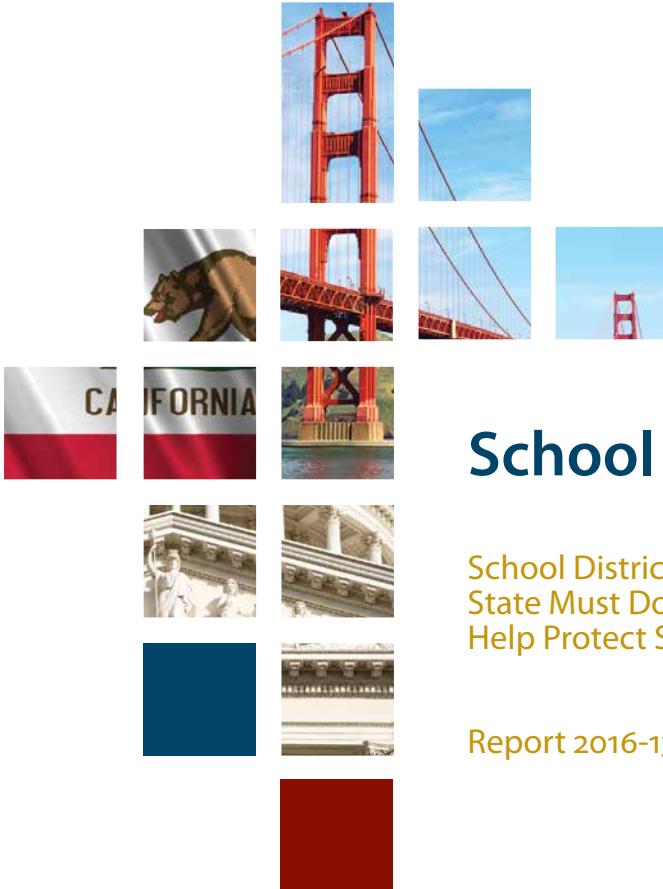




August 2017



School Violence Prevention

School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies

Report 2016-136

COMMITMENT
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August 31, 2017

2016-136

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning kindergarten through grade 12 schools' readiness to respond to emergencies, especially active shooter threats and incidents in and around school sites.

This report concludes improvements need to be made to comprehensive school safety plans (safety plans) to ensure students and staff are kept safe, including during active shooter incidents. Safety plans are a collection of procedures that schools use in the event of emergencies and to promote a safe learning environment. Although not required by state law, some public school districts (districts) and county offices of education (county offices) have embraced practices for responding to violent incidents. However, our analysis found that many districts and county offices do not require schools to include these procedures in their safety plans, which precludes these procedures from being vetted and communicated through the established safety plan development process.

In addition, our review of safety plans from three districts and three county offices found that plans were missing required procedures used for responding to other emergencies, such as earthquakes, and lacked policies intended to foster a safe learning environment. Specifically, safety plans for schools in the Kern, Placer, and San Bernardino county offices, and the San Bernardino City Unified School District (San Bernardino City Unified) lacked numerous elements, including policies for notifying teachers of dangerous pupils and creating disaster response procedures for pupils with disabilities. Failures by schools to create safety plans that include these and other elements required by state law increase the risk that they will not be prepared to respond to emergencies or help ensure that the schools foster an environment where students can safely learn.

Further, we found that districts, county offices, and state agencies have provided schools with weak oversight, resulting in an environment ripe for inadequate emergency responses that may put students and staff at risk. Our review found that the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified failed to properly monitor schools to ensure that they submitted safety plans and that those plans contained all the elements required by state law. Further, we found that the California Department of Education (CDE) and the California Department of Justice are not providing sufficient guidance to districts or county offices related to ensuring their schools comply with safety plan requirements. Although CDE has provided some guidance to districts and county offices related to safety plans, districts and county offices we reviewed stated that they had not received any information from CDE, or wanted CDE to provide additional resources such as training.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Selected Abbreviations Used in This Report

