

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 544 (O'Donnell) – As Introduced February 10, 2021

**SUBJECT:** School property: location and facility details

**SUMMARY:** Requires local educational agencies (LEA) to provide the California Department of Education (CDE) information related to each school facility, schoolsite, or school property owned or leased by the LEA. Specifically, **this bill:**

- 1) Defines “local educational agency” to mean a county office of education, school district, or charter school.
- 2) Requires, commencing with the 2023-24 school year, a LEA to provide to the CDE information related to each school facility, schoolsite, or school property owned or leased by the LEA, including, but not limited to any of the following:
  - a) The mailing and physical addresses of existing school facilities, schoolsites, and school property;
  - b) The year each building at the school used for instructional purposes was constructed;
  - c) The square footage of each building at the school used for instructional purposes;
  - d) The year, if any, each building at the school used for instructional purposes was last modernized;
  - e) The pupil capacity of the school;
  - f) The age and number of portable buildings at the school; and
  - g) Whether the school has any of the following: a cafeteria, a library, a gymnasium, a multipurpose room.
- 3) Requires the CDE to develop guidelines for use by the CDE and LEAs related to the implementation of this requirement, and the specific information to be collected.
- 4) Requires LEAs to report the information related to each school facility, schoolsite, or school property once and update it annually as needed.
- 5) Establishes that the information collected by the CDE is confidential and shall not be subject to public disclosure. Authorizes the CDE to share the collected information with other entities, including emergency personnel and other governmental agencies, for emergency preparedness and emergency response-related activities.

**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. (Education Code (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) Requires that the comprehensive school safety plans to 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) Requires that if the Superintendent of Public Instruction (SPI) determines that there has been a willful failure to make any report, he or she shall notify and assess no more than \$2,000 against that school district or COE. (EC 32287)
- 8) 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)
- 9) 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 8550, 8551)

- 10) Requires the SPI, for apportionment purposes, to credit to a LEA a material loss of average daily attendance (ADA) due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
- a) Fire;
  - b) Flood;
  - c) Impassable roads;
  - d) Epidemic;
  - e) Earthquake;
  - f) The imminence of a major safety hazard as determined by the local law enforcement agency; or
  - g) A strike involving transportation services to pupils provided by a non-school entity (EC 46392)
- 13) 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 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)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

*Need for the bill.* According to the author, “Despite the need for basic information about the location and facilities of school buildings during an emergency, California lacks an inventory of locations and facility information for school facilities, school sites and school property owned or leased by a school district, county office of education, or charter school. During the devastating wildfires of the last several years there was, at times, confusion at the local and state level among emergency response personnel related to the location of school buildings due to this lack of information. Although the CDE currently collects both the physical and mailing addresses of school sites, the state currently has no requirement or mechanism for collecting information related to a single school site with multiple locations.

Similarly, emergency personnel often must quickly find locations for evacuation centers, shelters, or temporary housing for law enforcement or firefighters working outside their regular jurisdictions. Public school buildings are often an excellent choice for this type of temporary use: many feature cafeterias, gymnasiums and multipurpose rooms that can provide shelter for displaced individuals. Without a statewide inventory of school facility information, the critical days and hours during the onset of an emergency are spent finding a viable location, diverting time away from setting up the location to rapidly open and serve the community. By making this information readily available, school and emergency personnel can better coordinate response

activities to ensure student and school personnel safety, as well as the safety of the community at large.”

