

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1722 (Kiley) – As Amended March 28, 2019

SUBJECT: Comprehensive school safety plans

SUMMARY: Requires the comprehensive school safety plan of a school district or county office of education (COE) to include a targeted violence prevention plan with specified elements, including threat assessment procedures, and makes other elements of the plan mandatory.

Specifically, **this bill:**

- 1) Requires, rather than encourages, that as school safety plans are reviewed and updated, the plans include policies and procedures aimed at the prevention of bullying.
- 2) Requires, rather than encourages, that as school safety plans are reviewed and updated, the plans 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 employs these professionals.
- 3) Requires the school safety plan to include a targeted violence prevention plan, including, all of the following requirements recommended by the United States Secret Service National Threat Assessment Center:
 - a) Establish a multidisciplinary threat assessment team of school personnel, including faculty, staff, administrators, coaches, and available school resource officers, who will direct, manage, and document the threat assessment process.
 - b) Establish minimum standards for the threat assessment team, including, having members with expertise in counseling, pupil instruction, school administration, human resources, and law enforcement.
 - c) Define behaviors, including those that are prohibited and that will trigger immediate intervention, such as threats, violent acts, and weapons on campus, and other concerning behaviors that require a threat assessment.
 - d) Establish and provide training on a central reporting system such as an online form on the school's website, email address, phone number, smartphone application, or other mechanism. Requires the central reporting system to provide anonymity to those reporting concerns and be monitored by personnel who will follow up on all reports.
 - e) Determine the threshold for law enforcement intervention, especially if there is a safety risk.
 - f) Establish threat assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews. Requires that threat assessment procedures include all of the following investigative themes to guide the assessment process:

- i. Motive: What motivated the pupil to engage in the behavior of concern? What is the pupil trying to solve?
- ii. Communications: Have there been concerning, unusual, threatening, or violent communications? Are there communications about thoughts of suicide, hopelessness, or information relevant to the other investigative themes?
- iii. Inappropriate Interests: Does the pupil have inappropriate interests in weapons, school attacks or attackers, mass attacks, or other violence? Is there a fixation on an issue or a person?
- iv. Weapons Access: Is there access to weapons? Is there evidence of manufactured explosives or incendiary devices?
- v. Stressors: Have there been any recent setbacks, losses, or challenges? How is the pupil coping with stressors?
- vi. Emotional and Developmental Issues: Is the pupil dealing with mental health issues or developmental disabilities? Is the pupil's behavior a product of those issues? What resources does the pupil need?
- vii. Desperation or Despair: Has the pupil felt hopeless, desperate, or that they are out of options?
- viii. Violence as an Option: Does the pupil think that violence is a way to solve a problem? Have they thought that in the past?
- ix. Concerned Others: Has the pupil's behavior elicited concern? Was the concern related to safety?
- x. Capacity: Is the pupil organized enough to plan and execute an attack? Does the pupil have the resources?
- xi. Planning: Has the pupil initiated an attack plan, researched tactics, selected targets, or practiced with a weapon?
- xii. Consistency: Are the pupil's statements consistent with the pupil's actions or what others observe? If not, why?
- xiii. Protective Factors: Are there positive and prosocial influences in the pupil's life? Does the pupil have a positive and trusting relationship with an adult at school? Does the pupil feel emotionally connected to other pupils?
- xiv. Develop risk management options to enact once a threat assessment is complete, including all of the following:
 - Create individualized management plans to mitigate identified risks.

- Notify law enforcement immediately if the pupil is thinking about an attack.
 - Ensure the safety of potential targets.
 - Create a situation less prone to violence.
 - Redirect the pupil's motive.
 - Reduce the effect of stressors.
- g) Create and promote a safe school climate built on a culture of safety, respect, trust, and emotional support. This includes encouraging communication, intervening in conflicts and bullying, and empowering pupils to share their concerns.
- h) Provide school safety training for all stakeholders, including school personnel, pupils, parents, and law enforcement.
- 4) Requires a school district or COE that has a memorandum of understanding (MOU) with a local law enforcement agency to incorporate the applicable requirements of this section into that MOU.
- 5) Notwithstanding any other law, authorizes any state or local agency to share program records or confidential information with any other state or local agency, upon a preliminary determination that an individual poses a threat of violence to themselves or others, if the records or information are reasonably necessary to evaluate the threat, ensure access to appropriate services for the individual, or ensure the safety of the individual or others.

