

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 541 (Bates) – As Amended June 10, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** School safety: lockdown drills

**SUMMARY:** Requires every public school, including charter schools, and every private school that has an enrollment of 50 or more pupils or more than one classroom, and serves students in grades kindergarten to 12, to conduct an age-appropriate lockdown drill or multi-option response drill at least once per school year. Specifically, **this bill:**

- 1) Requires every private school that provides educational services to pupils in kindergarten or in any of grades 1 to 12, inclusive, and has an occupant capacity of 50 or more pupils or more than one classroom, to conduct a lockdown drill or a multi-option response drill at least once per school year. Requires drills to be age-appropriate and requires school officials to consider the emotional impact of the drill on pupils when planning, preparing, and conducting the drill.
- 2) Requires comprehensive school safety plans of regular public schools to include procedures requiring a lockdown drill or a multi-option response drill to be conducted in an age-appropriate manner at least once per school year.
- 3) Recommends that school officials incorporate guidelines from the article, “Mitigating Psychological Effects of Lockdowns” as prepared by the National Association of School Psychologists.
- 4) Requires charter schools that provide educational services to pupils in kindergarten or in any of grades 1 to 12, inclusive, to conduct a lockdown drill or a multi-option response drill in an age-appropriate manner at least once per school year, and recommends that charter school officials incorporate guidelines pursuant to (3) above.
- 5) Requires all school officials to consider the emotional impact of the drill on pupils when planning, preparing, and conducting the drill.
- 6) Defines “a lockdown” as a situation that presents an immediate and ongoing danger to the safety of pupils, faculty, staff, and visitors by a person using firearms or other types of weapons or displaying erratic behavior.
- 7) Defines “multi-option response drill” as a drill that includes the following core concepts:
  - a) Fleeing the scene if possible;
  - b) If unable to flee, barricading in a room with environmental objects, such as chairs or desks, to prevent the shooter from entering the room; and

- c) As a last resort, distracting and actively resisting the shooter by throwing objects at or swarming the shooter, or both.

**EXISTING LAW:**

- 1) Requires each school district or 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. (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, in consultation with representatives from law enforcement agencies, fire departments, and other first responder entities, and requires that the comprehensive school safety plan be shared with law enforcement, the fire department, and other first responder entities. (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; rules and procedures on school discipline; 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)
- 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 uses these people. (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, and requires the CDE to post on its website best practices for reviewing and approving school safety plans. (EC 32288)
- 7) 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)

- 8) 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)
- 9) 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)

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- 1) The bill’s requirement for school districts to conduct a lockdown drill each year is likely to create a new reimbursable state mandate. A precise estimate is unknown, but Proposition 98 General Fund costs could be \$15 million annually. This estimate assumes that each teacher in the state would require one hour to conduct the drill each year.
- 2) This bill would expand the existing comprehensive school safety plans mandate resulting in additional costs that are estimated to be in the low tens of thousands of dollars each year (Proposition 98 General Fund). Alternatively, it could lead to pressure for the state to increase the K-12 Mandate Block grant.
- 3) The bill’s requirements also apply to charter schools and would likely result in similar costs for them to comply. However, charter schools are not eligible to claim reimbursement from the state for mandated activities but do participate and receive funding through the K-12 Mandate Block Grant.

**COMMENTS:**

***Need for the bill.*** According to the author, “SB 541 is needed to ensure all California schools are meeting a basic standard to have annual active school threats training on site in order to be prepared. SB 541 will save lives and prepare all students, faculty and parents to know what to do during active threats. SB 541 requires all kindergarten through 12th grade public and private schools, with an enrollment of 50 or more students, to conduct one lockdown drill or multi-option response per school year.”

***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 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. AB 1747 (Rodriguez) of the 2017-18 session added a requirement that school safety plans include procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions.

The audit also found deficiencies in oversight and guidance by district and COEs as well as at the state level by the CDE, and that some schools have failed to meet the requirement to review safety plans annually.

***Best practices for active shooter drills.*** A 2014 guidance document, authored by the National Association of School Psychologists and the National Association of School Resource Officers, identifies key elements in planning and conducting active shooter drills. They note that such drills have the potential to empower staff and save lives, but also have the potential to cause harm to participants. Among their recommendations are the following:

- Include mental health professionals on school safety teams;
- Tailor the drill to the context of the school environment;
- Ensure physical and psychological safety, skills and knowledge acquisition; and
- Give all participants advance warning and the ability to opt out.

***Lockdown versus multi-option drills.*** Research suggests that in 2017, more than 70% of U.S. schools practiced drills specifically addressing active shooters. These drills generally fall within one of two categories:

- 1) **Traditional lockdowns** involve removing students and staff from the threat of the active shooter by locating them in locked classrooms or other secure areas. Once inside a classroom, individuals are instructed to turn off all the lights; move as far away from the doors and windows as possible; minimize physical exposure and seek protective cover; remain calm and quiet; wait for an all clear from a credible source. Individuals in a hallway, cafeteria, or outside the school are directed to enter the nearest classroom and follow the same protocol. These traditional lockdowns are reported to be the most common practice used by schools in response to school shootings.
- 2) **Multi-option responses** have been recommended by numerous law enforcement and education organizations in recent years. Different agencies use varying protocols and acronyms, but all include three basic components:
  - a) Fleeing the scene if possible;
  - b) If unable to flee, barricading in a room with available objects, such as desks or chairs, to prevent the shooter from making entry; and
  - c) As a last resort, distracting and actively resisting by throwing objects and/or swarming the gunman.

A research study published in the *Journal of School Violence* (Jonson et al, 2018) reported on simulations of responses to active shooter situations and concluded that simulation drills informed by a multi-option response protocol were found to end more quickly and result in fewer people being shot.

Others claim that multi-option drills are not supported by evidence and that they “prey on the emotions of today’s active shooter frenzy that is spreading across the nation.” (Education Week, September 19, 2017).

**Arguments in support.** The Orange County Sheriff-Coroner states, “Sadly in recent years our nation has seen several high profile school shooting incidents. Preventing future incidents of violence on our campuses must be a top priority for policy makers, law enforcement, educators, and parents. Even with the best of efforts and systems in place, we must always be prepared for the worst possibility – an active threat situation on a school campus. Preparation means practice. Students, faculty, and parents must know what to do and what is expected in the event an active shooter or other incident of violence occurs. Your legislation to require these lockdown drills will save lives.”

The Association of California School Administrators states, “The number one priority of school administrators is the safety of kids. School shootings have forced educators to consider the worst and prepare for any potential threat to the lives and wellbeing of students and staff. A 2017 shooting at Rancho Tehama Elementary School in Northern California is an example of how critical it is for all school personnel and students to be prepared to respond to an active threat. Rancho Tehama Elementary had conducted several lockdown drills so the morning of the shooting when a lockdown was called, staff and kids were able to get out of harm’s way quickly. The school community credits the drills as a primary reason there were no casualties. Unfortunately, these type of incidents are certain to happen again. It is critical that all school communities are prepared to respond to any type of threat to the safety of students and staff.”

**Related legislation.** 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 3205 (O’Donnell), Chapter 401, Statutes of 2018, requires a school district seeking state school facilities bond funds to include, as part of a modernization project, locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside of the room.

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**

Association of California School Administrators  
California Association of School Business Officials  
Los Angeles County Office of Education  
Orange County Sheriff-Coroner  
West Valley Resistance

**Opposition**

None on file

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