

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1076

Introduced by Assembly Member Olsen

February 22, 2013

An act to add Article ~~4.5~~ 4.2 (commencing with Section ~~32247~~ 32246) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1076, as amended, Olsen. School safety: panic buttons.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop a comprehensive school safety plan relevant to the needs and resources of the particular school.

This bill would, if federal funding becomes available for those purposes, ~~require~~ *authorize* the governing board of each school district and each county superintendent of schools to equip the interior of each classroom, cafeteria, theater, gym, and other regularly used space, except a parking lot, in a school serving pupils in kindergarten or any of grades 1 to 12, inclusive, with a panic button, as described.

The Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons.

This bill would specify that a school district that complies with the provisions specified above and maintains the functionality of the panic

button shall be immune from liability if the panic button fails to activate due to circumstances beyond the school district’s control.

~~To the extent that the bill would impose additional duties on school districts, the bill would impose a state-mandated local program.~~

~~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 these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.

State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. ~~Article 4.5 4.2 (commencing with Section 32247)~~
2 ~~32246)~~ is added to Chapter 2 of Part 19 of Division 1 of Title 1 of
3 the Education Code, to read:

4
5 Article ~~4.5:4.2~~. Panic Buttons

6
7 ~~32247.~~
8 ~~32246.~~ If federal funding becomes available for the purposes
9 of this article, the governing board of each school district and each
10 county superintendent of schools ~~shall~~ *may* equip the interior of
11 each classroom, cafeteria, theater, gym, and any other regularly
12 used space, except a parking lot, in a public school serving pupils
13 in kindergarten or any of grades 1 to 12, inclusive, with a panic
14 button to be used to alert local law enforcement in the event of a
15 violent incident.

16 ~~32247.1.~~
17 ~~32246.1.~~ Notwithstanding any other law, a school district that
18 complies with this ~~section~~ *article* and maintains the functionality
19 of the panic button shall be immune from liability if the panic
20 button fails to activate due to circumstances beyond the school
21 district’s control.

1 ~~32247.2.~~

2 32246.2. For purposes of this article, a panic button is a device
3 that alerts local law enforcement to arrive on scene, and that sends
4 out a public alarm throughout the school when pressed.

5 ~~SEC. 2. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~

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