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. (EC 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 employs these professionals. (EC 32282.1)
- 6) Requires the comprehensive school safety plan to be submitted annually to the school district or 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. 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).
- 9) 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)
- 10) 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 and 47605.5)

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

COMMENTS

Need for the bill. According to the author, “Part of developing an effective learning environment is ensuring that students and their families know that their school is safe. California has made important strides by requiring the development of school safety plans that include strategies to respond to school violence. The next step should be to focus in on how we can prevent school violence before it happens. This can be done by requiring school safety plans to include a targeted violence prevention plan and establishing a multi-disciplinary team at each school site.”

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 procedures for safe ingress and egress of pupils, parents and school employees; to disaster and emergency procedures such as those during and after earthquakes; to behavioral policies such as discrimination and harassment policies.

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.

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 CDE, and that some schools have failed to meet the requirement to review safety plans annually.

Enhancing school safety using a threat assessment model. The U.S. Secret Service (USSS) published An Operational Guide for Preventing Targeted School Violence in July 2018, incorporating results of research undertaken following the tragedy at Columbine High School in 1999, and subsequent school shooting incidents. One key finding was that prior to most attacks, other students knew of the attackers' plans, yet most did not report it to an adult. The USSS highlights key considerations relating to school safety:

- In conjunction with physical security and emergency management, a threat assessment process is an effective component to ensuring the safety and security of our nation's schools.
- Threat assessment procedures recognize that students engage in a continuum of concerning behaviors, the vast majority of which will be non-threatening and non-violent, but may still require intervention.
- The threshold for intervention should be relatively low so that schools can identify students in distress before their behavior escalates to the level of eliciting concerns about safety.
- Everyone has a role to play in preventing school violence and creating safe school climates. Students should feel empowered to come forward without fear of reprisal. Faculty and staff should take all incoming reports seriously, and assess any information regarding concerning behavior or statements.

The language of this bill mirrors the language of the USSS's recommended targeted violence prevention plan.

California lags in providing social emotional support to pupils. According to the California Department of Education (CDE), “29 percent of California school districts have no counseling programs at all. When counseling programs exist, counselors are often asked to add administrative duties such as testing, supervising, and class scheduling. The ratio of students per counselor in this state averages 945 to 1, compared to the national average of 477 to 1, ranking California last in the nation.”

The American Academy of Pediatrics recommends a minimum of one full-time registered nurse in every school. According to the California School Nurses Organization, the distribution of school nurses by school district varies substantially throughout the state, with many schools having no school nurses on site. As of 2016-17, there were 2,630 credential school nurses in California. This clearly fails to meet the threshold of one teacher per school as there are more than 10,000 public K-12 schools in California.

According to CDE data for 2016-17, there were 5,932 school psychologists and 687 social workers employed in California schools. Clearly California lacks sufficient numbers of trained personnel in our schools to meet the social and emotional needs of over six million pupils.

Federal funding for school violence prevention. In 2018 Congress passed the Student, Teachers, and Officers Preventing School Violence Act (STOP School Violence Act) which, among other provisions, authorizes the Department of Justice (DOJ) to manage a grant program that would support efforts by state, tribal, and local governments to reduce school violence. The DOJ is currently soliciting applications for funding under this act. Grants are available to states, local governments (including school districts), and Indian tribes for the following purposes:

- The development and operation of school threat assessment and specialized multidisciplinary intervention teams designed to identify threats before they materialize, including those that originate from individuals with untreated or unidentified mental illness and mental health concerns.
- Development and implementation of technology that allows for anonymous reporting.
- The creation and/or operation of a State School Safety Center.

DOJ notes, in the application, that funds may not be used for equipment to secure buildings or to pay for armed security or School Resource Officers.

Arguments in support. According to the El Dorado County Office of Education:

“According to the comprehensive school shooting database created by the Center for Homeland Defense and Security, in the past twenty years, 349 persons have been killed and another 674 have been injured on our nation's campuses. Further, the database reveals that in the last twenty years, there were at least forty-nine pre-planned attacks on school campuses. Disturbingly, one-third of the deaths (32) and injuries (42) occurred in 2018 alone. Despite overall crime being at historic lows, school shootings have doubled between 2013 and 2018.