***What will the CDE do with this information?*** During an emergency event, local, state or federal agencies, as well as private organizations such as the Red Cross, typically reach out to public education agencies for two reasons: 1) to ensure geographic areas have been properly evacuated, or 2) to find facilities for shelters, evacuation centers, temporary housing for emergency personnel, etc. Once the CDE has gathered this information, they will be able to provide school, LEA or regional information to local, state and federal agency staff related to what school facilities exist and whether those facilities have been evacuated during an emergency. The CDE does not currently have the authority to collect even basic facilities information, and is therefore unable to effectively assist in emergency response. This lack of information has led to delays and confusion in recent emergency events when establishing evacuation centers, seeking reimbursement from federal agencies and, ensuring safe student and staff evacuations. Some LEAs currently collect this information, but the data sets are different from LEA to LEA, and are not aggregated to the state level. This proposal would improve the state’s capability to mitigate, prepare, respond, and recover from emergencies. Further, it would help the CDE better guide all LEAs in emergency management, and provide a vehicle for saving lives and property.

***The increasing frequency of natural disasters in California.*** According to the Governor’s Office of Emergency Services (Cal OES), the Governor proclaimed 16 State of Emergencies in 2018. Of those proclaimed emergencies, the President issued 3 Major Disaster Declarations. Wildfires, in particular, have been more prevalent and destructive than ever before.

***The California 2020 wildfire season.*** The 2020 California wildfire season was characterized by a record-setting year of wildfires that burned across the state of California as measured during the modern era of wildfire management and record keeping. Nearly 10,000 fires had burned over 4.2 million acres, more than 4% of the state’s roughly 100 million acres of land, making 2020 the largest wildfire season recorded in California’s modern history. California’s August Complex fire has been described as the first “gigafire” as the area burned exceeded 1 million acres. The fire crossed seven counties and has been described as being larger than the state of Rhode Island. On August 19, 2020, the state was battling 367 known fires, many sparked by intense thunderstorms. In early September 2020, a combination of a record-breaking heat wave, and Diablo and Santa Ana winds sparked more fires and explosively grew the active fires, with the August Complex more than doubling the Mendocino Complex’s size to become California’s largest recorded wildfire.

***The Camp Fire and the impact on schools.*** The Camp Fire, which began on November 18, 2018, in Butte County was, at the time, the deadliest and most destructive wildfire in California history. The Camp Fire burned 153,336 acres of land (almost 240 square miles) and destroyed the town of Paradise, which had a population of 27,000, within the first six hours of the fire. According to a November 21, 2018, report by the *Redding Record*, when the fire was 95 percent contained it had destroyed 13,631 residences, 275 multifamily residences, and 514 commercial buildings. Additional reports stated that 4,404 barn sheds were also destroyed. At least eighty-five deaths have been confirmed. The total monetary damage was \$16.5 billion. Due to the evacuations, one hundred-percent of the student population met the definition of homeless under federal law and were considered homeless for the duration of the school year. In addition to the impact to students, 260 of 400 district staff members lost their homes and another 60 were

displaced by the fires. Students and school staff alike suffered trauma from the fires and their ongoing impact.

***Emergency proclamations and levels of disaster assistance.*** State and federal statute detail several processes for the proclamation or declaration of an emergency. Each proclamation and declaration type provides a different level of disaster assistance from local, state and federal agencies which primarily serve to support cities and counties. For context, the Governor requested and on November 12, 2018, California was granted a Presidential Declaration of a Major Disaster for Butte, Los Angeles and Ventura Counties related to the impacts of the Camp, Hill and Woolsey Fires.

