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SB-906 School safety: homicide threats. (2021-2022)

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Date Published: 07/25/2022 09:00 PM

Senate Bill No. 906

CHAPTER 144

An act to add Article 8 (commencing with Section 49390) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school safety.

[Approved by Governor July 21, 2022. Filed with Secretary of State July 21, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 906, Portantino. School safety: homicide threats.

Existing law requires school districts and county offices of education to be responsible for the overall development of a comprehensive school safety plan for each of their schools operating a kindergarten or any of grades 1 to 12, inclusive. Existing law requires a comprehensive school safety plan to include, among other things, the development of procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses. Existing law prohibits school employees from conducting a body cavity search or visual inspection under the clothing of a pupil, as provided. Under existing law, pupil and pupil property searches at a schoolsite by school officials are generally justified at their inception if reasonable grounds suggest a search will lead to relevant evidence.

This bill would require, on or before July 1, 2023, the State Department of Education, in consultation with relevant local educational agencies, civil rights groups, and the Department of Justice, to develop model content that includes, at a minimum, content that informs parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms. The bill would require, commencing with the 2023–24 school year, local educational agencies maintaining kindergarten or any of grades 1 to 12, inclusive, to, informed by the model content, include information related to the safe storage of firearms in an annual notification provided to the parents or guardians of pupils. The bill would require a school official whose duties involve regular contact with pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school, and who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement, as provided. The bill would require, with the support of the local educational agency, the local law enforcement agency or schoolsite police, as applicable, to immediately conduct an investigation and threat assessment, as specified. The bill would require the investigation and threat assessment to include a review of the firearm registry of the Department of Justice and, if justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat, a schoolsite search. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. Under the bill, a local educational agency serving pupils in kindergarten or any of grades 1 to 12, inclusive, and a school of a local educational agency, is immune from civil liability for any damages allegedly caused by, arising out of, or relating to these provisions.

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.

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

SECTION 1. Article 8 (commencing with Section 49390) is added to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 8. Threats of Homicide at School

49390. For purposes of this article, unless the context requires otherwise, the following definitions apply:

(a) "Law enforcement" means any of the following:

- (1) A peace officer employed or contracted by a school, school district, or local educational agency for school safety purposes.
- (2) A police or security department of a local educational agency.
- (3) A local law enforcement agency or agencies with geographic jurisdiction over a local educational agency.

(b) "Local educational agency" means a school district, county office of education, or charter school serving pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school.

(c) "Reasonable suspicion" means articulable facts, together with rational inferences from those facts, warranting an objective suspicion.

(d) "School official" means any certificated or classified employee of a local educational agency or member of the school district governing board, county board of education, or governing body of a charter school whose official duties bring the individual in contact with pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school, on a regular basis.

(e) "Threat or perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual.

49391. (a) (1) On or before July 1, 2023, the department shall develop model content, in consultation with relevant local educational agencies, civil rights groups, and the Department of Justice.

(2) The model content developed pursuant to paragraph (1) shall include, at a minimum, content that informs parents or guardians 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.

(b) The department shall update the model content on a yearly basis as necessary to reflect any changes in law.

49392. (a) Commencing with the 2023–24 school year, and each school year thereafter, a local educational agency serving pupils in kindergarten or any of grades 1 to 12, inclusive, shall, informed by the model content developed by the department pursuant to Section 49391, include in the annual notification pursuant to Section 48980, to the parents or guardians of pupils in kindergarten or any of grades 1 to 12, inclusive, information related to the safe storage of firearms.

(b) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

49393. (a) A school official who is alerted to or observes any threat or perceived threat, as described in subdivision (e) of Section 49390, shall immediately report the threat or perceived threat to law enforcement. The report shall include copies of any documentary or other evidence associated with the threat or perceived threat.

(b) When two or more school officials jointly have an obligation to report pursuant to subdivision (a), and when there is agreement among them, the report required by this section may be made by any of them in a single report. A school official who has knowledge that the designated reporting school official has failed to make the single report shall thereafter make the report.

(c) Law enforcement shall keep a record of any report received pursuant to this section.

49394. (a) Upon the notification described in Section 49393, the local law enforcement agency or the schoolsite police, as described in paragraphs (1) and (2) of subdivision (a) of Section 49390, as appropriate, with the support of the local educational

agency, shall immediately conduct an investigation and assessment of any threat or perceived threat described in subdivision (e) of Section 49390.

(b) The investigation and threat assessment under subdivision (a) shall include a review of the firearm registry of the Department of Justice.

(c) The investigation and threat assessment under subdivision (a) shall include a search conducted at the schoolsite, only if the search is justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat.

49395. A local educational agency serving pupils in kindergarten or any of grades 1 to 12, inclusive, and a school of a local educational agency, is immune from civil liability for any damages allegedly caused by, arising out of, or relating to the requirements of this article.

SEC. 2. 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.