

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2968 (Connolly) – As Amended April 1, 2024

[Note: This bill is double referred to the Natural Resources Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: School safety and fire prevention: fire hazard severity zones: communication and evacuation plans

SUMMARY: Requires each school in specified high risk fire hazard zones to comply with defensible space zone standards, coordinate with the fire department, and develop a communication and evacuation plan. Specifically, **this bill:**

- 1) Requires, commencing with the 2026–27 fiscal year, each school in a high risk zone to comply with the following defensible space zone standards:
 - a) Keeping Zone 0 clear by doing all of the following: using hardscape, such as gravel, pavers, and concrete; removing all dead and dying plants, weeds, and debris from roofs, gutters, and stairways; limiting combustible items; replacing combustible fencing; and relocating recycling containers outside of Zone 0;
 - b) Clearing dead or dry vegetation and maintain space between trees in Zone 1 by doing all of the following: removing all dead plants, grass, and weeds; removing dead or dry leaves and pine needles; trimming trees regularly to keep branches a minimum of 10 feet from other trees; creating a separation between trees, shrubs, and items that could catch fire, including furniture, wood piles, and swing sets; and
 - c) Reducing potential fuel in Zone 2 by doing all of the following: limiting the maximum height of grass to four inches; maintaining horizontal space between shrubs and trees, and vertical space between grass, shrubs, and trees; limiting the maximum depth of fallen leaves, needles, twigs, bark, cones, and small branches to three inches; maintaining 10 feet of clearance around exposed wood piles down to mineral soil in all directions; and clearing areas around outbuildings and propane tanks.
- 2) Requires the fire department having jurisdiction within the school’s boundary to annually certify school compliance with the requirements of (1) above.
- 3) Requires each school in a high risk zone to coordinate with the fire department having jurisdiction within the school’s boundary to identify appropriate refuge shelter for all pupils and students to be used in the event of a shelter-in-place order by local authorities and notify the fire department having jurisdiction within the school’s boundary of this identified refuge, in order to prioritize the defense of that structure in the event of a fire.
- 4) Requires each school in a high risk zone to develop a communication and evacuation plan, to be used in the event of an early notice evacuation warning that allows enough time to evacuate all pupils and students. Requires these plans to either provide for parents to pick up

their children or provide for transportation and drivers to be present to move children to an alternate location. Requires these plans to clearly identify a decision process to determine whether an evacuation order or a shelter-in-place order is appropriate.

- 5) Defines the following terms:
- a) “High risk zone” to mean land identified by the State Fire Marshal as a high or very high fire hazard severity zone, as specified;
 - b) “School” to mean a public or private school serving more than 50 pupils or students in kindergarten or any of grades 1 to 12, inclusive;
 - c) “Zone 0” to mean the area from a school building to the area within five feet of the school building, or the property line, whichever is closer;
 - d) “Zone 1” means the area from 5 feet of a school building to the area 30 feet from a school building, or the property line, whichever is closer; and
 - e) “Zone 2” means the area from 30 feet of a school building to the area 100 feet from a school building, or the property line, whichever is closer.

EXISTING LAW:

- 1) Requires each school district or 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. Requires that school safety plans 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. (Education Code (EC) 32281-32282)
- 2) 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 (b)(3))
- 3) Requires that the petition for the establishment of a charter school include procedures that the charter school will follow to ensure the health and safety of pupils and staff. Requires that these procedures include all of the following: a criminal record summary of each employee; the development of a school safety plan with specified safety topics; and that the school safety plan be reviewed and updated by March 1 of every year by the charter school. (EC 47605)

- 4) Establishes the California Emergency Services Act, which recognizes the state's responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. (Government Code (GOV) 8550-8551)
- 5) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which average daily attendance (ADA) has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency. (EC 46392)
- 6) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, to at all times maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (Public Resources Code (PRC) 4291)
- 7) Requires the California Department of Forestry and Fire Protection (CAL FIRE) to develop and implement a training program to train individuals to support and augment the CAL FIRE in its defensible space and home hardening assessment and public education efforts. (PRC 4291.6)
- 8) Requires a seller of real property that is located in a high or very high fire hazard severity zone to provide the buyer documentation stating that the property is in compliance with that defensible space requirement. (Civil Code 1102.19 (a))
- 9) Requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Requires moderate, high, and very high fire hazard severity zones to be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread. (GOV 51178)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, “Wildfire evacuation plans in schools are crucial for ensuring the safety and well-being of students, staff, and faculty. This bill requires clear procedures for swiftly and efficiently transporting students and staff to a designated shelter, as well as improving defensible space standards to slow the threat of wildfire to a school structure. By establishing and practicing comprehensive wildfire safety protocols, schools can minimize panic, confusion, and potential injuries during emergency situations and effectively facilitate a safe wildfire evacuation.”

