
THIRD READING

Bill No: AB 2814
Author: Wood (D) and Calderon (D)
Introduced: 2/18/22
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 6/22/22
AYES: Leyva, Cortese, Dahle, Glazer, McGuire, Pan
NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/11/22
AYES: Portantino, Bates, Bradford, Jones, Laird, McGuire, Wieckowski

ASSEMBLY FLOOR: 73-0, 5/23/22 - See last page for vote

SUBJECT: Local educational agencies: emergency planning grants

SOURCE: Author

DIGEST: This bill requires the California Department of Education (CDE) to establish and administer the Emergency Planning Grant Program and award \$1 million in competitive grants to local educational agencies (LEAs) to support emergency planning activities, upon appropriation of the Legislature.

ANALYSIS:

Existing law:

- 1) Requires each school district or county offices 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 § 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 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 the State Superintendent of Public Instruction (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)
- 8) Requires, in the event of a state of emergency declared by the Governor in a county, 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)

This bill requires CDE to establish and administer the Emergency Planning Grant Program and award \$1 million in competitive grants to LEAs to support emergency planning activities, upon appropriation of the Legislature. Specifically this bill:

- 1) Requires CDE to establish and administer the Emergency Planning Grant Program and award \$1 million in competitive grants to LEAs to support emergency planning activities beginning January 1, 2024.
- 2) Specifies grant funds for emergency planning activities include, but are not limited to, all of the following coordination with local emergency management systems, climate threat that endangers the LEA, organization of emergency response, and an emergency plan system.
- 3) Require LEAs must demonstrate a willingness and ability to collaborate with local city and county emergency response departments, an intention to align the planning activities of this grant with school safety plans as specified in Education Code and have an intention to develop an emergency plan that complies with the standardized emergency management system as specified in Government Code.
- 4) Requires CDE, among other things, to develop criteria to determine if a LEA faces a significant risk of, or has less capacity to prepare and respond to, climate threats without state assistance and to prioritize grant awards for LEA that face the greatest risk.
- 5) Requires an LEA to dispense with all its awarded Emergency Planning grant funds by June 30, 2026.
- 6) Defines “local educational agency” means a school district, county office of education, or charter school.

- 7) Clarifies the provisions of this bill shall remain in effect until, and be repealed, January 1, 2027.

Comments

- 1) *Need for the bill.* According to the author “Despite the need for basic emergency planning and preparedness during an emergency, many California K-12 schools face the greatest risk of or have less capacity to prepare and respond to an emergency. During the devastating wildfires of the last several years there was, at times, confusion at the local and state level among emergency personnel related to supporting K-12 public schools. The frequency of emergencies continues to increase across California, and LEA’s vary greatly in their readiness to respond. Based on the location of the LEA, different emergencies are more likely to occur. LEA’s can begin planning for those expected events at any time by coordinating with other state and local resources and agencies, and developing emergency response plans.”
- 2) *Traumatic event on and off-campus.* According to a 2018 study by the Pew Research Center, the majority of U.S. teens fear a shooting could happen at their school, and most parents share their concerns. Firearms are a leading cause of morbidity and mortality in the United States and accounted for more than 36,000 deaths and nearly 85,000 injuries in 2015. In 2020, California saw a troubling rise of more than 500 homicides, the largest jump in state history since record-keeping began in 1960. Gun homicides drive the rise. California saw 1,658 homicides in 2019; the number climbed to 2,161 in 2020—an increase of 503 homicides (or 30.3%). Of the 503 additional homicides, 460, or 91%, were gun-related deaths. While the 2020 homicide rate is far lower than past peaks, the past year deviates from historically low rates of the last decade. Over the past few years, gun violence has risen to the forefront of public consciousness. The consequences of gun violence are more pervasive and affect entire communities, families, and children. With more than 25% of children witnessing an act of violence in their homes, schools, or community over the past year, and more than 5% witnessing a shooting.
- 3) *Climate change effects school campuses.* “More frequent school closures due to wildfires and extreme heat waves, as well as higher utility bills for schools as temperatures rise are among the increasingly severe impacts climate change will have on K-12 and early childhood education,” as reported in the Legislative Analyst Offices (LAO) report titled *Climate Change Impacts Across California: K-12 Education*. The report projects that districts will face higher and more volatile cost pressures in dealing with the wide-ranging impacts of climate

change, from higher utility bills on hotter days to massive recovery efforts after major emergencies. Additionally, school facilities will require modifications to withstand the harsh impacts of climate change. Child care providers and districts with smaller budgets and that serve higher numbers of lower-income families could be particularly vulnerable to the impacts of climate change. The report goes on to mention that “Schools and child care providers are already beginning to experience the impacts of climate change, most notably from wildfires. For instance, the California Department of Education (CDE) reports that 104 school districts were subject to wildfire evacuation orders in 2020. In addition to emergencies, climate change impacts may also lead to public health issues that require modifications to educational delivery models. For example, extreme heatwaves or poor air quality from wildfires may make it temporarily unsafe for students and staff to participate in normal outdoor activities. Accordingly, schools and child care providers will need to establish and continually update emergency preparedness and response plans that adequately reflect the increased likelihood and intensity of these events.”

- 4) *The State Superintendent of Public Instruction (SPI) and CDE’s role in responding to emergencies.* The SPI and CDE have an obligation and responsibility to serve LEAs at all times, especially as it relates to emergency preparation, response, and recovery. The type of response has varied over time based on the priorities and style of individual SPIs, as well as the type and duration of emergencies faced by schools during a SPI’s term of office. Previous SPIs have initiated task forces, established conference calls with impacted county superintendents of schools and district superintendents, and provided information on the CDE’s website. Given the rapid increase of wildfires, other natural disasters, and pandemics, a common and shared understanding of the role and responsibilities of the SPI and CDE would likely facilitate increased communication between the state agency and the field, and support the expedited delivery of goods and services.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, while the provisions of this bill would be contingent upon an appropriation, it could result in one-time Proposition General Fund costs of \$1 million for the state to fund the program.

The CDE estimates General Fund costs of approximately \$375,000 over a three-year period and 1.0 position for various administrative functions necessary to administer the competitive grant application process and monitor the grant recipients.

SUPPORT: (Verified 8/11/22)

Eureka City Schools
Guerneville School District
Kelseyville Unified School District
Sonoma County Office of Education

OPPOSITION: (Verified 8/11/22)

None received

ARGUMENTS IN SUPPORT: According to Guerneville School District, “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.”

ASSEMBLY FLOOR: 73-0, 5/23/22

AYES: 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

NO VOTE RECORDED: Berman, Mia Bonta, Mayes, O'Donnell, Blanca Rubio

Prepared by: Kordell Hampton / ED. / (916) 651-4105
8/13/22 9:32:15

**** END ****