CDE	California Department of Education
DHS	U.S. Department of Homeland Security
DOJ	California Department of Justice
EAAP	Education Audit Appeals Panel
FBI	Federal Bureau of Investigation
SCO	State Controller's Office

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SUMMARY

Results in Brief

Recent active shooter incidents in and around school sites have underscored the importance of procedures for responding to such events. Our review of data obtained from the Federal Bureau of Investigation found that active shooter incidents became more common between 2000 and 2015, and that kindergarten through grade 12 facilities and institutions of higher education have been the second most common location for those shootings to occur, both nationally and within California. Further, our survey of public school districts (districts) and county offices of education (county offices) in California suggests that the number of active shooter threats and incidents in and around the State's schools has increased since academic year 2012–13. However, state law does not require schools to include procedures for responding to active shooter events in their comprehensive school safety plans (safety plans), a collection of procedures schools use in the event of emergencies and to promote a safe learning environment.

State law could improve safety plans by requiring that they include procedures for responding to violent incidents, such as active shooters. Although not required to do so by state law, some districts and county offices have embraced practices for responding to violent incidents similar to practices advocated by the U.S. Department of Homeland Security and other state and federal agencies. For example, many of the safety plans we reviewed included a procedure known as a *lockdown*, a process whereby students and staff shelter in the nearest building or classroom and secure all interior doors. However, 14 percent of our statewide survey respondents indicated that they do not require that safety plans include a lockdown procedure or other procedures that specifically address active shooter incidents. We believe requiring these procedures in all safety plans, and bolstering those requirements with training and periodic drills, could help save lives in the event of a violent incident.

We examined 29 safety plans from three districts and three county offices for the presence of 20 key policies and procedures state law requires and found that plans from four of the six districts and county offices were missing some of the policies and procedures to keep students and staff safe. Specifically, safety plans we reviewed from the Kern, Placer, and San Bernardino county offices, as well as from the San Bernardino City Unified School District (San Bernardino City Unified), omitted important elements for fostering a safe learning environment. For example, 14 of the 16 safety plans we reviewed for schools at these four entities lacked procedures to notify teachers of dangerous pupils in their classes.

Audit Highlights ...

Our audit concerning K–12 schools' readiness to respond to emergencies, especially active shooter threats and incidents in and around school sites, revealed the following:

- » *State law does not require schools to include procedures for responding to active shooter incidents in their comprehensive school safety plans.*
- » *Some districts and county offices have embraced practices for responding to violent incidents, such as including lockdown procedures in their safety plans.*
- » *Safety plans from four of the six districts and county offices that we reviewed were missing key policies and procedures to keep students and staff safe.*
- » *Some districts and county offices are failing to monitor schools appropriately to ensure that they have procedures in place to properly respond to emergencies.*
- » *CDE and DOJ failed to adequately provide safety plan training and guidance to districts and county offices.*
- » *CDE has never conducted any oversight activities, such as audits, to ensure that districts and county offices are appropriately approving safety plans their schools submit.*
- » *Other districts could benefit from the best practices we identified, such as distributing emergency procedure templates to all schools and using a document-tracking system to verify safety plan submissions and approvals.*

Further, safety plans we reviewed from these four entities lacked some procedures for responding to emergencies. The omission of these elements from safety plans increases the risk that the schools will be unprepared to respond to emergencies, or that the schools will fail to foster an environment where students can safely learn.

Moreover, San Bernardino City Unified told us that a number of its schools may be operating wholly without safety plans.

In addition, we found that some districts and county offices have not provided schools with sufficient oversight, which could lead to inadequate emergency responses that are based on insufficient or absent safety plans. State law requires all districts and county offices to review safety plans by March 1 each year. However, our evaluation found that the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified failed to properly monitor their schools to ensure that they submitted safety plans and that the plans contained all the elements state law requires. For example, San Bernardino City Unified has not formally approved a safety plan in the last five years, and during 2017, 15 of 73 schools required to submit safety plans to the district failed to do so. Similarly, the Kern county office had only one safety plan for all of the community schools it oversees, even though state law requires county offices to oversee the development and submission of safety plans by their individual school sites. These districts and county offices are failing to monitor schools appropriately to ensure that they have procedures in place to operate in a safe manner. This lack of oversight may put students and staff at risk, because they may not know how to properly respond to an emergency.

