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SB-1248 Pupil health: extreme weather conditions: physical activity. (2023-2024)

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Date Published: 09/23/2024 02:00 PM

Senate Bill No. 1248

CHAPTER 463

An act to add Section 33355 to the Education Code, relating to pupil health.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1248, Hurtado. Pupil health: extreme weather conditions: physical activity.

Existing law requires the State Department of Education to adopt rules and regulations that it deems necessary and proper to secure the establishment of courses in physical education in the elementary and secondary schools of the state. Existing law requires the California Interscholastic Federation (CIF), in consultation with the State Department of Education, to develop, by no later than July 1, 2024, guidelines, procedures, and safety standards for the prevention and management of exertional heat illness, as provided.

This bill would require the department, on or before January 1, 2026, and in consultation with relevant stakeholders and experts, to compile and post on the department's internet website, standardized guidelines specifying temperature thresholds or index ratings that trigger modifications to pupil physical activities during extreme weather conditions, and would require those standardized guidelines to consider relevant factors, including, but not limited to, pupil ages, harmful duration of exposure to extreme weather conditions, overall pupil safety, and available mitigation measures. The bill would authorize the department, in consultation with relevant stakeholders and experts, to use existing resources or frameworks, or both, about temperature thresholds or index ratings that trigger modifications to pupil physical activities during extreme weather conditions to meet those requirements.

The bill would require school districts, county offices of education, and charter schools, on or before July 1, 2026, to develop, adopt, and implement weather protocols for extreme weather conditions, and would require the weather protocols to incorporate the standardized guidelines compiled by the department and to detail the specific measures to be taken during extreme weather conditions, as specified. The bill would require the weather protocols to be annually reviewed, evaluated, and, if necessary, updated to incorporate best practices and address any emerging concerns or challenges, and to reflect changes in weather patterns, advances in safety practices, and feedback from stakeholders. The bill would apply these provisions to physical education classes, sports, and athletic practices and games sponsored by a local educational agency, except for those relating to an interscholastic athletic program administered by the CIF, which the bill would instead require to comply with the established CIF guidelines. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The bill would, commencing July 1, 2026, require the department to provide technical assistance to local educational agencies in the implementation of their weather protocols.

The bill would make the implementation of these provisions subject to an appropriation made for these purposes in the annual Budget Act or another statute.

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) Climate change and extreme weather pose significant risks to the health and safety of pupils participating in physical activities during extreme weather conditions.

(b) It is the intent of the Legislature in enacting this act to establish uniform guidelines and requirements for public schools in order to ensure the protection of pupils from physical activity during extreme weather conditions.

(c) It is the intent of the Legislature that the support provided pursuant to this act be proactive and constructive, aiming to empower schools to fulfill their obligations under the act rather than imposing punitive measures for noncompliance.

SEC. 2. Section 33355 is added to the Education Code, immediately following Section 33354, to read:

33355. (a) (1) On or before January 1, 2026, the department, in consultation with relevant stakeholders and experts, shall compile, and post on the department's internet website, standardized guidelines specifying temperature thresholds or index ratings that trigger modifications to pupil physical activities during extreme weather conditions. The standardized guidelines shall consider relevant factors, including, but not limited to, pupil ages, harmful duration of exposure to extreme weather conditions, overall pupil safety, and available mitigation measures.

(2) The department, in consultation with relevant stakeholders and experts, may use existing resources or frameworks, or both, about temperature thresholds or index ratings that trigger modifications to pupil physical activities during extreme weather conditions to meet the requirements of paragraph (1), including, but not limited to, the State Department of Public Health's Guidance on Sports and Strenuous Activities During Extreme Heat, the National Weather Service's HeatRisk forecast tool, and the guidelines established by the California Interscholastic Federation pursuant to Section 35179.8.

(b) (1) On or before July 1, 2026, each local educational agency shall develop, adopt, and implement weather protocols for extreme weather conditions.

(2) The weather protocols shall incorporate the standardized guidelines compiled by the department pursuant to subdivision (a) and shall detail the specific measures to be taken during extreme weather conditions, including, but not limited to, all of the following:

(A) Clear criteria for determining when weather conditions are considered extreme weather conditions and warrant modification or cessation of outdoor physical activities.

(B) Procedures for monitoring weather forecasts and alerts to anticipate extreme weather conditions.

(C) Protocols for communicating with staff, pupils, and parents or guardians regarding changes to outdoor activities due to extreme weather conditions.

(D) Designation of indoor alternative activities that can be safely conducted during extreme weather conditions.

(E) Training for staff members on recognizing signs of weather-related distress in pupils and appropriate response measures.

(F) Coordination with relevant local agencies and experts to ensure timely access to weather-related information and resources.

(3) The weather protocols shall be annually reviewed, evaluated, and, if necessary, updated to incorporate best practices and address any emerging concerns or challenges, and to reflect changes in weather patterns, advances in safety practices, and feedback from stakeholders.

(c) Commencing January 1, 2026, the department shall provide technical assistance to local educational agencies in the implementation of their weather protocols.

(d) Interscholastic athletic programs administered by the California Interscholastic Federation, including their associated practices and games, shall comply with the guidelines established pursuant to Section 35179.8.

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

(1) "Extreme weather conditions" means occurrences of unusually severe weather conditions, including, but not limited to, periods of extreme heat, excessive precipitation, and floods, that may pose significant harm to pupils.

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

(3) "Physical activity" means physical education classes, sports, and athletic practices and games sponsored by a local educational agency, except for those relating to an interscholastic athletic program administered by the California Interscholastic Federation.

(f) The implementation of this section is subject to an appropriation being made for purposes of this section in the annual Budget Act or another statute.

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.