- **Local Emergency Proclamations:** Pursuant to Government Code 8558, if a local government determines that the effects of an emergency are beyond the capability of local resources to mitigate effectively, the local government must proclaim a local emergency. This proclamation, in part, serves as a prerequisite for requesting a Governor's Proclamation of a State of Emergency and/or President Declaration of an Emergency or Major Disaster.
- **Director's Concurrence:** The California Disaster Assistance Act authorizes the director of the Cal OES, at his/her discretion, to provide financial assistance to repair and restore damaged public facilities and infrastructure.
- **Governor's Proclamation:** The Governor, on behalf of the impacted local government, may proclaim an emergency as authorized by the powers authorized by the Emergency Services Act. This proclamation authorizes the Cal OES Director to provide financial relief for emergency actions and restoration of public facilities and infrastructure; prerequisite when requesting federal declaration of a major disaster or emergency.
- **Presidential Declaration of an Emergency:** The Governor, on behalf of the impacted local government, may request this declaration which supports response activities of the federal, state and local government. It also authorizes federal agencies to provide "essential" assistance including debris removal, temporary housing and the distribution of medicine, food and other consumable supplies.
- **Presidential Declaration of a Major Disaster:** The Governor, on behalf of the impacted local government, may request this declaration which supports response activities of the federal, state and local government. The Presidential Declaration of a Major Disaster goes beyond the Presidential Declaration of an Emergency and authorizes the implementation of some or all federal recovery programs including individual assistance and hazard mitigation. It helps people in the impacted areas through eligibility for support including crisis counseling, housing and unemployment assistance and legal services. It also provides public assistance to help state, tribal and local governments with ongoing emergency response and recovery, including the repair and replacement of disaster-damaged facilities and infrastructure, including roads, bridges and utilities.

***School facilities in California.*** While the state has general information on the number of K-12 schools (10,521 schools, including alternative schools), there is not an inventory on the number of school buildings within a schoolsite or the types of facilities in those buildings (e.g., gymnasiums, multipurpose rooms, etc.). Beginning in 2008, school districts applying for state

bond funds must complete an informational worksheet on the project. Data on the number of new facilities and the types of facilities constructed since 2008 is available, but is not comprehensive.

***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, 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.

***Arguments in support.*** The California Association of Student Councils writes, “In response to natural disasters, school violence, and other emergency situations, crisis and first responders must be aware of any and all circumstances unique to a particular school site and/or facility. Having the data in anticipation of an emergency offers the ability to respond in real-time, provide follow-up instructions, and update requests for assistance. A crisis can strike anytime, anywhere and the ability to respond swiftly is a critical component to being able to quickly inform and alert individuals.”

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

- Require the following be added to the data elements provided by a LEA to the CDE: whether the school has a water well, a generator, or redundant emergency communications.
- Require LEAs to provide to the CDE the status of school facilities during an emergency caused by a natural disaster as disasters occur.

***Related legislation.*** AB 75 (O’Donnell) of the current Session would set forth the Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022 as a state general obligation bond act that would provide funding to construct and modernize education facilities. The bond act would become operative only if approved by the voters in a statewide election in 2022.

AB 918 (Smith) of the 2019-20 Session would have required the CDE to develop and submit recommendations to the Legislature and Governor to develop a system through which qualified mental health professionals employed by LEAs throughout the state could be rapidly deployed on a short- or long-term basis to an area of the state that has experienced a natural disaster or

other traumatic event, in order to provide support to pupils and staff. This bill was held in the Assembly Appropriations Committee.

AB 2126 (O'Donnell) of the 2019-20 Session would have required the CDE to develop and implement a website and app for the purpose of collecting temporary school closure information for local educational agencies (LEAs) from superintendents and charter school administrators. 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 LEA in order to improve coordination between LEAs and emergency response agencies during emergencies. AB 544 (O'Donnell) of this Session is a reintroduction of this bill. This bill was held in the Assembly Education Committee.

SB 884 (Dodd) of the 2019-20 Session would have add public safety power shutoffs to the list of emergencies for which LEAs may submit a J-13A form request, and would have established the Disaster Relief Instructional Recovery Program for the purpose of allocating funding to eligible LEAs to make up instructional days lost due to emergency or other extraordinary conditions. This bill was held in the Assembly Appropriations Committee.

AB 48 (O'Donnell and Glazer), Chapter 530, Statutes of 2019, which placed a \$15 billion general obligation bond on the March 3, 2020 ballot, requires, among others, school districts seeking state bond funds to develop a facilities master plan which includes an inventory of school facilities. The initiative failed passage.

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% 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 ADA 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% 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.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Teachers Association

**Opposition**

None on file

**Analysis Prepared by:** Marguerite Ries / ED. / (916) 319-2087