Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2816 (Gipson) – As Amended March 7, 2024

SUBJECT: School safety: School Mapping Data Grant Program

SUMMARY: Establishes the School Mapping Grant Program, under the administration of the Office of Emergency Services (OES), to provide one-time grants to local educational agencies (LEAs) to contract with vendors for school mapping data, subject to an appropriation for this purpose. Specifically, **this bill**:

1) Establishes the School Mapping Grant Program (Program) under the administration of the OES.

2) Authorizes the OES to provide one-time grants to participating LEAs to enter into contracts with qualified vendors providing school mapping data.

3) Requires that school mapping data provided by a contracted vendor under the Program to meet all of the following requirements:

    a) Is viewable within software platforms used by public safety agencies, and does not require the public safety agency to purchase additional software or pay a fee to view or access the data;

    b) Is viewable within security software platforms used by the participating school, and does not require local law enforcement agencies or the LEA to purchase additional software or pay a fee to view or access the data;

    c) Is available in a printable format, and, if requested by a public safety agency or the LEA, in a digital file format that can be integrated into software platforms;

    d) Is verified by the vendor for accuracy by a walk-through of the school's buildings and grounds;

    e) Is oriented to true North;

    f) Includes accurate floor plans overlaid on current aerial imagery of the school campus as verified by the vendor;

    g) Contains site-specific labeling that matches the structure of the school's buildings, including room labels, hallway names, external door or stairwell numbers, and the locations of hazards, critical utilities, key boxes, automated external defibrillators, and trauma kits;

    h) Contains site-specific labeling that matches the school's grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties;

    i) Is overlaid with gridded x and y coordinates;

j) Is not modified or updated independently without corresponding updates being made to the data maintained in the software platforms used by public safety agencies; and

k) Is provided to public safety agencies and the LEA perpetually and at no cost to the public safety agencies or the LEA.

4) Authorizes the OES to expend up to 5% of any appropriation made for this purpose on its administrative costs to implement and administer the Program.

5) Requires that the Program be implemented only if an appropriation is made by the Legislature for this purpose in the annual Budget Act or another statute.

6) Defines the following terms for the purposes of the Program:

a) "Local educational agency" means a school district, county office of education (COE), or charter school;

b) "Public safety agency" means a local, state, or federal agency that provides emergency public safety services to participating schools;

c) "School mapping data" or "data" means information provided to assist public safety agencies in efficiently responding to on-campus emergencies at participating schools; and

d) "School" means a school maintained by an LEA.

7) Expresses the intent of the Legislature that the grant funding under this Program be used to establish a single and verified source of school mapping data, for each participating school, that is standardized, accurate, and accessible to public safety agencies for purposes of ensuring efficient responses to on-campus emergencies at the school.

EXISTING LAW:

1) Requires each school district and 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) Requires that the comprehensive school safety plan 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) 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) 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: Unknown

COMMENTS:

Need for the bill. According to the author, "AB 2816 will ensure safety on our K-12 campuses by providing our first responders with the technology and tools necessary to navigate the campus in the event of an emergency. In situations of life and death, every second matters. We need to provide emergency school mapping technology for our state's first responders to efficiently navigate and communicate, through an unfamiliar building."

Further information provided by the author suggests that emergency responders most often do not have the layout of the building they are responding to. When first responders arrive at the scene, they may not have visited that location and may be unfamiliar with the facility's layout.

Violent incidents on K-12 school campuses. 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. (Marjory 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, Texas school shooting 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. Between 2000-01 and 2020-21, the number of school shootings with casualties ranged from 11 to 93 per year. From 2000 to 2021, there were a total of 46 active shooter incidents at elementary and secondary schools. The FBI defines an active shooter as "one or more individuals actively engaged in killing or attempting to kill people in a populated area."

