

Date of Hearing: January 10, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 960 (Mathis) – As Amended March 20, 2023

SUBJECT: School safety: web-based or app-based school safety programs

SUMMARY: Requires each public school with 100 or more pupils to implement a web-based or app-based school safety program by July 1, 2030. Specifically, **this bill:**

- 1) Requires each public school, including charter schools, with an enrollment of 100 pupils or more to implement a web-based or app-based school safety program by July 1, 2030, including at least all of the following parameters:
 - a) A common alphanumeric grid mapping system for the identification of all buildings and locations upon the schoolsite that is replicable across all schoolsites, including conspicuous signage on all corners of the structure listing the alphanumeric identification and any other pertinent information;
 - b) A multilayered digital map of the schoolsite that contains key information, including, but not limited to, detailed building floor plans, alphanumeric building identification, gate locations, shut-off valve locations, first aid equipment locations, links to 360-degree interior and 360-degree aerial photography, and the location of, and field of view of, schoolsite surveillance cameras;
 - c) The ability to place time stamped event markers on the digital map that identify important information about a crisis, including, but not limited to, injuries, hazards, suspect sightings, and safety zones;
 - d) The ability to alert first responders from multiple agencies within a reasonable geographic area from the school in the event of an emergency on or around the school;
 - e) Remote access for first responders to connect to a schoolsite's surveillance system, including each camera's alphanumeric identification, the direction of the camera's view, and a brief description of what is seen within the camera's field of view;
 - f) Detailed schoolsite information, including, but not limited to, the general schoolsite location, schoolsite size, pupil populations, the schoolsite's grade levels, the number of staff on campus, the schoolsite's Wi-Fi connection information, a hierarchy representation of those with responsibility duties, including their name, title, photograph, and contact information, and the emergency procedures for that schoolsite;
 - g) The ability for school administrators to know the location and condition of pupils and staff through an information relay built into the application to designate pupils as "absent," "present," "missing," "injured," and "reconnect," based upon their accurate accounting. The "reconnect" feature must include a messaging system that notifies each pupil's emergency contacts when that pupil has been safely secured by an authorized emergency contact;

- h) A one-directional message service that allows the program director and the schoolsite primary contact to keep schoolsite staff up to date with current, urgent details; and
 - i) The ability to operate the program to conduct emergency practice drills and archive dates, times, and comments related to an emergency practice drill.
- 2) Requires the Superintendent of Public Instruction (SPI) to certify that each school has implemented the web-based or app-based school safety program specified in (1) above.
 - 3) Authorizes a school to apply to the California Department of Education (CDE) for a one-time allocation to cover the implementation costs of the program due to the school's financial inability to pay for these costs, subject to available funding, and requires that any ongoing costs be the fiscal responsibility of the school.
 - 4) Authorizes the SPI, once they have certified that each public school within the state has implemented the minimum requirements for the school safety program, to propose to the Legislature a list of statutes to be considered for repeal as they have been made null or are deemed less stringent than the requirements of this program.
 - 5) Specifies that the sensitive and tactical information developed as a requirement of this bill be exempt from any school safety plan disclosure requirements and from disclosure under the California Public Records Act, due to the nature of the sensitive and tactical response information that is critical to the safety and well-being of public schools and their pupils.
 - 6) Makes legislative findings and declarations regarding the need to protect the sensitive and tactical information critical to the safety and well-being of public schools and their students.

EXISTING LAW:

- 1) Requires each school district and 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, and specifies that the school site council or a school safety planning committee is responsible for developing the comprehensive school safety plan. (Education Code (EC) 32281)
- 2) 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, but not limited to, 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; 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 procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. (EC 32282)
- 3) Requires the schoolsite council to consult with a representative from a law enforcement agency, a fire department, and other first responder entities in the writing and development of

the comprehensive school safety plan. Requires the comprehensive school safety plan and any updates to the plan to be shared with the law enforcement agency, the fire department, and the other first responder entities. (EC 32281)

