

City of Sacramento
State Legislature

6

B I L L R E F E R R A L

DATE: MAY 8 1990 COMMITTEE ACTION: _____

TO: Chief Kearns, Police DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: MAY 22 1990

A.B. 3652, As Amended 5-18-90* Author Harris

S.B. _____, As Amended _____* Author _____

*Date of introduction or latest amendment

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

Attached.

2. This measure should be: (Please circle desired position)

~~Supported~~ Opposed Supported if Amended
Placed on Watch List Other (explain)

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to state officials. (Continue on next page or attach additional sheets if necessary.)

Attached.

(Continue answer to Question No. 3 here)

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

N/A

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

No change.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

Sponsor - Sacramento Unified School District

Opposed by California Peace Officers Association

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

There is a \$1,000,000 appropriation each year.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 8

FORM COMPLETED BY: Lt. Gail C. Hamilton

DATE: 5/11/90

AB 3652 (HARRIS)
Referral Attachment

Response to #1:

In an attempt to fight gang violence, the State Department of Education will be required to contract with Alameda and Sacramento County Boards of Education for the purpose of starting Community-Based Gang Risk Intervention Pilot Programs. Should the counties agree, the programs would require at a minimum that the counties provide counseling, community activities and job training.

Each county will receive \$1,000,000 per year for three years. The money will come from funds created by the State's sale of confiscated property.

Response to #3:

This bill is intended to assist the County Board of Education and the programs are needed. Our objection is that the money to fund the program will be taken from money that now goes to law enforcement agencies from the sale of confiscated property. The total dollar figure for all counties attempting to get the money under this bill and similar bills is only \$3,000,000. If funding is available from other sources we would support the bill, but not at the expense of law enforcement.

ASSEMBLY BILL

No. 3652

Introduced by Assembly Member Harris

March 1, 1990

An act to add Article 12 (commencing with Section 32410) to Chapter 3 of Part 19 of the Education Code, relating to education. An act to amend Section 11489 of the Health and Safety Code, relating to gang violence intervention programs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3652, as amended, Harris. Education: **Priority One Schools gang violence intervention programs.**

Under existing law, there are a number of programs designed to assist school districts in improving the academic achievement of pupils.

This bill would require the Superintendent of Public Instruction to identify and designate low-performing schools as Priority One Schools. Each school designated as a Priority One School would be required to participate in a 5-year revitalization program during which it would be required to review and renovate its operations and instructional programs, in accordance with prescribed core elements.

This bill would impose a state/mandated local program by imposing additional duties on school districts that are designated as Priority One Schools.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do

not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

Existing law establishes a statewide system of free public education provided by elementary and secondary schools in local school districts and regulated by the State Board of Education and the State Department of Education.

This bill would make certain findings and declarations concerning gang violence and declare the intent to develop a program to provide positive interventions in the schools to fight gang violence.

This bill would require the State Department of Education to contract with the Alameda and Sacramento County offices of education for the development, administration, and implementation in Alameda and Sacramento Counties of community-based Gang Risk Intervention Pilot Programs. The Alameda and Sacramento County offices of education, upon their election to enter into the contract, would be required, among other responsibilities, to institute a prescribed request for proposal and competitive bidding process, in order to select private nonprofit organizations, and public entities which apply jointly with individual schools, as grantees of state funds, as specified, for the purpose of operating these programs, with the voluntary cooperation of public schools within Alameda and Sacramento Counties in kindergarten and grades 1 to 12, inclusive. The programs would be required to include, as a minimum, specified counseling, community activities, and job training. The bill would make findings of unique circumstances surrounding its provisions.

Existing law requires that, in all cases where property is seized pursuant to specified provisions of existing law governing controlled substances and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental

entity, the money forfeited or the proceeds of sale be distributed by the state or local governmental entity to the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person. The balance is required to be distributed by the state or local governmental entity pursuant to a specified schedule.

