

GOVERNOR'S VETO
AB 2814 (Wood and Calderon)
As Enrolled August 25, 2022
2/3 vote

SUMMARY

Establishes the Emergency Planning Grant Program, under the administration of the California Department of Education (CDE).

Major Provisions

- 1) Requires, upon an appropriation by the Legislature for this purpose, the CDE to award \$1,000,000 in competitive grants to local educational agencies (LEAs) to support emergency planning activities.
- 2) Requires emergency planning activities to include, but not be limited to, all of the following: coordination with local emergency management systems; assessment of climate threats to the geographic area of the LEA; organization of LEA emergency response procedures; and development of an emergency plan that complies with the standardized emergency management system, as specified.
- 3) Requires prospective grantees to demonstrate all of the following: a willingness and ability to collaborate with local city and county emergency response departments, as applicable; an intention to align the planning activities of this grant with school safety plans; and an intention to develop an emergency plan that complies with the standardized emergency management system; as specified.
- 4) Requires the CDE, in administering the program, to prioritize grant awards for LEAs that face the greatest risk of, or have less capacity to prepare and respond to, climate threats without state assistance; award grants to LEAs by January 1, 2024; monitor the emergency planning activities of grantees; and submit a report to the Legislature.

Governor's Veto Message

Preparing for emergencies is an essential function of government at all levels, including schools and local governments. Significant state resources, in the form of guidance, planning supports, and funding have been committed to help build and manage effective local disaster response systems. The Office of Emergency Services provides numerous resources related to school emergency planning safety, including forthcoming guidelines to help schools develop an emergency plan that complies with the California Standardized Emergency Management System referenced in the bill. Additionally, the Department of Education's Emergency Services Team provides technical assistance and guidance to schools related to emergency preparedness, mitigation, response, and recovery associated with natural disasters and other emergency situations. Schools can, and should, utilize these resources already available through CalOES and the Department of Education to support emergency planning activities as necessary.

While I commend the author for seeking to be responsive to the increase in natural disasters and emergencies schools are facing, AB 2814 establishes a grant program not currently accounted for in the state's fiscal plan.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with cost pressure, such as this measure, should be considered and accounted for in the annual budget process. For these reasons, I cannot sign this bill.

COMMENTS

This bill would create grants for LEAs for emergency planning activities, administered by the CDE. The CDE would prioritize grant awards to those LEAs facing the greatest risk of, or have less capacity to respond to climate threats without state assistance.

When emergencies strike, the toll on school communities can be profound. Schools often close and students lose valuable instructional time that is rarely made up. Student and staff mental health may also suffer. However, LEAs well equipped to respond to emergencies are able to ensure continuity of learning and foster school connectedness despite the extenuating circumstances. Once robust planning is well underway, schools, emergency personnel can better coordinate response activities to ensure that student, and school personnel safety needs are met.

Giving the increasing frequency of natural disasters attributed to climate threats, as well as other human-created emergencies, LEAs throughout California will require broad support and resources.

LAO recommendation. In January 2021, the Legislative Analyst's Office (LAO) responded to a request from the California State Assembly Speaker related to climate impacts on various policy sectors: transportation, health, K-12 education and childcare, housing, and workers and employers. Among its conclusions was a recommendation that the Legislature fund grants to support emergency planning activities at the LEA level – specifically those that face the greatest risk or might have less capacity to prepare and respond to climate threats without state assistance.

The increasing frequency of climate-related disasters in California. In 2021, in addition to living with the COVID-19 pandemic, Californians were impacted by wildfires and other natural disasters. Climate change continues to intensify and lengthen the fire season in California. The state has experienced unprecedented wildfire activity over the past several years, with increases in the number and severity of wildfires. The state experienced 4 of the 20 largest wildfires in its history in 2021.

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% contained it had destroyed 13,631 residences, 275 multifamily residences, and 514 commercial buildings. At least eighty-five deaths were confirmed. The total monetary damage was \$16.5 billion. Due to the evacuations, 100% 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.

Increasing frequency and duration of school closures prior to the onset of the COVID-19 pandemic. The number of temporary school closures in California was increasing in the years leading up to the COVID-19 pandemic, 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.

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, power outages, and public safety power shutoffs (PSPS) caused by wildfires. In the 2018-2019 school year, there were nearly 4,900 school closure days in California, affecting 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, PSPS were a major cause for school closures. Between September and November of 2019, schools in at least 34 counties issued temporary closures due to fires and preventative power shutoffs. 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. 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.

Impact of COVID-19 on schools. In prior years, wildfires were the predominant reason for school closures, but in 2020 the unprecedented months-long closure of nearly all schools across the nation due to the COVID-19 pandemic has far exceeded any other school closures on record in both magnitude and duration. To mitigate the spread of the pandemic, virtually all of the schools in California closed in mid-March 2020, and remained closed through the end of the 2019-20 school year. Numerous state and federal funding sources and programs incentivized the reopening of schools for remote instruction, or distance learning, for the start of 2020-21 school year. As case levels dropped and additional precautions, such as masks, were put in place most schools were able to re-open successfully. However, the ongoing demands of a pandemic made the operation of schools extremely challenging. Some of the pandemic-related demands include identifying school COVID-19 exposures, contact tracing coordination, distribution of personal protective equipment (PPE) supporting student and staff mental health, staffing shortages, supply chain challenges, the Delta and Omicron variants, COVID-19 testing, mask requirements, and vaccination rollouts. School leaders looked to and coordinated with local and state public health officials, among others, to support their school communities during the pandemic. Resource and service coordination with schools varied greatly across the state due to numerous contributing factors including, but not limited to access to resources, preexisting relationships and partnerships, local politics, beliefs, and demographics.

According to the Author

"Natural disasters or an act of violence on a school campus can and do happen at any given time and anywhere across this state. When emergencies do happen, LEAs need to know how to respond appropriately and recover as quickly and effectively as possible. Emergency planning grants would equip LEA's with emergency planning and preparedness activities to help students and school personnel in the event of an emergency and promote the safety and well-being of students and school employees during an emergency."

Arguments in Support

The Guerneville School District writes, "The emergency funding outlined in Assembly Bill 2814 would allow for safer school environments around the State of California but especially in semi-rural areas such as Sonoma County. Many of our local communities, such as the town of Guerneville, have been devastated by a variety of recent emergencies such as the 2017/2019 Russian River Floods, 2017 Tubbs Fires, and the 2020 LNU Lightening Complex fires. In the attached appendix, one can see first-hand the instant devastation caused by the 2019 Russian River flood to our single-school district campus and the need to have additional funding available for the type of emergency planning necessary for coordinated response efforts in the future. I wholeheartedly believe this type of proactive use of resources would have a direct and positive impact on the day-to-day safety of students and school staff across California's public schools and more specifically here in Sonoma County, where we have experienced unprecedented natural disasters of late."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

One time cost pressure of up to \$1 million Proposition 98 General Fund for the emergency planning grants. Actual costs would depend on the amount of funds appropriated for the bill's purpose. Minor, absorbable costs to the CDE to administer the grant program and prepare the final report.

This year several bills have been introduced that require the CDE to implement a new grant or pilot program. While the administrative cost of an individual bill may be minor, in the aggregate total new costs could be significant and lead to future budget requests.

VOTES**ASM EDUCATION: 7-0-0**

YES: O'Donnell, Megan Dahle, Bennett, Chen, Lee, McCarty, Quirk-Silva

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ASSEMBLY FLOOR: 73-0-5

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Berman, Mia Bonta, Mayes, O'Donnell, Blanca Rubio

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

UPDATED

VERSION: August 25, 2022

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FN: 0004600