

Rethinking Schools as Polling Places: A Safe School Issue

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The Issue: Our Inalienable Right To A Safe School

Safety is the foundation of school success. Students must be safe in order to learn and achieve at high levels. In California, establishing safe schools that enhance learning is required by the state's Constitution. Article I, Section 28, was a voter-approved initiative in 1982 (Grodin, Massey, Cunningham, 1993) that required all students and staff of public primary, elementary, junior high, and senior high school have the right to attend campuses that are safe, secure, and peaceful. Despite this inalienable right, schools are forced to allow hundreds of unfamiliar adults (with unknown backgrounds) to come onto the campus to vote.

In most cases, schools are allowed a choice of what activities occur on their site and who enters the school campus when children are present. Yet, each election year schools across the state seemingly disregard their safe school plans and the education and penal codes to open their doors for strangers to enter the campus completely unsupervised during school hours in order to vote. The local governing board of any school should have authority to deny any activity they view as unsafe for their students and be able to restrict the access of unauthorized persons from entering a school site when students are present, yet they do not.

The practice of using schools as polling places has existed for decades. It seems logical because schools are, in fact, governed by elected board members and funded through local and state taxes. On the surface, utilizing schools as polling places is good public relations. But, with increased incidents of school violence, and increased concern over possible terrorist attacks since September 11, communities are rethinking their safe school plans (Groves, Smith & Garrison, 2001, October).

The Law: Safe School Plans

In 1997, the Legislature passed Senate Bill 187 (California Education Code 35294, 2002) that required every school to create a comprehensive safe school plan and review it annually. Specifically, it established the school site council to write and develop the school safety plan relevant to the needs and resources of that particular school. In addition, it required schools to identify programs and strategies to provide school safety and include the school's procedures for complying with existing laws related to school safety. The plan must include, among other items, safe ingress and egress procedures, and must be approved by the governing board.

To assist schools and site councils in developing a comprehensive safe school plan, the California Department of Education (2002), in partnership with the Office of the Attorney General, recently published and distributed to every school in California a resource document titled, *Safe Schools: A Planning Guide for Action*, 2002 Edition. The document lists several strategies to help keep the campus secure. One example suggests that all visitors sign in at the office to receive a visitor badge. Students quickly learn this rule, and a five-year-old kindergartner will know that adults without visitor badges then must be school employees, except on election days when the school decides not to follow its established procedures. Kindergartners in most elementary schools have a morning and afternoon class with different start and release times than the other grades. Imagine the difficulty in keeping track of 90 plus 5-year-olds coming and going from campus at noon at the same time a steady stream of unknown adults arrive to vote during their lunch hour. This kind of scenario is exactly what the safe school committee should address in its site plan. Besides the obvious safety concerns of unknown adults entering campus, there are also safety concerns due to increased traffic.

Current law provides the governing board of any school the authority to grant the use of school facilities or grounds as a civic center (California Education Code 38131(b), 2002). However, according to Election Code Section 12283 (2002), the governing boards having jurisdiction over the school buildings do not have the ultimate authority. Election Code Section

12283(a) states that the governing body may authorize the use of its buildings for polling places on any election day therefore, the use of a school building for polling places on an election day, shall allow its use.

The Concern: Unauthorized Outsiders on Campus

California has always sought to protect its students and school employees from potential violence that may occur from unwanted outsiders. However, when a man with a rifle entered a Stockton elementary school and began shooting children and adults, the Legislature took swift action. California now has both Penal Code and Education Code sections to deal with unauthorized outsiders on a school site. The laws are clear: unauthorized persons are not allowed on a school site during the school day.

Current law now states that no outsider shall enter or remain on school grounds during school hours without having registered with the principal (Penal Code 627.2, 2002), and at each entrance to the school signs are posted specifying the hours during which registration is required (Penal Code 627.6). Education Code 32211(a) and 32211(e) reinforce these Penal Code sections and outline the strict guidelines schools are to follow with unauthorized outsiders. However, the last provision of the Education Code 32211 reads: "Nothing in this section shall be construed as preempting any ordinance of any city, county, or city and county." (g). This means that Election Code 12283 provides county election officials the authority it needs to use our schools as polling places on election day (which, by the way, are always on school days.)

The Solution: Amend the Elections Code

To correct this problem, the solution is to strike out the last sentence in Election Code section 12283(a) and take away the county's authority to overrule the authority of the school governing board. The solution is a simple change in statute, yet it will require approval of the Legislature and the signature of the Governor.

The suggested change in California Election Code Section 12283 is as follows:

The governing body having jurisdiction over school buildings or other public buildings may authorize the use of its buildings for polling places on any election day, and may also authorize the use of its buildings, without cost, for the storage of voting machines and other vote-tabulating devices. (a).

References

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