Defensible space. According to the CAL FIRE, defensible space is the buffer between your structure and the surrounding area. Adequate defensible space acts as a barrier to slow or halt the progress of fire that would otherwise engulf your property. It also helps ensure the safety of firefighters defending your structure or home. Defensible space is the first line of defense for your structure or home against wildfire. The CAL FIRE requires the removal of all dead plants, grass, and weeds, and the removal of dry leaves and pine needles within 30 feet of a structure (known as Zone 1). In addition, tree branches must be 10 feet away from a chimney and other trees within the same 30 feet surrounding a structure. These existing requirements still permit most vegetation within five feet of the house or structure. California has diverse regional climates, and some local government agencies have stricter standards than the State's minimum requirements. For example, San Diego County requires 50 feet of clearance in Zone 1.

According to the University of California Division of Agriculture and Natural Resources, implementation of this non-combustible area could make a significant difference in a home's ability to survive a wildfire. AB 3074 (Friedman), Chapter 259, Statutes of 2020, established an ember-resistant zone within five feet of a structure as part of revised defensible space requirements for structures located in high fire hazard areas.

School safety plans. Existing law specifies that school districts and COEs are responsible for the overall development of school safety plans. Each school is required to develop a school safety plan that includes procedures, and policies to ensure student and staff safety at a school site. The components of the plan range from child abuse reporting procedures, disaster procedures, pandemic response, earthquake emergency procedures and procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

The school safety plan is developed by a school site council or a school safety planning committee. Current law requires a school to submit the school safety plan to the school district or COE for approval and requires the school district or COE to annually notify the CDE of any schools that have not complied with the requirement to develop a school safety plan. The SPI is authorized to impose a fine of not more than \$2,000 against a school district or COE for any willful failure to make any required report. According to the CDE, there has been no report of noncompliance by schools and no district or COE has been fined for willfully failing to report a school that has not developed a school safety plan. Charter schools are also required to develop comprehensive school safety plans, including specified elements.

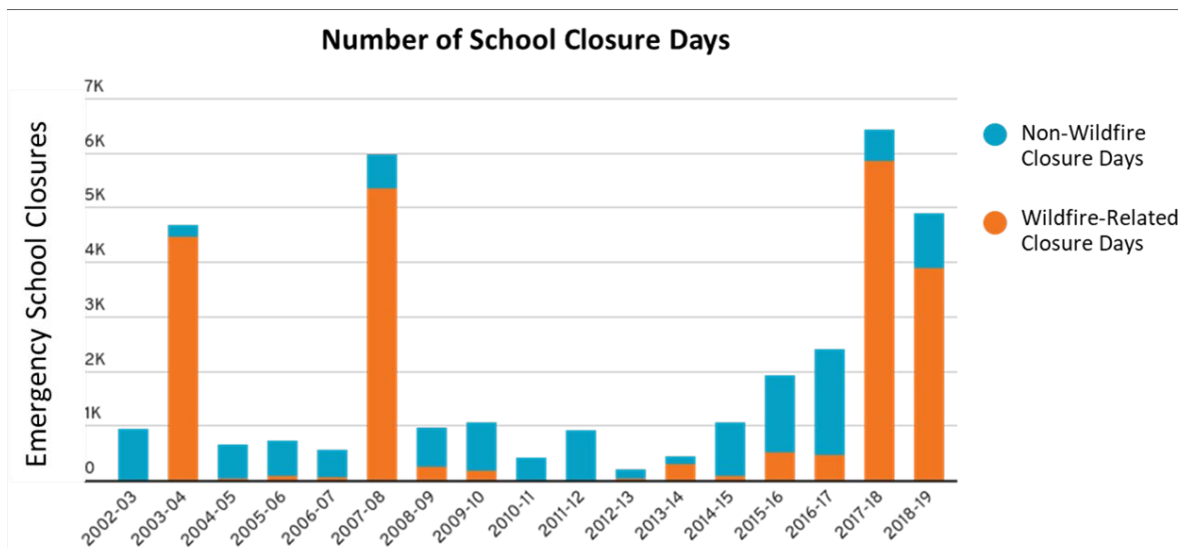
Current law related to school safety plans requires the school site council to consult with a law enforcement agency, a fire department, and other first responders each year when updating the school safety plan and notify each entity of any updates that occur during the year. Further, current law requires each school site with two or more classrooms and 50 or more students is to have a fire alarm system, as well as monthly fire drills for elementary and intermediate-level students, and twice-yearly fire drills for secondary students.

