
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: SB 1203 **Hearing Date:** April 25, 2018
Author: Bates
Version: April 19, 2018
Urgency: No **Fiscal:** No
Consultant: Brandon Darnell

Subject: School safety: public and private schools: uniform active threat drills.

SUMMARY

This bill requires every public and 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 conduct an active threat drill at least twice per school year.

BACKGROUND

Existing law:

- 1) Every person and public officer managing, controlling, or in charge of any public, private, or parochial school, other than a two-year community college, shall cause the fire alarm signal to be sounded not less than once every calendar month and shall conduct a fire drill at least once every calendar month at the elementary level and at least four times every school year at the intermediate levels. (Education Code § 32001)
- 2) 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)
- 3) 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)
- 4) 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)
- 5) 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)
- 6) 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)
- 7) 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)
- 8) 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)

- 9) 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 every public and 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 conduct an active threat drill at least twice per school year. Specifically, this bill also:

- 1) Defines “active threat” to mean “a situation that presents an immediate and ongoing danger to the safety of pupils, faculty, staff, and visitors by a person using firearms or other types of weapons or displaying erratic behavior.”

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Given the unfortunate threats to California’s schools today, students, volunteers, staff, teachers, and administrators cannot be prepared enough for the unknown. From devastating wildfires to active shooters on campus, we need to ensure all people on school campuses are prepared to act immediately with the children’s utmost safety in mind. Existing Education Code requires regularly scheduled fire drills for elementary schools, intermediate level and secondary schools at least twice a year. Unfortunately, existing statute doesn’t include training for any threats that may be acted out towards a school jeopardizing the safety of all on campus. Some school districts have taken it upon themselves to provide this training for intruders on campus or possibly active shooters on campus, but it is necessary to make sure all schools are on the same page regardless of their geographic location in this state for potential threats that may arise in today’s climate.”
- 2) ***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.

- 3) **Comprehensive school safety plans.** As detailed above, existing law provides for the development of comprehensive school safety plans for each school operated by a school district or county office of education. Existing law currently does not require comprehensive school safety plans for charter schools, but does instead require charter petitions to include the procedures that the school will follow to ensure the health and safety of students and staff. Private schools are not subject to the school safety plan requirements.

The school safety plan requirements are detailed. For example, a safety plan must include an assessment, identification of appropriate strategies and programs that will provide or maintain a high level of school safety, including procedures to notify teachers of dangerous pupils and procedures for the safe ingress and egress of pupils, parents, and school employees to and from the school. Moreover, school safety plans must be developed in cooperation with local law enforcement agencies and updated each year. Additionally, school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

In light of the comprehensive nature of school safety plans and the existing structure for their development, **staff recommends that the bill amended** to delete Section 1 of the bill and instead do each of the following:

- a) As the bill relates to traditional public schools: add the requirements of the bill to the requirements of the comprehensive school safety plan, as specified in Section 32282 of the Education Code, but only at least once per school year.
 - b) As the bill relates to charter schools, add the requirements of the bill to the requirements of a charter school petition in the area requiring procedures that the school will follow to ensure the health and safety of students and staff, but only at least once per school year.
 - c) As the bill relates to private schools, add the requirements of the bill, with the 50 pupil enrollment or more than one classroom qualification, as a standalone provision, but only at least once per school year.
- 4) **Reimbursable mandate?** The California Legislative Counsel has keyed this bill non-fiscal. However, the Commission on State Mandates is the final arbiter of determining whether a bill creates a reimbursable mandate pursuant to Article XIII B of the California Constitution, which requires the state to reimburse local agencies when the state imposes a new program or higher level of service. This bill requires nearly all public schools to conduct an active threat drill at least twice per school year. However, the bill also imposes this requirement on public schools, which is presumably why the California Legislative Counsel has keyed this bill non-fiscal. However, the commission has previously determined, at least in the education realm, that a reimbursable mandate can still exist even where

the requirement is imposed on both public and private schools. (<https://www.csm.ca.gov/decisions/doc29w.pdf>) With this in mind, staff recommends that this bill be re-referred back to the Senate Rules Committee for referral to the Senate Appropriations Committee.

- 5) ***Related and previous legislation.*** AB 1747 (Rodriguez, 2018) Expands the required elements of school safety plans, including procedures to respond to active shooter situations, requires schools to conduct annual active shooter drills, and requires the California Department of Education (CDE) to provide additional guidance and oversight of safety plans. AB 1747 is pending in the Senate Appropriations Committee.

AB 3205 (O'Donnell, 2018) requires school districts to install indoor classroom locks in schools built before 2012. AB 3205 is pending referral to the Assembly Education Committee.

AB 58 (Rodriguez, 2015) would have made each 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

Orange County Sherriff's Department

OPPOSITION

None received

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