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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 58  
**Author:** Rodriguez  
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**Urgency:** No  
**Consultant:** Lynn Lorber  
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**Fiscal:** Yes

**Subject:** School safety plans

## SUMMARY

This bill requires charter school petitions to include the development of a school safety plan, and requires the portion of school safety plans containing tactical responses to include procedures related to guns on school campuses.

## BACKGROUND

Existing law:

- 1) Authorizes a petition for the establishment of a charter school to be submitted to the governing board of the school district for review after specified conditions are met. The governing board of the school district is prohibited from denying a petition for the establishment of a charter school unless it makes written factual findings setting forth specific facts to support specific findings, including the procedures that the school will follow to ensure the health and safety of students and staff. (Education Code § 47605)
- 2) Requires each school district or county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. The schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EC § 32281)
- 3) Requires school safety plans to include:
  - a) An assessment of the current status of school crime committed on school campuses and at school-related functions.
  - b) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including:
    - i) Child abuse reporting procedures.
    - ii) Disaster procedures, including an earthquake emergency procedure system and a procedure to allow public agencies (such as the American Red Cross) to use school facilities for mass care and welfare shelters.

- iii) Policies regarding students who commit specified offenses that would lead to suspension or expulsion.
  - iv) Procedures to notify teachers of dangerous students.
  - v) A discrimination and harassment policy.
  - vi) The provisions of any schoolwide dress code.
  - vii) Procedures for safe ingress and egress of students, parents, and school employees to and from school.
  - viii) A safe and orderly environment conducive to learning.
  - ix) The rules and procedures on school discipline. (EC § 32282)
- 4) Authorizes the portions of a school safety plan that include tactical responses to criminal incidents to be developed by school district or county office administrators in consultation with law enforcement officials and with a representative of the employee bargaining unit, if he or she chooses to participate. The school district or county office may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents. (EC § 32281)
- 5) Defines “tactical responses to criminal incidents” as steps taken to safeguard students and staff, to secure the affected school premises, and to apprehend the criminal perpetrator(s). (EC § 32281)
- 6) Requires school safety plans to be evaluated at least once a year, and requires an updated file of all safety related plans and materials to be readily available for inspection by the public. (EC § 32282)
- 7) Requires each school to adopt its school safety plan by March 1 and review and update its plan annually by March 1. Each school is required to annually report, in July, on the status of its school safety plan, including a description of key elements of the school safety plan in the annual school accountability report card. (EC § 32286)
- 8) Requires the schoolsite council or school safety planning committee to hold a public meeting before adopting the school safety plan. Each school is required to forward its school safety plan to the school district or county office for approval, and school districts or county offices are required to annually notify the California Department of Education, by October 15, of any school that is not in compliance. (EC § 32288)
- 9) Requires the Superintendent of Public Instruction (SPI), if he or she determines that there has been a willful failure to make any report, to notify the school district or county office and assess a fine of up to \$2,000 against the district or county office. (EC § 32287)

**ANALYSIS**

This bill requires charter school petitions to include the development of a school safety plan, and requires the portion of school safety plans containing tactical responses to include procedures related to guns on school campuses. Specifically, this bill:

- 1) Expands the required components of a charter school petition related to procedures to ensure the health and safety of students and staff to include the development of a school safety plan, which includes all nine topics required for traditional schools that is reviewed and updated by March 1 of every year.
- 2) Requires tactical responses to criminal incidents to include procedures related to individuals with guns on school campuses and at school-related functions. Drills to prepare for active shooters or other armed assailants must be based on the specific needs and context of each school and community. Schools must consider the most cost-effective method of preparing students and staff for an active shooter situation while balancing the physical and psychological risks associated with these drills. Regardless of the nature of the drills a school chooses, the school resource officer and school-employed mental health professional must be integrally involved in the planning and evaluation process to ensure appropriate implementation.
- 3) Prohibits confidential information relating to tactical responses to criminal incidents from being included at the public meeting that is required to occur before a school district or county office of education adopts a school safety plan.
- 4) Requires each superintendent of a school district and superintendent of a county office of education, no later than October 15, 2016, and annually thereafter, to provide written notification to the SPI certifying that each school within the district or county has complied with the requirements to develop a school safety plan and to report on the status of plans. Deletes the existing requirement that districts and county offices annually notify the California Department of Education (CDE) of any schools that have not complied with the requirement to develop a school safety plan.
- 5) Requires each principal to keep and maintain a copy of the most recent comprehensive school safety plan for that school and ensure that an updated copy of the plan, either written or electronic, is readily available to staff members, law enforcement, first responders, and the public. Requires each superintendent of a school district or county office of education to keep and maintain a copy of the most recent school safety plan and a copy of every notification of compliance.
- 6) Modifies the requirement that each school annually report on the status of its school safety plan in the school accountability report card, to specify that the report is to be accurate, be for the upcoming school year, and include the date the school safety plan was adopted and a description of the plan's elements.
- 7) Deletes an existing requirement that school safety plans be evaluated at least once a year, but leaves intact a separate requirement that each school review and update its school safety plan annually by March 1.

- 8) Defines “active shooter” as an individual who is actively engaged in killing or attempting to kill people in a confined and populated area.
- 9) Strikes references to the “principal’s designee” and establishes a definition of “principal” to include the principal’s designee or administrator in charge of a school for charter schools without a principal.
- 10) Expands Legislative intent regarding the use of handbooks by schools to add the report by the National Association of School Psychologists and the National Association of School Resource Officers on “Best Practice Considerations for Schools in Active Shooter and Other Armed Assailant Drills.”