The bill would also reappropriate money from that fund, in the amount of \$1,000,000 for Oakland County Office of Education and \$1,000,000 for Sacramento County Office of Education for each of fiscal years 1991-92, 1992-93, and 1993-94 for the purposes of this act.

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

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

1 ~~SECTION 1. Article 12 (commencing with Section~~

2 SECTION 1. The Legislature finds and declares that
3 gang violence has caused a tremendous strain on the
4 progress of the communities impacted. The loss of life,
5 property, and positive opportunity for growth caused by
6 gang violence has reached an intolerable level.

7 The Legislature further finds and declares that youth
8 gang violence can be effectively reduced in California
9 schools through the involvement of parents, teachers,
10 school administrators, community organizations, and
11 individuals with a firsthand knowledge of the problem.

12 The Legislature further finds and declares that a strong
13 and consistent relationship between the home and
14 schools would facilitate the learning process and
15 inevitably help control problems associated with gang
16 violence.

17 SEC. 2. It is the intent of the Legislature to cause the
18 development of positive intervention pilot programs for
19 elementary and secondary school students in Alameda
20 and Sacramento Counties, through cooperation between
21 individual schools and existing organizations in
22 communities. It is also the intent of the Legislature that,

1 if the intervention pilot programs in Alameda and
2 Sacramento Counties are determined to be effective in
3 reducing problems associated with gang violence, other
4 counties in the state be eligible to receive special state
5 funding to establish similar positive intervention
6 programs.

7 SEC. 3. Unless the context otherwise requires, the
8 following definitions shall apply for the purposes of this
9 act:

10 (a) "School" means any public school within Alameda
11 or Sacramento Counties, maintaining kindergarten or
12 any of grades 1 to 12, inclusive.

13 (b) "Private nonprofit organization" means any
14 organization registered as a private nonprofit
15 organization with the Secretary of State.

16 (c) "Gang Risk Intervention Pilot Program" means a
17 community-based positive intervention program for
18 elementary and high school pupils directed at all of the
19 following:

20 (1) Reducing the probability of youth involvement in
21 gang activities and consequent violence.

22 (2) Establishing ties, at an early age, between youth
23 and community organizations.

24 (3) Committing local business and community
25 resources to positive programming for youth.

26 SEC. 4. The State Department of Education shall
27 contract with the Alameda County Office of Education
28 and the Sacramento County Office of Education for the
29 development, administration, and implementation in
30 Alameda County and Sacramento County of
31 community-based Gang Risk Intervention Pilot
32 Programs (GRIPP). The programs may be established in
33 incorporated or unincorporated territory of the counties,
34 or both.

35 SEC. 5. (a) The Alameda and Sacramento County
36 offices of education may request and review proposals
37 for, and award grants to, private nonprofit organizations,
38 and public entities that apply jointly with individual
39 schools, for the purpose of establishing a Gang Risk
40 Intervention Pilot Program.

1 (b) The Alameda County Office of Education and the
 2 Sacramento County Office of Education, upon their
 3 election to enter into contracts pursuant to Section 4 of
 4 this act, shall, no later than March 1, 1991, distribute a
 5 standard request for proposal and select Gang Risk
 6 Intervention Pilot Programs to receive grants through a
 7 competitive bidding process. Proposals to the Alameda
 8 County Office of Education and the Sacramento County
 9 Office of Education for Gang Risk Intervention Pilot
 10 Program grant funding shall commence no earlier than
 11 the 1991-92 school year, for a duration of two years, and
 12 shall include all of the following:

13 (1) A description of the program goals, activities, and
 14 curriculum. The description of the program goals shall
 15 include a list of measurable objectives for the purpose of
 16 evaluation by the Alameda County Office of Education
 17 and the Sacramento County Office of Education. To the
 18 extent possible, proposals shall contain empirical data on
 19 current problems, including dropout rates and
 20 occurrences of violence on and off campus by school-age
 21 individuals.

