

File No. 220116

Committee Item No. _____

Board Item No. 43

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: February 1, 2022

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OTHER

- Assembly Bill No. 452 - 2/8/21
- CA State Association of Counties and League of CA Cities Position
- _____
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Prepared by: Jocelyn Wong

Date: January 28, 2022

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 452 (Friedman) - Pupil Safety: Parental
Notification: Firearm Safety Laws]

2
3 **Resolution supporting California State Assembly Bill No. 452, introduced by**
4 **Assembly Member Friedman on February 8, 2021, that would require a school**
5 **district, county office of education, and charter school to inform parents and**
6 **guardians of pupils at the beginning of each semester or quarter of the regular**
7 **school term, and during any new enrollment or transfer, of California’s child**
8 **access prevention laws and laws relating to the safe storage of firearms, as**
9 **specified; and would require the State Department of Education, on or before July**
10 **1, 2023, to develop concise content for the notice regarding those child access**
11 **prevention and safe storage of firearms laws.**

12
13 WHEREAS, Gun violence is a national crisis and disproportionately affects youth
14 and young adults; and

15 WHEREAS, Gun violence is the leading cause of death for children and teens in
16 the United States; and

17 WHEREAS, On average, every year in the United States, nearly 350 children
18 ages 17 and under gain access to a firearm and unintentionally shoot themselves or
19 someone else, and, on average, every year nearly 700 children, 17 and under, die by
20 suicide with a firearm; and

21 WHEREAS, San Francisco is not immune to the national gun violence epidemic,
22 as our communities have seen a dramatic increase in gun violence within the past year;
23 and

24 WHEREAS, Black Americans are disproportionately impacted by gun violence,
25

1 experiencing 10 times the gun homicides, 18 times the gun assault injuries, and nearly
2 3 times the fatal police shootings of white Americans; and

3 WHEREAS, BIPOC children and teens are four times more likely to die from gun
4 violence than their white peers; and

5 WHEREAS, Most school shootings are committed using a firearm a student
6 accessed at home or at the home of a close relative; and

7 WHEREAS, Firearm purchases have increased since the beginning of the
8 COVID-19 pandemic in the United States; and

9 WHEREAS, Evidence strongly suggests that secure firearm storage is an
10 essential component to any effective strategy to keep schools and students safe; and

11 WHEREAS, Research shows that secure firearm storage practices are
12 associated with up to an 85 percent reduction in the risk of unintentional firearm injuries
13 among children and teens; and

14 WHEREAS, San Francisco Police Code, Section 4512, and California Penal
15 Code, Section 25100, require that firearms are securely stored so that minors cannot
16 gain access to them; and

17 WHEREAS, The California State Superintendent has urged school districts to
18 send secure gun storage information to parents and families; and

19 WHEREAS, The San Francisco Youth Commission unanimously called on the
20 San Francisco schools to send home safe storage information; now, therefore, be it

21 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
22 Bill No. 452 (AB 452); which would require a school district, county office of education,
23 and charter school to inform parents and guardians of pupils at the beginning of each
24 semester or quarter of the regular school term and during any new enrollment or
25

1 transfer, of California’s child access prevention laws and laws relating to the safe
2 storage of firearms, as specified; and be it

3 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
4 San Francisco Board of Education to share safe firearm storage information with
5 families at the beginning of each semester or quarter of the regular school term and
6 during any new enrollment or transfer; and be it

7 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby
8 directs the Clerk of the Board of Supervisors to transmit a copy of this Resolution to San
9 Francisco’s State Legislative Delegation, members of the San Francisco Board of
10 Education, and to the City Lobbyist.

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AMENDED IN ASSEMBLY JANUARY 3, 2022

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Friedman

February 8, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as amended, 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 inform parents and guardians of pupils at the beginning of each semester or quarter of the regular school term ~~and during any new enrollment or transfer~~, 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~~ *Education, on or before July 1, 2023, to develop and update as necessary; develop, and subsequently update as provided,* in consultation with the Department of Justice, and ~~annually~~ provide to school districts, county offices of education, and charter schools, and, upon request, to provide to private schools, concise content *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 that content.

