

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.