This bill adds requirements for each school in a high risk zone to coordinate with the fire department to identify appropriate refuge shelter for all students and staff to be used in the event of a shelter-in-place order by local authorities, and notify the fire department in order to prioritize the defense of that structure in the event of a fire. In addition, this bill requires each school in a high risk zone to develop a communication and evacuation plan, to be used in the event of an early notice evacuation warning, that allows enough time to evacuate all pupils and

students and staff. *Staff recommends that the bill be amended to* move these provisions into the school safety plan sections of the EC, and that the development of plans be streamlined to allow plans to reflect local circumstances.

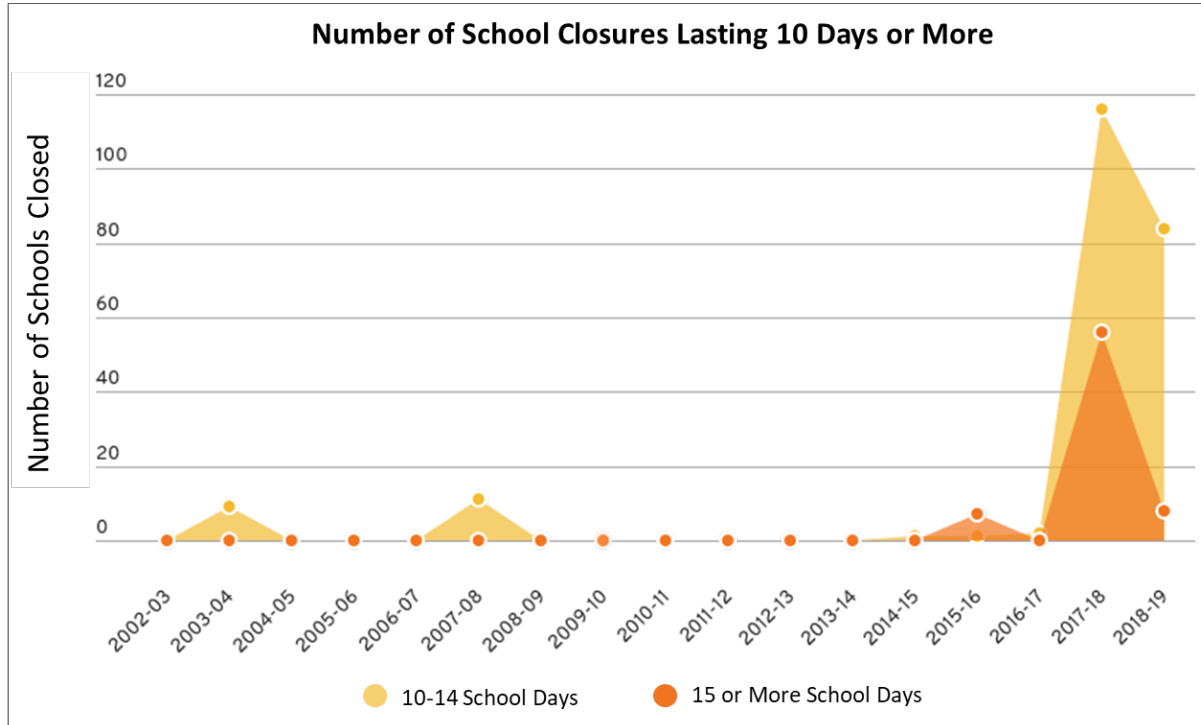
Increasing frequency and duration of school closures. The number of temporary school closures in California has increased in recent years, due in large part to the increased incidence of climate-fueled wildfires. Large fires in San Diego County caused mass school closures in 2003 and 2007, and more recently a dramatic and sustained increase in closures has resulted from frequent wildfires, including the devastating Camp Fire of 2018 in Butte County which was the deadliest and most destructive wildfire in California history.

According to CalMatters’ *Disaster Days* series (which compiled data from waivers submitted to the CDE from LEAs requesting credit for funding lost due to school closures over the last two decades), nearly two-thirds of the 34,000 school closure days recorded in California since 2002 have been due to wildfires. Of these, more than half have occurred since 2015, highlighting a trend in increasing wildfire-related closures, including those due to poor air quality, fire damage, and power outages caused by wildfires. In the 2018-2019 school year, there were nearly 4,900 school closure days in California, impacting 2,260 schools and over 1.2 million students, or nearly 1 in 5 students in California. Of these closures, 62% were related to the November 2018 Camp fire. In the fall of the 2019-2020 school years, power shutoffs were a major cause for school closures. Between September and November of the 2019, schools in at least 34 counties issued temporary closures due to fires and preventative power shutoffs.