22 (2) A description of the individual school or schools
 23 and the geographic area to be effected by the program.

24 (3) A demonstration of broad-based support for the
 25 program from business and community organizations.

26 (4) A clear description of the experience, expertise,
 27 and other qualifications of the private nonprofit agencies
 28 to conduct an effective intervention program in
 29 cooperation with a school or a group of schools.

30 (5) A proposed budget for expenditure of the grant.

31 (c) The offices shall additionally monitor and evaluate
 32 the Gang Risk Intervention Pilot Programs pursuant to
 33 the following criteria:

34 (1) Success in obtaining stated goals.

35 (2) Reduction in dropout rates.

36 (3) Reduction in violence among students, on and off
 37 campus.

38 (4) Development of techniques for early
 39 identification of at-risk youth.

40 For the purposes of evaluating the programs, the

1 offices shall, to the extent feasible, compare the data
2 submitted by each applicant pursuant to paragraph (1) of
3 subdivision (b) with comparable data collected after the
4 intervention pilot program has been implemented to
5 determine the effectiveness of the program in slowing
6 down and, to the extent possible, reversing the trends of
7 problems, including increased dropout rates and violence
8 on and off campus.

9 SEC. 6. (a) Gang Risk Intervention Pilot Programs
10 (GRIPP), funded by grants awarded by the Alameda
11 County Office of Education and the Sacramento County
12 Office of Education, shall be initiated at the local level
13 through voluntary cooperation between a local school, or
14 group of schools, and a private nonprofit
15 community-based organization or organizations, and
16 shall place at each school, or group of schools, a
17 community organizer to be selected by the private
18 nonprofit organization or organizations involved.

19 (b) Gang Risk Intervention Pilot Programs shall
20 include, but are not limited to:

21 (1) Counseling for targeted at-risk students, parents,
22 and families, individually and collectively.

23 (2) Exposure to positive sports and cultural activities,
24 promoting affiliations between youth and the local
25 community.

26 (3) Job training, which may include apprentice
27 programs in coordination with local businesses, job skills
28 development at the school, or information about
29 vocational opportunities in the community.

30 (4) Positive interaction with local law enforcement
31 personnel.

32 (c) Grants for Gang Risk Intervention Pilot Programs
33 (GRIPP) awarded by the Alameda County Office of
34 Education and the Sacramento County Office of
35 Education, shall not exceed one hundred thousand
36 dollars (\$100,000) per individual proposal.

37 SEC. 7. Section 11489 of the Health and Safety Code,
38 as amended by Chapter 1195 of the Statutes of 1989,
39 amended to read:

40 11489. Notwithstanding Section 11502 and except as

1 otherwise provided in Sections 11473, 11473.2, and
2 11473.3, in all cases where the property is seized pursuant
3 to this chapter and forfeited to the state or local
4 governmental entity and, where necessary, sold by the
5 Department of General Services or local governmental
6 entity, the money forfeited or the proceeds of sale, and
7 any interest accrued thereon, shall be distributed by the
8 state or local governmental entity as follows:

9 (a) To the bona fide or innocent purchaser or
10 encumbrancer, conditional sales vendor, or mortgagee of
11 the property, if any, up to the amount of his or her
12 interest in the property, when the court declaring the
13 forfeiture orders a distribution to that person.

14 (b) The balance, if any, to accumulate, and to be
15 distributed and transferred quarterly in the following
16 manner:

17 (1) To the state agency or local governmental entity
18 for all expenditures made or incurred by it in connection
19 with the sale of the property, including expenditures for
20 any necessary costs of notice required by Section 11488.4
21 and any necessary repairs, storage, or transportation of
22 any property seized under this chapter.

23 (2) Ninety percent of the balance shall be distributed
24 as follows:

25 (A) Eighty-five percent to the state or local or to the
26 state and local law enforcement agencies that
27 participated in the seizure, allocated between them to
28 reflect the proportionate contribution of each agency.