According to the National Center for Education Statistics:

- 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;

- 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;

- In 2021–22, the number of school shootings with casualties (188) was more than twice as high as the next highest number of documented shootings (93), which was documented the year before in 2020–21; and

- In 2021-22, of the 188 school shootings with casualties, there were 57 school shootings with deaths and 131 with injuries.

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.

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 peer 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)

Sharing data with emergency agencies. In many cases, schools share blueprints with law enforcement, a precaution dating back to the aftermath of the Columbine High School shooting in 1999. Police, firefighters, and emergency technicians often reference those maps when responding to school emergencies. But law enforcement and school safety experts say the maps are frequently inaccurate and out-of-date, potentially lengthening emergency response times.

Some states are adopting initiatives to digitize school maps and provide them to local law enforcement. However, cost and limited awareness remain barriers to adoption for many schools according to school safety experts. They also note that new mapping initiatives have not been studied or evaluated the way that other school safety measures have. A digital or critical incident map by a third-party contractor can cost up to $5,000 and may require schools to invest in costly software and other tools. (Dewey, 2022)

Would the availability of school mapping data increase safety risks? 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, real-time information from a school site would be invaluable in saving lives. But the provision of such information should be considered in light of very real cybersecurity risks presented.
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> 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, as 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. (Jones, 2023).

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. 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.

Identifying the appropriate elements of a school mapping program. This bill lays requires specific elements to be included in a school mapping program provided by a contracted vendor. ***The Committee may wish to consider*** whether it is possible for the Legislature to determine the appropriateness of these particular elements or if the specifications should be left to school safety experts to determine. It is not clear whether OES or the California Department of Education (CDE) would have the necessary expertise in-house to identify appropriate criteria for a school mapping program.

In expressing a "support if amended" position, GeoComm recommends that a multitude of vendors and stakeholders familiar with school safety and mapping should be consulted as the requirements stated in the bill may not reflect the needs of public safety emergency communications.

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

1) Delete the specific requirements of a school mapping program and require the OES to identify the criteria to be used to identify school mapping programs eligible for funding under this program.

2) Require LEAs receiving grants under this program to collaborate with local public safety agencies, including but not limited to, those providing law enforcement, firefighting, or other emergency services in selecting and implementing a school mapping program to ensure that it meets the needs of both the schools and the public safety agencies.

Arguments in support. The Peace Officers' Research Association of California (PORAC) writes, "Current law provides that it is the intent of the Legislature that all public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with specified entities and individuals, develop a comprehensive school safety plan. This bill would establish the School Mapping Data Grant Program under the administration of the

Office of Emergency Services to provide one-time grants to participating school districts, county offices of education, and charter schools to enter into contracts with qualified vendors providing school mapping data for purposes of assisting public safety agencies in efficiently responding to on-campus emergencies at schools.

PORAC originally had an opposed unless amended position on this measure. We have continued to work with Assemblymember Gipson and his staff and they have agreed to accept PORAC's recommended changes to the bill. In light of our agreement, PORAC is changing our opposed unless amended position to support.

Related legislation. AB 960 (Mathis) of the 2023-24 Session would encourage public schools, including charter schools, with an enrollment of 100 pupils or more to implement a web-based or app-based school safety program that includes specified parameters. Would also require that, if a school implements a web-based or app-based school safety program, the school ensure that best practices are implemented to protect the security and data of all pupils and staff, and requires that specified information in the program be exempt from disclosure requirements.

SB 671 (Portantino), Chapter 626, Statutes of 2023, requires the safety plans of LEAs, COEs, and charter schools to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.

SB 643 (Wilk) of the 2023-24 Session would have established the School Safety Division within the CDE and required the division to administer the Safe-To-Tell Program to receive anonymous reports of dangerous, violent, or unlawful activity. Would also have required 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. This bill was held in the Assembly Education Committee.

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 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.

AB 1747 (Rodriguez), Chapter 806, Statutes of 2018, expands the required elements of school safety plans, to include 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.

REGISTERED SUPPORT / OPPOSITION:

Support

Peace Officers' Research Association of California

Opposition

None

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