
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1747 **Hearing Date:** June 20, 2018
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Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: School safety plans.

SUMMARY

This bill revises provisions relating to comprehensive school safety plans to, among other things: (1) require charter schools to also develop a comprehensive school safety plan; (2) require local educational agencies to conduct drills, not less than once per year, on their tactical responses to criminal incidents; (3) increase the California Department of Education's responsibilities relating to school safety plans; and (4) requires schoolsite councils to also consult with the fire department and other first responder entities in the writing and development of the comprehensive school safety plan.

BACKGROUND

Existing law:

- 1) Requires each school district or County Office of Education (COE) 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. (Education Code § 32281)
- 2) Specifies that the schoolsite council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (EC § 32281)
- 3) Specifies that the comprehensive school safety plan must include an assessment of the current status of school crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to 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 child abuse reporting procedures; disaster procedures; an earthquake emergency procedure system; policies regarding pupils who commit specified acts that would lead to suspension or expulsion; procedures to notify teachers of dangerous pupils; a discrimination and harassment policy; the provisions of any schoolwide dress code; procedures for safe ingress and egress of pupils, parents, and school employees to and from school; a safe and orderly environment conducive to learning; and rules and procedures on school discipline. (EC § 32282)

- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (EC § 32282)
- 5) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people. (EC § 32282.1)
- 6) Requires the comprehensive school safety plan to be submitted annually to the school district or County Office of Education (COE) for approval and requires a school district or COE to notify the CDE by October 15, of every year of any school that is not in compliance. (EC § 32288)
- 7) Provides that if the Superintendent of Public Instruction (SPI) determines that there has been a willful failure to make any report, the SPI shall notify and assess no more than \$2,000 against that school district or COE. (EC § 32287)
- 8) Authorizes the portions of a school safety plan that include tactical responses to criminal incidents to be developed by school district or COE administrators in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of school district or COE employees, if he or she chooses to participate. (EC § 32281)
- 9) Authorizes the school district or COE to elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents. (EC § 32281)
- 10) Defines “tactical responses to criminal incidents” as steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrators. (EC § 32281)
- 11) Establishes the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General, and specifies that the partnership’s duties include all of the following:
 - a) The development of programs and policies necessary to implement the provisions relating to comprehensive school safety plans.
 - b) The administration of safe school programs and all training, procedures, and activities conducted for purposes of comprehensive school safety plans.
 - c) Cooperation with other states and state and federal agencies on matters relating to school safety. (EC § 32262)

ANALYSIS

This bill revises provisions relating to comprehensive school safety plans to, among other things: (1) require charter schools to also develop a comprehensive school safety plan; (2) require local educational agencies to conduct drills, not less than once per year, on their tactical responses to criminal incidents; (3) increase the California Department of Education's responsibilities relating to school safety plans; and (4) requires schoolsite councils to also consult with the fire department and other first responder entities in the writing and development of the comprehensive school safety plan. Specifically, this bill:

- 1) Adds the periodic reviewing of comprehensive school safety plan requirements to ensure that the school safety plans keep pace with evolving school environments and updated educational research to the duties of the School/Law Enforcement Partnership.
- 2) Adds charter schools to language stating that it is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school district develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.
- 3) Adds classified employees to the language stating that is the intent of the Legislature that comprehensive school safety plans be developed in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence.
- 4) States that it is the intent of the Legislature that all school staff be trained on the comprehensive school safety plan.
- 5) Provides the following definitions for purposes of comprehensive school safety plans:
 - a) "School" means a school operated by a school district, a county office of education, or a charter school.
 - b) "School district and county office of education" and "school district or county office of education" means a school district, a county office of education, or the governing body of a charter school.
 - c) "Schoolsite council" means a council or a governing body of a charter school.
- 6) Requires the schoolsite council to also consult with a representative from a fire department and other first responder entities in the writing and development of the comprehensive school safety plan.
- 7) Requires the comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency, the fire department, and the other first responder entities.

- 8) Requires school districts, county offices of education, and charter schools to conduct drills, not less than once per year, on their tactical responses to criminal incidents.
- 9) Requires tactical responses to criminal incidents to include procedures related to individuals with guns on school campuses and at school-related functions; requires drills to prepare for active shooters or other armed assailants to be based on the specific needs and context of each school and community; and requires schools to consider the most cost-effective method of preparing pupils and staff for an active shooter situation while balancing the physical and psychological risks associated with these drills.
- 10) Specifies that regardless of the nature of the drills a school chooses, the school resource officer, or a local law enforcement representative, and mental health professionals shall be integrally involved in the planning and evaluation process to ensure appropriate implementation.
- 11) Defines “active shooter” to an individual who is actively engaged in killing or attempting to kill people in a confined and populated area.
- 12) Requires the California Department of Education to:
 - a) Provide general direction to school districts, county offices of education, and charter schools on what to include in the school building disaster plan.
 - b) Maintain and conspicuously post on its Internet Web site a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.
 - c) Develop and post on its Internet Web site best practices for reviewing and approving school safety plans.