29 (B) Fifteen percent to the prosecutorial agency which
30 processes the forfeiture action.

31 (3) Ten percent of the balance for deposit in the Asset
32 Forfeiture Distribution Fund, which is hereby created,
33 and which shall be administered by the Office of
34 Criminal Justice Planning.

35 (A) Notwithstanding Section 11340 of the
36 Government Code, one million five hundred thousand
37 dollars (\$1,500,000) is hereby continuously appropriated
38 each fiscal year, as adjusted annually by the state and local
39 implicit price deflator, to the State Department of Mental
40 Health for the purposes of Chapter 6 (commencing with

1 Section 5475) of Part 1 of Division 5 of the Welfare and
2 Institutions Code. This subparagraph shall be funded
3 prior to funding subparagraph (B).

4 (B) After the obligation specified in subparagraph (A)
5 is satisfied, moneys in the Asset Forfeiture Distribution
6 Fund are available for appropriation in the annual
7 Budget Act for the following purposes:

8 (i) (I) One million dollars (\$1,000,000), in 1989 and
9 1990 only, to the Los Angeles County Office of Education
10 to fund grants and administer the Gang Risk Intervention
11 Pilot Program as established pursuant to Assembly Bill
12 3723 of the 1987-88 Regular Session of the Legislature.
13 This clause (i) shall be funded prior to funding clauses
14 (ii) and (iii). This ~~clause (i)~~ *subclause (I)* shall remain
15 operative only until January 1, 1991, and as of that date is
16 inoperative.

17 (II) *One million dollars (\$1,000,000) to Sacramento*
18 *County Office of Education and one million dollars*
19 *(\$1,000,000) to Alameda County Office of Education each*
20 *year for fiscal years 1991-92, 1992-93, and 1993-94 to fund*
21 *grants and administer the Gang Risk Intervention Pilot*
22 *Program established pursuant to Assembly Bill 3652 of*
23 *the 1989-90 Regular Session of the Legislature. This*
24 *subclause shall be funded prior to funding clauses (ii) and*
25 *(iii).*

26 (ii) An amount not to exceed 5 percent of the Asset
27 Forfeiture Distribution Fund to cover administrative
28 costs incurred by the Office of Criminal Justice Planning.
29 Notwithstanding Section 16305.7 of the Government
30 Code, any interest earned or other increment derived
31 from investments made from moneys in the Assets
32 Forfeiture Distribution Fund shall be deposited in the
33 Asset Forfeiture Distribution Fund. This clause (ii) shall
34 be funded prior to funding clause (iii).

35 (iii) The balance, if any, remaining shall be
36 distributed, as follows:

37 (I) Eighty-five percent for deposit in the Peace
38 Officers' Training Fund as set forth in Section 13520 of the
39 Penal Code. State agencies shall be entitled to allocations
40 out of the funds generated by this section, in the same

1 manner as provided in Section 13523 of the Penal Code,
2 for drug related training provided to full-time
3 regularly-paid peace officers employed by the state, to
4 the extent that there are funds in the Peace Officers'
5 Training Fund generated by this section.

6 (II) Fifteen percent for financial assistance to provide
7 for a statewide program of education, training, and
8 research for local public prosecutors, which shall be
9 administered by a private nonprofit organization
10 composed of local prosecutors and which provides
11 statewide education, training, and research.

12 (c) Notwithstanding Item 0820-101-469 of the Budget
13 Act of 1985 (Chapter 111 of the Statutes of 1985), all funds
14 allocated to the Department of Justice pursuant to
15 subparagraph (A) of paragraph (3) of subdivision (b)
16 shall be deposited into the Department of Justice Special
17 Deposit Fund—State Asset Forfeiture Account and used
18 for the law enforcement efforts of the state or for state or
19 local law enforcement efforts pursuant to Section 11493.