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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) Guns are the third leading cause of death for kids in*
- 4 *America. Every day, eight children and teens are shot in instances*
- 5 *of family fire, a shooting involving an improperly stored or misused*
- 6 *gun found in the home resulting in injury or death.*
- 7 *(b) Data shows that 75 percent of school shootings are*
- 8 *facilitated by kids having access to unsecured or unsupervised*
- 9 *guns at home. Eighty-seven percent of kids know where their*
- 10 *parents' guns are kept, and 60 percent report that they have*
- 11 *handled them.*
- 12 *(c) Two children and teens either die or survive a suicide attempt*
- 13 *each day in our country. Over 80 percent of teens who commit*
- 14 *suicide with a gun used one that belonged to someone in their*
- 15 *home.*
- 16 *(d) Unfortunately, the COVID-19 pandemic only exacerbated*
- 17 *this problem. Online distance learning resulted in schoolage*
- 18 *children spending longer periods of unsupervised time at home*

1 *while experiencing increased levels of social isolation and*
2 *depression, with no access to the critical mental health services*
3 *available in person at their schools. This all resulted in escalating*
4 *suicide and accidental deaths caused by firearms found in the*
5 *home.*

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

9 **SECTION 1.**

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

11 48986. (a) (1) In addition to the notification required pursuant
12 to Section 48980, a local educational agency shall inform, through
13 a notice in the manner prescribed in this section, the parents or
14 guardians of each enrolled pupil of California's child access
15 prevention laws and laws relating to the safe storage of firearms,
16 including, but not limited to, Division 4 (commencing with Section
17 25000) of Title 4 of Part 6 of the Penal Code.

18 (2) The notice shall be provided at the beginning of each
19 semester or quarter of the regular school term ~~and upon a new~~
20 ~~pupil's initial enrollment or transfer into the school.~~ *term.*

21 ~~(3) A pupil is enrolled for purposes of paragraph (1) if the pupil~~
22 ~~is engaged in or authorized for in-person instruction or, because~~
23 ~~of the COVID-19 pandemic or another reason, for distance learning~~
24 ~~or a mix of in-person and distance learning.~~

25 (b) The notice described in subdivision (a) shall be made using
26 any of the methods described in Section 48981 that apply.

27 ~~(c) The~~ *(1) On or before July 1, 2023, the department shall*
28 ~~develop and update as necessary, develop,~~ in consultation with the
29 Department of Justice, concise content for the notice described in
30 subdivision (a). ~~The~~

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

35 *(3) The department shall share that the content developed and*
36 *updated pursuant to paragraphs (1) and (2) in both of the*
37 *following manners:*

38 ~~(1) Annually, with~~

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

1 ~~(2)~~

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

4 ~~(d) A local educational agency, a private school, and the~~
5 ~~department are immune from civil liability for any damages~~
6 ~~allegedly caused by, arising out of, or relating to the content~~
7 ~~described in this section.~~

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

9 ~~(1) “Distance learning” means instruction in which the pupil~~
10 ~~and instructor are in different locations and pupils are under the~~
11 ~~general supervision of a certificated employee of the local~~
12 ~~educational agency.~~

13 ~~(2) “In-person instruction” means instruction under the~~
14 ~~immediate physical supervision and control of a certificated~~
15 ~~employee of the local educational agency while engaged in~~
16 ~~educational activities required of the pupil.~~

17 ~~(3)~~

18 ~~(1) “Local educational agency” means a school district, county~~
19 ~~office of education, or charter school.~~

20 ~~(4)~~

21 ~~(2) “Private school” means a person, firm, association,~~
22 ~~partnership, or corporation offering or conducting private school~~
23 ~~instruction in the state.~~

24 ~~(5)~~

25 ~~(3) “Private school instruction” means instruction at the~~
26 ~~elementary or high school level for one or more pupils who are 6~~
27 ~~to 18 years of age, inclusive. Private school instruction includes,~~
28 ~~but is not limited to, instruction by conventional or traditional~~
29 ~~private schools, private school satellite programs, private online~~
30 ~~or virtual schools, parents, guardians, or other individuals who~~
31 ~~operate a private home school, and certified nonpublic nonsectarian~~
32 ~~schools.~~

33 ~~SEC. 2.~~

34 ~~SEC. 3. If the Commission on State Mandates determines that~~
35 ~~this act contains costs mandated by the state, reimbursement to~~
36 ~~local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

O

From: [Abraham, Emily \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [Stefani, Catherine \(BOS\)](#)
Subject: Re: District 2 Introduced Resolutions 1/25
Date: Wednesday, January 26, 2022 10:26:43 AM
Attachments: [image001.png](#)
[20210AB1594_99.pdf](#)
[20210AB452_97.pdf](#)

Jocelyn,

Please see attached for the PDF copies of the bills. League of Cities has a 'watch' position on both bills and CA State Association of Counties has not taken a position.

Thank you,
Emily

Emily Abraham
District 2 Supervisor Stefani
Legislative Aide

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only