Further, we found that the California Department of Education (CDE) is not providing sufficient guidance to districts or county offices to help them ensure that their schools comply with safety plan requirements. Although CDE has provided some guidance to districts and county offices related to safety plans, given the number of errors we identified in our review and the responses we received to our interview and survey questions, its guidance appears to be insufficient. The Kern county office and San Bernardino City Unified explained that they were unaware of CDE's guidance, either because that guidance had not made it to the correct employee or because CDE sends numerous letters throughout the year. Thus, these letters may have been overlooked. The Kern and San Bernardino county offices noted that their noncompliance stems from a lack of understanding of the state law.

In addition, CDE and the California Department of Justice (DOJ) failed to maintain the activities of the school–law enforcement partnership (partnership). Established by state law, this partnership requires CDE and DOJ to provide safety plan training and guidance to districts and county offices, including holding regional conferences

and conducting assessments. Even though only two of the partnership's activities were contingent upon appropriations from the Legislature, CDE and DOJ staff stated that they ceased conducting these functions due to budget cuts. Because neither entity actively participates in the partnership, none of these important activities have taken place in recent years.

Moreover, CDE has never conducted any oversight activities, such as audits, to ensure that districts and county offices are appropriately approving safety plans that their schools submit. State law requires county offices and districts to notify CDE annually of schools that have failed to comply with safety plan requirements. However, CDE stated that it has not received one notification of noncompliance since the Legislature implemented the requirement in 1997. If CDE had conducted a survey or audit similar to the work we performed for this report, it would have found that districts' and county offices' schools were failing to submit safety plans. Until the State takes steps to increase oversight of districts' and county offices' compliance with state laws related to safety plans, it will not know whether these entities need to do more to safeguard students and staff at California's schools.

We also found that some districts and county offices have processes in place to help ensure that schools include the required elements in their safety plans and submit the plans to them for approval. For example, our review of safety plans at Rocklin Unified School District found that its safety plans largely complied with state law. Other districts and county offices could benefit from the best practices we identified, such as distributing emergency procedure templates to all schools in the district and using a document-tracking system to verify that all safety plan submissions and approvals occur in a timely manner.

Selected Recommendations

To ensure that students and staff are prepared to respond to violent incidents on or near school sites, the Legislature should require that safety plans include procedures, such as lockdowns, recommended by federal and state agencies.

To ensure that districts and county offices are complying with state law each year, the Legislature should require CDE to conduct an annual statewide survey to determine whether schools have submitted plans, and to verify that the plans have been reviewed and approved by their respective district or county office. The Legislature should also require CDE to issue an annual report detailing the survey's results.

To ensure that districts and county offices properly review and approve safety plans as required, CDE should provide additional guidance regarding district and county office responsibilities under state law.

To ensure that districts, county offices, and schools receive guidance on a variety of safety issues, CDE and DOJ should resume their partnership activities, as required by state law.

To ensure that their schools' safety plans comply with state law and are submitted and approved on or before March 1 each year, the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified should implement procedures to monitor and approve their schools' safety plans. The procedures should include the use of electronic document-tracking services and safety plan templates.

Agency Comments

CDE disagreed with our recommendation to provide additional guidance to districts and county offices regarding building disaster plans, but stated it would update and correct its safety plan compliance checklist and initiate meetings in 2017 with the DOJ to explore the possibility of resuming the partnership's activities. DOJ also stated that it will work with CDE to identify the resources needed to resume the partnership's activities.