20 All funds allocated to the Department of Justice by the
21 federal government under its Federal Asset Forfeiture
22 program authorized by the Comprehensive Crime
23 Control Act of 1984 may be deposited directly into the
24 Narcotics Assistance and Relinquishment by Criminal
25 Offenders Fund and used for state and local law
26 enforcement efforts pursuant to Section 11493.

27 Funds which are not deposited pursuant to the above
28 paragraph shall be deposited into the Department of
29 Justice Special Deposit Fund-Federal Asset Forfeiture
30 Account.

31 (d) All the funds distributed pursuant to paragraph
32 (3) of subdivision (b) shall not supplant any state or local
33 funds that would, in the absence of this subdivision, be
34 made available to support the law enforcement and
35 prosecutorial efforts of these agencies. Funds so
36 distributed shall be used by the law enforcement and
37 prosecutorial agencies exclusively to support law
38 enforcement and prosecutorial efforts of those agencies.

39 The court shall order the forfeiture proceeds
40 distributed to the state, local, or state and local agencies

1 as provided in this section.

2 All proceeds from forfeiture proceedings complete
3 after January 1, 1989, shall be distributed in accordance
4 with this section.

5 *SEC. 8. The Alameda County Office of Education and*
6 *the Sacramento County Office of Education shall not be*
7 *required to grant any funds in excess of amounts received*
8 *for this purpose.*

9 *SEC. 9. Due to the unique circumstances concerning*
10 *the need to receive appropriate information in order to*
11 *develop a statewide gang violence intervention policy*
12 *and program, the Legislature finds and declares that a*
13 *general statute cannot be made applicable within the*
14 *meaning of Section 16 of Article IV of the California*
15 *Constitution. The Legislature further finds and declares*
16 *that there are significant and diverse gang violence*
17 *problems in Alameda County and Sacramento County,*
18 *and that Alameda County and Sacramento County are*
19 *therefore appropriate locations from which to gather*
20 *information and develop a pilot program pursuant to th*
21 *act.*

22 ~~32410~~ is added to Chapter 3 of Part 19 of the Education
23 Code, to read:

24

25

Article 12. Priority One Schools

26

27 ~~32410~~. The Superintendent of Public Instruction,
28 based on criteria he or she shall develop, shall identify
29 and designate low/performing schools as Priority One
30 Schools. Each Priority One School shall be required to
31 participate in a five/year revitalization program during
32 which it will be required to review and renovate its
33 operations and instructional programs. The objectives of
34 the review process shall include, but not necessarily be
35 limited to, each of the following core elements:

36 (a) Upgrading the school curriculum through
37 innovative and effective theories and practices for each
38 core discipline, the addition of high quality instructional
39 materials, the alignment of the school curriculum with
40 state models, and the review of remedial instructional

1 programs.

2 (b) Ensuring that all pupils have equal access to, and
3 are expected to succeed under, the revised curriculum
4 through the elimination of unnecessary grouping and
5 tracking systems; an increase in the number of pupils
6 enrolled in advance academic courses; the exploration of
7 alternative instructional configurations; and the
8 provision of tutorial and other supportive service
9 programs.

10 (c) Improving the quality of leadership by increasing
11 the involvement of teachers; assisting principals in the
12 acquisition of the skills necessary to lead a program to
13 improve the school; and encouraging cooperative and
14 collaborative approaches to problem solving.

15 (d) Ensuring that all teachers are fully up to date in
16 subject matter knowledge and instructional strategies in
17 their fields through participation in intensive and high
18 quality professional development programs; the
19 establishment of programs in which exemplary teachers
20 will provide assistance to other teachers; and the
21 provision of special assistance programs for new teachers.
22 (e) Establishing an atmosphere in which pupils will be
23 consistently informed of the school's expectations for
24 high pupil achievement.

25 SEC. 2. Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state; reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund. Notwithstanding
35 Section 17580 of the Government Code, unless otherwise
36 specified in this act, the provisions of this act shall become
37 operative on the same date that the act takes effect
38 pursuant to the California Constitution.