Source: CalMatters Disaster Days: *How megafires, guns and other 21st century crises are disrupting California schools*

During one week in November 2018, over 180 school districts, with a combined enrollment of more than 1 million students, reported at least one school closure day due to hazardous air quality resulting from the Camp and Woolsey fires in Butte County and Ventura County, respectively.



Source: CalMatters Disaster Days: *How megafires, guns and other 21st century crises are disrupting California schools*

The duration of school closures has also increased significantly in the last several years. Until recently, only a handful of schools reported losing ten or more instructional days in a single year due to wildfire-related school closures, but in the last two years that number has risen to more than 270. CalMatters identified at least 480 California public schools that have lost 10 or more instructional days for fire-related issues since the 2017-18 term.

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

- Move provisions related to schools coordinating with fire departments and developing a communications and evacuation plan into existing code related to school safety plans, thereby only applying these requirements to public schools. Private schools with enrollment more than 50 would still be required to follow defensible space requirements.
- Require the coordination of establishing appropriate refuge shelter to be between a school district and a fire department, as applicable, rather than school-by-school. Specify that pupil and staff safety be first prioritized, then the defense of the structure in the event of a fire.
- Remove the specific requirement in developing a communications and evacuation plan to “either provide for parents to pick up their children or provide for transportation and drivers to be present to move children to an alternate location.”
- Clarify that the definition of public schools includes charter schools.

Related legislation. SB 63 (Stern), Chapter 382, Statutes of 2021 authorizes CAL FIRE to fund residential vegetation management programs, including defensible space training, and public

wildfire resistance education outreach to facilitate managing and monitoring vegetation on residential properties to help slow or stop an active wildfire from growing.

AB 3074 (Friedman), Chapter 259, Statutes of 2020, establishes an ember-resistant zone within five feet of a structure as part of revised defensible space requirements for structures located in high fire hazard areas.

AB 2126 (O'Donnell) of the 2019-20 Session would have required the California Department of Education (CDE) to develop and implement a website, app, and survey to collect temporary school closure information from school districts, including whether they have a plan to provide meals and instruction during these closures. This bill was held in the Senate Appropriations Committee.

AB 2127 (O'Donnell) of the 2019-20 Session would have required LEAs to provide the CDE information related to each school facility, schoolsite, or school property owned or leased by the local educational agency (LEA) in order to improve coordination between LEAs and emergency response agencies during emergencies. This bill was held in the Senate Education Committee.

AB 1837 (Smith) of the 2019-20 Session would have required the SPI to establish a State Assistance for Emergency Response Team within the CDE to provide guidance and support to LEAs experiencing emergencies. This bill was held in the Senate Education Committee.

AB 72 (Committee on Budget), Chapter 1, Statutes of 2019, appropriated \$64 million to reimburse counties for property tax losses incurred in the 2017–18 and 2018–19 fiscal years as a result of the 2017 and 2018 wildfires.

AB 1840 (Committee on Budget), Chapter 426, Statutes of 2018, requires the SPI to extend through the 2018-19 fiscal year the period during which it is essential to alleviate continued reductions in ADA attributable to a state emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.

AB 2228 (Wood) of the 2017-18 Session would have allowed the SPI to extend, by an additional fiscal year (2019-20), the period that is essential to alleviate continued reductions in average daily attendance for a school district, county office of education or a charter school attributable to the state of emergency declared by the Governor due to the 2017 wildfires. Additionally, AB 2228 would have required the SPI to make a supplemental apportionment to a school district, COE, or a charter school in an amount that credits to the school district, COE, or charter school 50 percent of the apportionment the school district, COE, or charter school would have received based on the ADA they lost due to the 2017 wildfires. This bill was held in the Senate Education Committee.

Arguments in support. The California School Employees Association writes, “AB 2968 takes a vital step forward by requiring schools in high-risk fire zones to prioritize fire preparedness. By prioritizing planning, defensible space, and clear communication with local fire departments, this bill equips schools with the tools they need to effectively respond to wildfires.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Professional Firefighters
California School Employees Association
Marin Wildfire Prevention Authority

Opposition

None on file

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