- 4) 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 they choose to participate. 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)
- 5) 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)
- 6) Requires the petition to establish a charter school to include the development of a school safety plan with specified safety topics, including procedures for conducting tactical responses to criminal incidents. (EC 47605 and 47605.5)
- 7) In federal law, encourages the development and deployment of effective anti-terrorism products and services by providing liability protections through the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act). (Subtitle G of Title VIII of the Homeland Security Act of 2002, Public Law 107-296)
- 8) In federal law, protects the privacy of student education records through the Family Educational Rights and Privacy Act (FERPA) of 2001. (20 U.S.C. Sec. 1232g)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “The Legislature cannot be partisan or reactionary on such a vital issue like school safety, we have an obligation to protect students and must be proactive in providing every measure possible to ensure the safety and well-being of every child in our state. In light of growing technological advancements we as a state have the opportunity to provide our students with the necessary measures to ensure their safety and academic success, and the Legislature’s failure to adopt AB 960 is to put the lives of children from all across California at risk unnecessarily.”

K-12 violent incidents. The U.S. Secret Service and the U.S. Federal Bureau of Investigation (FBI) define a targeted attack or targeted violence as an attack that was planned for days, weeks, or months, serves a purpose, and seeks to accomplish objectives set by the attacker. Prior to 1998, targeted attacks were rare within the U.S. During the last 20 years, almost all targeted attacks at schools were perpetrated by students or former students. (Marjorie Stoneman Douglas High School Public Safety Commission Report, 2019).

Since April 20, 1999, when two high school students killed 12 students and 1 teacher and wounded 23 others before committing suicide at Columbine High School in Colorado, school

safety has been a major concern in schools across the country. Since then, more shootings have taken place at schoolsites, including Sandy Hook Elementary School in Newtown Connecticut in 2012 in which 26 students and educators were killed, the 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida with 17 casualties, and the Uvalde school shooting in Texas in 2022 in which 19 children and 2 adults were killed.

The K-12 School Shooting Database, maintained by the Center for Homeland Defense and Security at the Naval Postgraduate School, documents when a gun is brandished, is fired, or a bullet hits school property for any reason. The database tracks incidents at K-12 schools since 1970. They have documented 1,994 school shootings nationally resulting in 650 fatalities and 1,860 injuries. The number of incidents has grown substantially from less than 25 incidents annually in 1970 to over 300 incidents in 2022. Approximately 43% of the shooters involved in these incidents were students.

According to the National Center for Education Statistics:

- From July 1, 2018, through June 30, 2019, a total of 39 school-associated violent deaths occurred in the United States, including students, staff, and other nonstudent school-associated victims;
- During the 2019–20 school year, 77% of public schools recorded that one or more incidents of crime had taken place, amounting to 1.4 million incidents. This translates to a rate of 29 incidents per 1,000 students enrolled in 2019–20;
- In 2019–20, 47% of schools reported one or more incidents of crime to sworn law enforcement, amounting to 482,400 incidents, or 10 incidents per 1,000 students enrolled; and
- In 2019, about 5% of students ages 12–18 reported that they had been afraid of an attack or harm at school during the school year.

Polls indicate fear of school shootings. A 2018 Public Policy Institute of California (PPIC) survey found that 73% of adults and 82% of public school parents say they are “very” or “somewhat concerned” about school shootings. Similarly, a 2018 Pew Research Center survey of parents and teenagers found 57% of teenagers aged 13-17 were “very worried” or “somewhat worried” about a shooting in their schools and 63% of parents were at least somewhat worried about the possibility of a shooting happening at their child’s school.

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. Their survey of public school districts and COEs in California suggested that the number of active shooter threats and incidents in and around the state's schools had increased since academic year 2012–13.

The report noted 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 COEs as well as at the state level by CDE, and that some schools have failed to meet the requirement to review safety plans annually. Since the release of that report, legislation has been enacted in California requiring schools to expand 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 CDE to provide additional guidance and oversight of safety plans.