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Lessons learned from school emergencies highlight the importance of preparing school officials and first responders to implement emergency operations plans. By having plans and procedures in place to keep students and staff safe, schools play a key role in taking preventative and protective measures to stop emergencies from occurring or reduce the impact of an incident.”
- 2) ***Charter schools.*** Existing law exempts charter schools from most provisions of the Education Code, including the requirement to develop school safety plans. Instead, charter petitions must include the procedures that the school will follow to ensure the health and safety of students and staff, and the procedures by which students can be suspended or expelled. This bill requires a charter school petition to include the development of a school safety plan, which must encompass the nine topics required to be included in comprehensive school safety plans.

Prior legislation required charter school petitions to include a school safety plan including eight of the nine topics, and consistently excluded rules and procedures on school discipline (because discipline policies are already addressed in charter school petitions). **Staff recommends** an amendment to delete the requirement that school safety plans for charter schools include rules and procedures on school discipline:

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall ~~include both of the following~~ **require**:

(i) ~~A requirement that~~ **That** each employee of the school furnish the school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the topics listed in subparagraphs (A) to ~~(H)~~ **(H)**, inclusive, of paragraph (2) of subdivision (a) of Section 32282, that is reviewed and updated by March 1 of every year by the school.

- 3) ***Stronger accountability?*** Current law requires a school to submit its school safety plan to the school district or county office of education for approval and requires the

school district or county office to annually notify the California Department of Education (CDE) of any schools that have not complied with the requirement to develop a school safety plan. The Superintendent of Public Instruction (SPI) is authorized to impose a fine of up to \$2,000 against a school district or county office for any willful failure to submit the report. According to the CDE, there has been no report of noncompliance by schools and no district or county office has ever been fined for willfully failing to report a school that has not developed a school safety plan. It is unclear whether this is because there have been no violations and every school in the state has developed its school safety plan, or whether districts or county offices have not reported schools that have not developed their school safety plans.

This bill strikes the requirement that each school district or county office of education annually notify the CDE by October 15 of any schools that have not complied with the requirement to develop a school safety plan, and instead requires, no later than October 15, 2016, and annually thereafter, each superintendent of a school district and superintendent of a county office of education to provide written notification to the SPI certifying that each school within the school district and county has complied with the requirement to develop a comprehensive school safety plan or has included the information about the school safety plan on the school accountability report card. This change is meant to provide superintendents with a more proactive role in ensuring each school has a school safety plan, rather than reporting noncompliance to the State.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose potential annual Proposition 98/General Fund state reimbursable mandated costs in the low hundreds of thousands for school districts and county offices to update school safety plans, make plans available for inspection and, starting in 2016, certify that each school has adopted a plan.
- 5) ***Related and prior legislation.***

#### *RELATED LEGISLATION*

SB 592 (Leyva, 2015) among other things, requires school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse. SB 592 was held in the Senate Appropriations Committee.

#### *PRIOR LEGISLATION*

SB 49 (Lieu, 2013) among other things, required school safety plans to include procedures related to individuals with guns on school campuses and at school-related functions, including, training programs related to active shooters and active terrorists. SB 49 was held in the Assembly Appropriations Committee.

SB 634 (Price, 2013) required comprehensive school safety plans to include procedures for conducting school safety drills, required each school during each school year to conduct a minimum number of school evacuation drills relating to fire incidents, and required schools to conduct at least one law enforcement school lockdown drill. SB 634 was held in the Senate Appropriations Committee.

AB 1264 (Conway, 2014) expanded the definition of "tactical response to criminal incidents" to include a plan to safeguard against incidents that include a firearm, explosive, or other deadly weapon, and required a school district or county office of education to publicly announce its adoption or update of a tactical response plan, but did not require disclosure of those portions of the plan that may be kept private. AB 1264 was pending in this Committee, but was never heard.

SB 755 (Lieu, 2011) among other things, extended the requirement to develop a school safety plan to charter schools and imposed a fine of between \$250 and \$1,000 on any principal, administrator at a school without a principal, and any superintendent of a school district or county office of education for failing to develop a school safety plan or failing to make specified reporting requirements. SB 755 was held by the Senate Appropriations Committee, gutted and amended to relate to a different topic, and subsequently held in the Senate Rules Committee.

AB 2501 (Lieu, 2010) was nearly identical to SB 755, and was never heard by this Committee.

AB 2639 (Lieu, 2008) required each school district and county office of education to annually submit to the California Department of Education a report that includes a list of schools within its jurisdiction that have and have not developed a school safety plan. AB 2639 was held by the Senate Appropriations Committee.

AB 810 (Lieu, 2007) required the Superintendent of Public Instruction (SPI) to notify the Commission on Teacher Credentialing (CTC) of a principal or schoolsite administrator's failure to comply with requirements related to the development and adoption of the school safety plan, and required the CTC to suspend the principal or administrator's credential for one year if he or she does not correct the noncompliance within 30 days of receiving the notice from the SPI. AB 810 was held by the Assembly Appropriations Committee.

## **SUPPORT**

American Federation of State, County and Municipal Employees  
American Red Cross  
California State PTA  
LIUNA Local 777

## **OPPOSITION**

None received.

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