his or her own.