Responding to threats of school violence. Numerous commissions have been established in response to school shootings and have developed recommendations to prevent and/or respond to such incidents. The Marjory Stoneman Douglas High School Public Safety Commission recommendations include the following:

- Interoperable communication to facilitate rapid deployment of first responders;
- Implementing programs to develop a safe school culture, including threat assessment teams and an anonymous tip telephone line;
- Information related to juveniles should be shared among law enforcement, courts, probation, schools, social services and mental health agencies;
- Programs aimed at peers reporting should be implemented as peers are the most likely source of information;
- Gun violence by youth often involves weapons from home, and home security for weapons should be strengthened;
- Increasing background checks related to firearm purchase and ownership as well as mandatory registration of firearms;
- A statewide common database that includes school floor plans should be developed and accessible to planners and first responders; and
- Classroom and safe-haven areas that lock from the inside. (Marjory Stoneman Douglas High School Public Safety Commission Report, 2019)

School safety technology. In 2014, the U.S. Congress appropriated \$75 million to improve school safety and allotted targeted funding to the U.S. Department of Justice's National Institute of Justice (NIJ). In response, NIJ launched the Comprehensive School Safety Initiative to conduct scientific research and evidence-based studies that build knowledge of effective means to increase school safety nationwide. NIJ's research interests included the impact of embedding law enforcement professionals or other security personnel in schools, the effects of school discipline policies, the impact of threat assessment approaches currently being used in schools, the approaches for improving school climate and culture, and the impact of school safety technologies and their impact on students' perception of safety.

The study found that generally the better-funded schools tend to use some or all of the most common types of school security technology. These include computer and social media alerts, identification card or biometric access control, panic and alarm buttons, scans of social media,

use of mass messaging software for prevention and response, video surveillance, and visitor management.

Using a risk assessment process, schools and districts can select the most effective mitigation measures to achieve a desired level of protection against a wide range of threats. Generally, a district or school needs to understand the likelihood that a specific threat or hazard will occur and the effects it likely will have, including the severity of the impact, the amount of time the school will have for advance warning to students and staff about the threat or hazard, and how long any disruption may last.

Acquiring security technology alone cannot solve all school security problems; it must be integrated into broader prevention and intervention measures, ranging from security and emergency response plans to crisis response drills to a positive school climate. Choosing the right device or devices is a complex and recurring task. Making effective choices requires decision makers to match goals and objectives with threats, consequences, and vulnerabilities to justify the selection of a technology or suite of technologies. A collaborative planning effort, including a strong planning team, can be an effective way to gain acceptance and buy-in.

In terms of communications technology, the study notes that Communications devices are designed to facilitate or monitor the communication of personnel within the school or stakeholders outside the school such as first responders, administrators, or the surrounding community. Communication is one of the most vital capabilities for school officials and first responders in the event of an act of criminal violence or natural disaster. As with other technologies, integrating communications with the overall school safety plan increases the effectiveness of these technologies across all areas. In addition, schools should coordinate with first responders when making decisions about communications technology to ensure the systems can interoperate or integrate as needed. (Comprehensive Report on School Safety Technology, NIJ, 2016)

Does an online safety program open schools to privacy and cybersecurity threats? According to the Assembly Privacy and Consumer Protection Committee:

No one can disagree that, in the event of a catastrophe such as a school shooting, a fire, or an earthquake, that real-time information from a school site would be invaluable in saving lives. But provision of such information should be considered in light of very real cybersecurity risks presented.

As has been repeatedly and recently shown, public entities possess significant cybersecurity vulnerabilities, and are consequently vulnerable to cyberattack. The same is true of private companies that provide technology services to public entities. For example, security researchers recently found an unsecured U.S. Department of Defense server, hosted in Microsoft's government cloud service, which exposed sensitive emails on the public internet. (Whittaker, 2023). In other words, one of the country's most sophisticated technology companies and its most well-funded federal agency were unable to ensure cybersecurity of sensitive information. Closer to home, security researchers found that the company implementing California digital license plates, authorized by AB 984, Chap. 746, Stats. 2022, had a security vulnerability "giving access to GPS location and all information of registered users: this info includes 'vehicles people owned, their physical address, phone number, and email address.'" (Rodríguez, 2023). Luckily, in both of these cases, the companies involved were able to close the identified vulnerabilities before they were hacked. But other entities

have not been so fortunate. In February 2023, the City of Oakland was hacked, leading to many city services being disabled for weeks and an ensuing data breach. (Jones, 2023). Each of these incidents occurred in the past few months.

It stands to reason that school districts, software providers, and law enforcement agencies involved in implementing this bill could be hacked. Such a hack might allow a school shooter to glean information about school vulnerabilities that could facilitate a more-deadly attack. It is also worth considering that trusted insiders, such as employees of a software provider, might gain the ability to use cameras to spy in sensitive locations such as school bathrooms and student psychologists' offices. None of this is to say that the cybersecurity risks involved outweigh the benefits of the bill; simply, that they ought to be considered in order to ensure a complete assessment of the bill's strengths and weaknesses.

