

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1290

Introduced by Senator Kehoe

February 19, 2010

An act to ~~amend Section 8685.9 of the Government Code~~ *add Section 51223.3 to the Education Code*, relating to ~~disaster assistance~~ *physical education*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1290, as amended, Kehoe. ~~Disaster assistance: certification.~~
Physical education: self-defense and safety instruction.

Existing law requires that all pupils in grades 7 to 12, inclusive, except those excused or exempted pursuant to a prescribed provisions of law, attend physical education courses for a total period of time of not less than 400 minutes each 10 schooldays. Pursuant to its authority to issue program guidelines to serve as models or examples, the State Board of Education has adopted physical education model content standards for California public schools.

This bill would require the State Board of Education to include self-defense instruction, as defined, and safety instruction, as defined, in the physical education model content standards.

~~Existing law, the California Disaster Assistance Act, limits the state share for any eligible project to no more than 75% of total state eligible costs, except that the state share may be up to 100% for costs connected with certain events only if the local agency has adopted a local hazard mitigation plan in accordance with specified federal law.~~

~~This bill would additionally require, in response to a fire disaster, a local agency, as defined, on or after January 1, 2012, to choose whether or not to obtain and pay the actual costs for a certification by the Director~~

of Forestry and Fire Prevention to be eligible to receive a percentage for a state share in excess of 75%. This bill would require the Director of Forestry and Fire Prevention to specify the possible percentage a local agency may receive in excess of the 75% based upon certain criteria and regulations to be promulgated by the director on or before July 1, 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 51223.3 is added to the Education Code,
 2 to read:

3 51223.3. (a) The State Board of Education shall include
 4 self-defense instruction and safety instruction in the physical
 5 education model content standards for pupils in grades 7 to 12,
 6 inclusive. Self-defense training shall be incorporated into grade
 7 9 or high school physical education course 1 standards.

8 (b) As used in this section:

9 (1) "Safety instruction" includes, but is not necessarily limited
 10 to, awareness and avoidance of potentially dangerous situations.

11 (2) "Self-defense instruction" includes, but is not necessarily
 12 limited to, martial arts, boxing, and other defensive techniques.

13 SECTION 1. ~~Section 8685.9 of the Government Code is~~
 14 ~~amended to read:~~

15 ~~8685.9. (a) Notwithstanding any other provision of law,~~
 16 ~~including Section 8686, for any eligible project, the state share~~
 17 ~~shall not exceed 75 percent of total state eligible costs unless the~~
 18 ~~local agency is located within a city, county, or city and county~~
 19 ~~that has adopted a local hazard mitigation plan in accordance with~~
 20 ~~the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part~~
 21 ~~of the safety element of its general plan adopted pursuant to~~
 22 ~~subdivision (g) of Section 65302. In that situation, the Legislature~~
 23 ~~may provide for a state share of local costs that exceeds 75 percent~~
 24 ~~of total state eligible costs.~~

25 ~~(b) (1) Notwithstanding any other provision of law, for any~~
 26 ~~eligible project that is in response to a fire disaster, and including~~
 27 ~~the requirements of subdivision (a), the state share shall not exceed~~
 28 ~~75 percent of total state eligible costs unless the local agency~~
 29 ~~chooses to obtain a certification by the Director of Forestry and~~

1 ~~Fire Prevention that the local agency was in compliance with all~~
2 ~~of the following requirements at the time of the fire disaster:~~

3 ~~(A) The local agency had at least one of the following for each~~
4 ~~state responsibility area within its jurisdiction:~~

5 ~~(i) Its own structural fire protection services.~~

6 ~~(ii) A contract providing structural fire protection services by~~
7 ~~the Department of Forestry and Fire Protection that requires all~~
8 ~~state costs to provide structural fire protection be included in the~~
9 ~~contract, including, but not limited to, salaries and wages, benefits,~~
10 ~~retirement, distributed administrative costs, workers' compensation,~~
11 ~~equipment, and costs associated with entering into the contract.~~

12 ~~(iii) Structural fire protection services from another local agency.~~

13 ~~(B) The local agency was in compliance with Chapter 6.8~~
14 ~~(commencing with Section 51175) of Part 1 of Division 1 of Title~~
15 ~~5.~~

16 ~~(C) If a local agency had land designated as a very high fire~~
17 ~~hazard severity zone or state responsibility area within its~~
18 ~~jurisdiction, the local agency had a fire risk reduction public~~
19 ~~education program that may include, but not be limited to,~~
20 ~~recommendations for ignition-resistant landscaping, creating and~~
21 ~~maintaining defensible space around homes and other structures,~~
22 ~~and ignition-resistant construction principles.~~

23 ~~(2) (A) A certification by the Director of Forestry and Fire~~
24 ~~Prevention shall include the specific percentage for the possible~~
25 ~~state share in excess of 75 percent based on the quality of~~
26 ~~compliance with all of the requirements of paragraph (1).~~

27 ~~(B) If the Director of Forestry and Fire Prevention is unable to~~
28 ~~complete an evaluation of a local agency's compliance with the~~
29 ~~requirements of paragraph (1) for any reason other than the failure~~
30 ~~of the local agency to provide necessary information in a timely~~
31 ~~manner, then the local agency is deemed to be in compliance with~~
32 ~~all of the requirements of paragraph (1) and certified for 100~~
33 ~~percent of the possible state share.~~

34 ~~(3) The Director of Forestry and Fire Prevention shall adopt~~
35 ~~regulations on or before July 1, 2011, to specify the standards for~~
36 ~~meeting the requirements of this subdivision that result in the~~
37 ~~certification of a percentage for the possible state share in excess~~
38 ~~of 75 percent. The regulations shall specify objective criteria for~~
39 ~~determining a local agency's compliance with this subdivision.~~
40 ~~The regulations shall set forth an administrative appeals process~~

1 for a local agency to challenge the certification or denial of
2 certification by the Director of Forestry and Fire Prevention.

3 ~~(4) Paragraphs (1) and (2) shall apply to any local agency on or~~
4 ~~after January 1, 2012.~~

5 (5) For purposes of this subdivision, the following definitions
6 shall apply:

7 (A) ~~“Local agency” means any city, city and county, county,~~
8 ~~county office of education, community college district, school~~
9 ~~district, special district, or other political subdivision of the state.~~

10 (B) ~~“Structural fire protection services” means the protection~~
11 ~~of homes or other structures from fire.~~

12 ~~(6) If a local agency chooses to obtain a certification under this~~
13 ~~subdivision, the local agency shall pay to the Department of~~
14 ~~Forestry and Fire Prevention all actual costs for the Director of~~
15 ~~Forestry and Fire Prevention to issue the certification from any~~
16 ~~disaster assistance funds provided by the state that are related to~~
17 ~~the fire disaster for which the local agency sought certification.~~

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20 CORRECTIONS:

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