



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-452 Pupil safety: parental notification: firearm safety laws. (2021-2022)

SHARE THIS:  

Date Published: 08/29/2022 09:00 PM

Assembly Bill No. 452

CHAPTER 199

An act to add Section 48986 to the Education Code, relating to pupil safety.

[Approved by Governor August 29, 2022. Filed with Secretary of State August 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 452, Friedman. Pupil safety: parental notification: firearm safety laws.

The Interagency School Safety Demonstration Act of 1985 requires school districts and county offices of education to be responsible for the overall development of all comprehensive school safety plans for their schools operating kindergarten or any of grades 1 to 12, inclusive.

Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of the regular school term, to notify parents or guardians of minor pupils of specified rights and responsibilities of the parent or guardian and of specified school district policies and procedures.

This bill would require a school district, county office of education, and charter school to annually inform parents and guardians of pupils at the beginning of the first semester or quarter of the regular school term of California's child access prevention laws and laws relating to the safe storage of firearms, as specified. By imposing additional duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program. The bill would require the State Department of Education, on or before July 1, 2023, to develop, and subsequently update as provided, in consultation with the Department of Justice, and provide to school districts, county offices of education, and charter schools, and, upon request, to provide to private schools, model language for the notice regarding those child access prevention and safe storage of firearms laws. The bill would make a school district, county office of education, charter school, private school, and the department immune from civil liability for any damages relating to the notice, as specified.

The bill would deem a local educational agency and the department in compliance with the above-described requirements if Senate Bill 906 of the 2021–22 Regular Session is enacted and becomes effective on before January 1, 2023, SB 906 adds Sections 49391 and 49392 to the Education Code, and the local educational agency and the department comply with the notice requirements of SB 906, as provided.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Guns are the third leading cause of death for kids in America. Every day, eight children and teens are shot in instances of family fire, a shooting involving an improperly stored or misused gun found in the home resulting in injury or death.

(b) Data shows that 75 percent of school shootings are facilitated by kids having access to unsecured or unsupervised guns at home. Eighty-seven percent of kids know where their parents' guns are kept, and 60 percent report that they have handled them.

(c) Two children and teens either die or survive a suicide attempt each day in our country. Over 80 percent of teens who commit suicide with a gun used one that belonged to someone in their home.

(d) Unfortunately, the COVID-19 pandemic only exacerbated this problem. Online distance learning resulted in schoolage children spending longer periods of unsupervised time at home while experiencing increased levels of social isolation and depression, with no access to the critical mental health services available in person at their schools. This all resulted in escalating suicide and accidental deaths caused by firearms found in the home.

(e) California has the country's strongest safe storage laws. More gunowners must be educated to protect our children from senseless death and injury and turn the statistics around.

SEC. 2. Section 48986 is added to the Education Code, to read:

48986. (a) (1) A local educational agency shall inform, through a notice in the manner prescribed in this section, the parents or guardians of each enrolled pupil of California's child access prevention laws and laws relating to the safe storage of firearms, including, but not limited to, Division 4 (commencing with Section 25000) of Title 4 of Part 6 of the Penal Code.

(2) The notice shall be provided annually at the beginning of the first semester or quarter of the regular school term.

(3) The notice shall be informed by the most updated model language developed pursuant to subdivision (c).

(b) (1) The notice described in subdivision (a) shall be made using any of the methods described in Section 48981 that apply and may be provided as a single notice for multiple pupils living in the same household.

(2) A school district shall provide the notice as part of the annual notification required pursuant to Section 48980.

(c) (1) On or before July 1, 2023, the department shall develop, in consultation with the Department of Justice, model language for the notice described in subdivision (a).

(2) On or before July 1, 2024, and each July 1 thereafter, the department shall update as necessary for any change in the law, in consultation with the Department of Justice, the model language developed pursuant to paragraph (1).

(3) The department shall share the model language developed and updated pursuant to paragraphs (1) and (2) in both of the following manners:

(A) With all local educational agencies for the purposes described in subdivision (a).

(B) Upon request, with any private school for distribution or potential distribution by the private school.

(d) A local educational agency, a private school, and the department are immune from civil liability for any damages allegedly caused by, arising out of, or relating to the notice if the entity provided the notice using the model language provided to it by the department.

(e) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Private school" means a person, firm, association, partnership, or corporation offering or conducting private school instruction in the state.

(3) "Private school instruction" means instruction at the elementary or high school level for one or more pupils who are 6 to 18 years of age, inclusive. Private school instruction includes, but is not limited to, instruction by conventional or traditional private schools, private school satellite programs, private online or virtual schools, and certified nonpublic nonsectarian schools.

(f) (1) If a local educational agency provides a notice required by Section 49392, the local educational agency shall be deemed to have complied with the requirements of subdivisions (a) and (b), as applicable.

(2) If the department develops model language pursuant to Section 49391, the department shall be deemed to have complied with the requirements of subdivision (c).

(3) This subdivision shall only become operative if Senate Bill 906 of the 2021–22 Regular Session is enacted and becomes effective on or before January 1, 2023, and adds Sections 49391 and 49392 to the Education Code.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.