Will this approach to school safety meet the needs of California schools? This bill requires all public schools to adopt a web-based or app-based school safety program. The requirements and the parameters of the program appear to align to a proprietary program developed by the Tulare County Office of Education. It is not clear whether that particular program or the required features, as specified in this bill, are appropriate to meet the unique needs of each of the more than 10,000 schools in California, particularly given the tremendous diversity in student populations, community safety, geographic location, among many other factors.

Furthermore, this bill does not provide any funding to schools to adopt or operate the required school safety program, other than specifying that if a school is financially unable to pay for the implementation of the program, the school may apply to the CDE for a one-time allocation to cover the costs of implementation, subject to the availability of funding for this purpose. In all cases, the ongoing costs of operating the system would be borne by the LEA.

As the bill would require schools to adopt a school safety app-based or web-based school safety program, it would create a mandate, so the state would ultimately have to pay through the mandate block grant.

Recommended Committee Amendments. *Staff recommend that the bill be amended* as follows:

- 1) Delete the requirement that each public school implement a web-based or app-based school safety program with specified parameters and instead encourage schools to implement such an app.
- 2) Delete the requirement that the SPI certify that each school has implemented a web-based or app-based school safety program, and the accompanying requirement to propose statutes to be considered for repeal.

Related legislation. SB 671 (Portantino) of the 2023-24 Session would require the School/Law Enforcement Partnership to develop a process and framework that would require mandatory interagency cross-reporting between school districts, COEs, and law enforcement agencies of threats of serious school crimes, including, but not necessarily limited to, school shootings, hate crimes, vandalism, drug and alcohol use, and violence, that would trigger immediate intervention.

SB 643 (Wilk) of the 2023-24 Session would establish the School Safety Division within the CDE and require the division to administer the Safe-To-Tell Program to receive anonymous

reports of dangerous, violent, or unlawful activity. Would also require LEAs to establish school-based teams of at least three members of the administrative staff at each of its schools to receive notice of reports, and requires the Safe-to-Tell advisory committee to provide an annual report to the Governor and Legislature.

SB 906 (Portantino) Chapter 144, Statutes of 2022, requires LEAs to annually provide information to parents or guardians about California's child access prevention laws and laws relating to the safe storage of firearms; requires school officials to report to law enforcement any threat or perceived threat; and requires law enforcement or the school police to conduct an investigation and threat assessment, including a review of Department of Justice's (DOJ's) firearm registry and a search of the school and/or students' property by law enforcement or school police.

AB 452 (Friedman) Chapter 199, Statutes of 2022, requires LEAs to provide notification to parents of each student about California's child access prevention laws and laws relating to the safe storage of firearms, and requires the CDE to develop model language for this notification in consultation with the DOJ.

AB 1888 (Flora) of the 2021-22 Session would have required the City of Fresno and the Fresno Unified School District, in collaboration with the California College and University Police Chiefs Association, to establish a pilot real-time active shooter and mass emergency coordinated response program for LEAs, community colleges, and the California State University, Fresno, to provide a real-time cross-agency communication solution. This bill was held in the Assembly Education Committee.

AB 1499 (Flora) of the 2019-20 Session would have required the California Office of Emergency Services (Cal OES) to create a new grant program for communication interoperability systems (systems that allow emergency responders and schools to better communicate with each other) on the campuses of K-12 schools, community colleges, and public colleges and universities. This bill was held in the Assembly Appropriations Committee.

SB 541 (Bates) Chapter 786, Statutes of 2019, requires the CDE to collect, and LEAs to provide, data pertaining to lockdown or multi-option response drills conducted at school sites and requires the CDE to submit a report to the Legislature relative to that data.

AB 1747 (Rodriguez) Chapter 806, Statutes of 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 CDE to provide additional guidance and oversight of safety plans.

AB 3205 (O'Donnell) Chapter 401, Statutes of 2018, requires school districts with modernization projects under the state School Facility Program, for school facilities constructed before January 1, 2012, to include interior locks as part of the project.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087