STAFF COMMENTS

- 1) Need for the bill. According to the author, “The California Constitution guarantees California children the right to attend public schools which are safe, secure and peaceful. The educational institutions of California, such as the California Department of Education (CDE), public school districts, county offices of education, and the schools themselves are responsible for creating safe and secure learning environments. According to a 2017 audit report conducted by the California State Auditor (CSA), schools face challenges in preparing and responding to incidents of school violence, including active shootings. Results from a statewide survey of districts and county offices conducted as part of the audit suggested that the frequency of active shooter threats and incidents in and around California schools is increasing.

Comprehensive school safety plans are a collection of procedures for schools to utilize in the event of an emergency, and a policy guideline that

promotes a safe learning space. Although the Department of Homeland Security and federal and state agencies recommend having procedures for responding to active shooter incidents, state law does not require that California schools include these procedures in their safety plans. Consequently, the CSA's audit revealed that many districts and county offices do not independently require their schools to include these safety procedures, which results in schools being inadequately prepared to respond to violent incidents.”

- 2) ***Best practices for active shooter drills.*** A 2014 guidance document, authored by the National Association of School Psychologists and the National Association of School Resource Officers, identifies key elements in planning and conducting active shooter drills. They note that such drills have the potential to empower staff and save lives, but also have the potential to cause harm to participants.

Among their recommendations are the following:

- Include mental health professionals on school safety teams.
- Tailor the drill to the context of the school environment.
- Ensure physical and psychological safety as well as skills and knowledge acquisition.
- Give all participants advance warning and the ability to opt out.

- 3) ***School violence prevention audit.*** An audit by the California State Auditor, released in 2017, cites FBI data showing that active shooter incidents became more common between 2000 and 2015, and kindergarten through grade 12 facilities and higher education institutions have been the second most common location for these shootings to occur, both nationally and within California. The report notes that state law does not require schools to include procedures for responding to active shooter events in their school safety plans and that state law could improve these plans by requiring the inclusion of procedures to respond to active shooter incidents. The audit also found deficiencies in oversight and guidance by district and county offices of education as well as at the state level by California Department of Education, and that some schools have failed to meet the requirement to review safety plans annually.

- 4) ***Charter school petitions.*** Existing law requires a petition to establish a charter to include the procedures that the charter school will follow to ensure the health and safety of pupils and staff. Consistent with those provisions, the author would like to amend the bill to delete references to charter schools in the comprehensive school safety plan provisions and instead include many of comprehensive school safety plan provisions, as well as the active shooter drill requirements proposed by this bill, in the charter petition provisions. ***Staff recommends that the bill be amended to reflect the author's intent,*** as detailed below:

- Delete the reference to charter schools in Section 2 of the bill.
- Delete Section 3 of the bill.
- Add new sections to the bill amending Education Code Sections 47605(b)(5)(F) and 47605.6(b)(5)(G), as follows:

~~“The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.~~ require:

(i) 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 safety topics listed in subparagraphs (A) to (H), inclusive, and paragraph (2) of subdivision (a) of Section 32282 and requires conducting drills, not less than once per year, on the tactical response to criminal incidents, as described in subdivision (f) of Section 32281.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the school.”

- 5) **Related and previous legislation.** SB 1203 (Bates, 2018) requires a comprehensive school safety plan, a charter petition, and every private school that provides educational services to pupils in kindergarten or in any of grades 1 to 12, inclusive, and has an enrollment of 50 or more pupils or more than one classroom, to have procedures for conducting an active threat drill. SB 1203 is pending in the Assembly Education Committee.

AB 3205 (O'Donnell, 2018) requires school districts to install indoor classroom locks in schools built before 2012. AB 3205 is scheduled to heard in this committee on June 20, 2018.

AB 58 (Rodriguez, 2015) would have made each County Office of Education (COE) the entity responsible for the overall development of all comprehensive school safety plans and requires school safety plans to include procedures in response to individuals with guns on school campuses. AB 58 was held in the Senate Appropriations Committee.

SB 49 (Lieu, 2013) would have required school safety plans to include procedures related to response to a person with a gun on campus, extended from annually to every third year the frequency of review of safety plans, and required charter school petitions to include a description of a school safety plan. SB 49 was held in the Assembly Appropriations Committee in 2013.

SB 634 (Price, 2013) would have 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, authorized schools to conduct other specified school evacuations, and required schools to conduct at least one law enforcement school lockdown drill. SB 634 was held in the Senate Appropriations Committee.

SUPPORT

American Academy of Pediatrics
American Red Cross
Bay Area Student Activists
California Medical Association
California Police Chiefs Association Inc.
California Professional Firefighters
California School Employees Association
California State PTA
California Statewide Law Enforcement Association

OPPOSITION

Department of Finance

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