Threat management experts have recommended best practices which include a central reporting mechanism for suspicious behaviors and a process that ensures information is promptly evaluated by a multi-disciplinary team. More importantly, these best practices include procedures to ensure that the recommendations of a threat management team, including therapy and other treatment, are implemented.

AB 1722 takes a common-sense approach of building these best practices into our regional school safety plans. Recognizing one size does not fit all, the bill seeks to bring together school superintendents, sheriffs, chiefs of police, probation officers, district attorneys, psychologists and other policy makers to begin planning for threat management in the best manner for their region.”

Arguments in opposition. According to the American Civil Liberties Union:

“We all agree on the importance of keeping our schools safe. But the use of threat assessment teams to determine whether a threat of violence or other “concerning behaviors” warrants intervention as proposed in AB 1722 will instead result in profiling students and targeting certain students for law enforcement intervention. The provisions of the bill also threaten student privacy and will require creation of an anonymous complaint system that is sure to be misused.

The students who are thus singled out will face, in addition to potential law enforcement action against them, a serious threat to their privacy, as confidential records will be allowed to be shared simply on the basis of a preliminary determination that an individual poses a threat of violence. Confidential records of previous health or mental health issues, as well as school behavior issues, will be made available to law enforcement and other governmental agencies.

We note also the dangers of creating a system allowing anonymous reporting of threats. Anonymous reporting can be used by students to bully or target someone, and again may result in unfair profiling of a student on the basis of false reports – which may remain on that student’s record, as noted above, even if the report is determined to be baseless.”

Recommended amendments. ***Committee staff recommend*** that the bill be amended as follows:

- 1) Require that charter schools comply with the same requirements regarding school safety plans imposed by this bill, including the development of a targeted violence prevention plan.
- 2) Require that the multidisciplinary threat assessment team include mental health professionals, including, but not limited to, counselors, school psychologists, school nurses, and social workers.
- 3) Simplify the statutory language by removing the specific questions to be considered, and instead referencing the Secret Service guidance documents, but leaving in the categories of items to be considered.
- 4) Provide flexibility for small schools or school districts by authorizing coordination at the county or regional levels.

Prior and related legislation. AB 750 (Chen) of this Session requires school districts and charter schools to have at least one school resource officer present at each school during regular school hours and any other time when pupils are present on campus. This bill failed passage in this Committee.

AB 1747 (Rodriguez), Chapter 806, Statutes of 2018 requires charter schools to develop a school safety plan, including procedures for conducting tactical responses to criminal incidents; requires comprehensive school safety plans to include procedures for conducting tactical responses to criminal incidents; increases the CDE's responsibilities relating to school safety plans; and 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.

AB 1983 (Waldron) of the 2017-18 Session would have required school districts to work with local law enforcement to conduct full security assessments of school facilities and emergency practices. This bill was held in the Assembly Appropriations Committee.

AB 58 (Rodriguez) of the 2015-16 Session would have made each COE the entity responsible for the overall development of all comprehensive school safety plans and required school safety plans to include procedures in response to individuals with guns on school campuses. This bill was held in the Senate Appropriations Committee.

SB 49 (Lieu) of the 2013-14 Session would have required school safety plans to include procedures related to response to a person with a gun on campus, extends 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, as specified. This bill was held in the Assembly Appropriations Committee.

AB 549 (Jones-Sawyer), Chapter 422, Statutes of 2013, encourages all school safety plans, to the extent that resources are available, 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 campus, if the school district uses these people.

AB 680 (Block), Chapter 438, Statutes of 2011, authorizes a school district or COE, in consultation with law enforcement officials, to choose not to have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite and authorizes, instead, school district and COE administrators to write those portions of the school safety plan.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
El Dorado County Office of Education
El Dorado County Sheriff's Office
El Dorado Union High School District
Gold Oak Union School District
Lake Tahoe Unified School District
Mother Lode Union Elementary School District

Peace Officers Research Association of California
Santa Clara County District Attorney
Tulare County District Attorney
Yolo County District Attorney
Numerous individuals

Oppose

American Civil Liberties Union Of California

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