The Kern, Placer, and San Bernardino county offices and San Bernardino City Unified disagreed with some of our findings, particularly related to the elements missing from their respective safety plans. In addition, the Kern county office considered its community schools to fall within the small schools exception in state law, and thus claimed it was not required to review and approve safety plans for each of its school sites. Related to its court schools, the Kern county office stated that because its court schools were under the primary supervision of the county's probation department, the court schools' safety plans did not need to include all policies and procedures required by state law. Similar to Kern county's assertion, the San Bernardino county office believed that its schools fell within the small school district exception in state law. The Placer county office believed that some procedures we identified as missing in its schools' safety plans were available elsewhere. San Bernardino City Unified believed it had accomplished the results envisioned under the safety plan legislation by focusing on training and drills. Despite their disagreements with certain audit findings, the Kern, Placer, and San Bernardino county offices and San Bernardino City Unified all agreed to improve their review and approval processes concerning safety plans. The Rocklin and Taft districts did not provide a response to the audit.

INTRODUCTION

Background

The California Constitution guarantees California children the right to attend public schools that are safe, secure, and peaceful. The educational institutions of California, such as the California Department of Education (CDE), public school districts (districts), county offices of education (county offices), and the schools themselves are responsible for creating safe and secure learning environments. To keep children safe, schools must be prepared to respond to a range of challenges, including natural disasters, such as earthquakes. Further, some schools have procedures for dealing with man-made hazards, such as bomb threats and chemical spills and behavior issues, such as bullying. Recent events have highlighted the challenges schools face preparing for and responding to incidents of school violence, including active shootings.

School-Based Violence and Active Shooter Incidents Are on the Rise

The results of a statewide survey of districts and county offices conducted as part of this audit suggest that the frequency of active shooter threats and incidents in and around California schools is increasing.¹ We surveyed 983 districts and county offices regarding active shooter threats and incidents at their schools and received 348 completed responses—a response rate of 35 percent. The survey responses indicate that the number of active shooter threats and incidents has increased since academic year 2012–13, as shown in Table 1 on the following page.

Further, two studies undertaken by the Federal Bureau of Investigation (FBI) showed that active shooter incidents are becoming more frequent in the United States. As shown in Figure 1 on page 7, the frequency of active shootings increased from 2000 through 2015. In addition, the FBI's examination of 200 active shootings in the United States from 2000 to 2015 found that kindergarten through grade 12 (K–12) facilities and institutions of higher education were the second most common location of active shootings, both in the United States and in California, as shown in Figure 2 on page 8. Of the 200 active shootings in the United States during that time period, 45 took place in K–12 facilities and institutions of higher education. In California, there were 22 active shootings from 2000 through 2015, six of which occurred at K–12 facilities or institutions of higher education. Of the 45 active shootings in K–12 facilities or institutions of higher education in the United States that the FBI documented, 18 (40 percent) took place

¹ The FBI defines an *active shooter* as one or more individuals actively engaged in killing or attempting to kill people in a populated area. Implicit in this definition is that the subjects' criminal actions involve the use of firearms.

during the first half of the study's time period (2000–2007), while 27 (60 percent) took place during the second half (2008–2015). Of the six such shootings in California, two (33 percent) took place during the first half of the study's time period and four (67 percent) took place during the second half. These results are consistent with the trends seen in our survey data and, taken together, suggest that active shootings in schools nationwide and in California are on the rise.

Table 1
California Districts and County Offices Reported Increased Active Shooter Threats and Incidents Over the Last Five Academic Years

<i>Districts</i>	FISCAL YEAR				
	2012–13	2013–14	2014–15	2015–16	2016–17
THREATS	9	9	15	29	27
INCIDENTS	2	1	0	3	3
<i>County Offices</i>					
THREATS	11	11	16	17	11
INCIDENTS	1	0	0	3	1
<i>Totals</i>	23	21	31	52	42

Sources: A survey by the California State Auditor sent to 983 districts and county offices conducted from March to April 2017, with 348 entities responding, and unaudited data from Los Angeles Unified School District's iSTAR database.

Note 1: We conducted the survey before the end of the school year. Thus, data are as of April 2017 and do not reflect the full school year.

Note 2: For the purposes of this survey, we defined an *active shooter incident* as an event in which one or more individuals were actively engaged in harming or attempting to harm people on or near school grounds. We defined an *active shooter threat* as a real or perceived threat that an active shooter incident will occur.

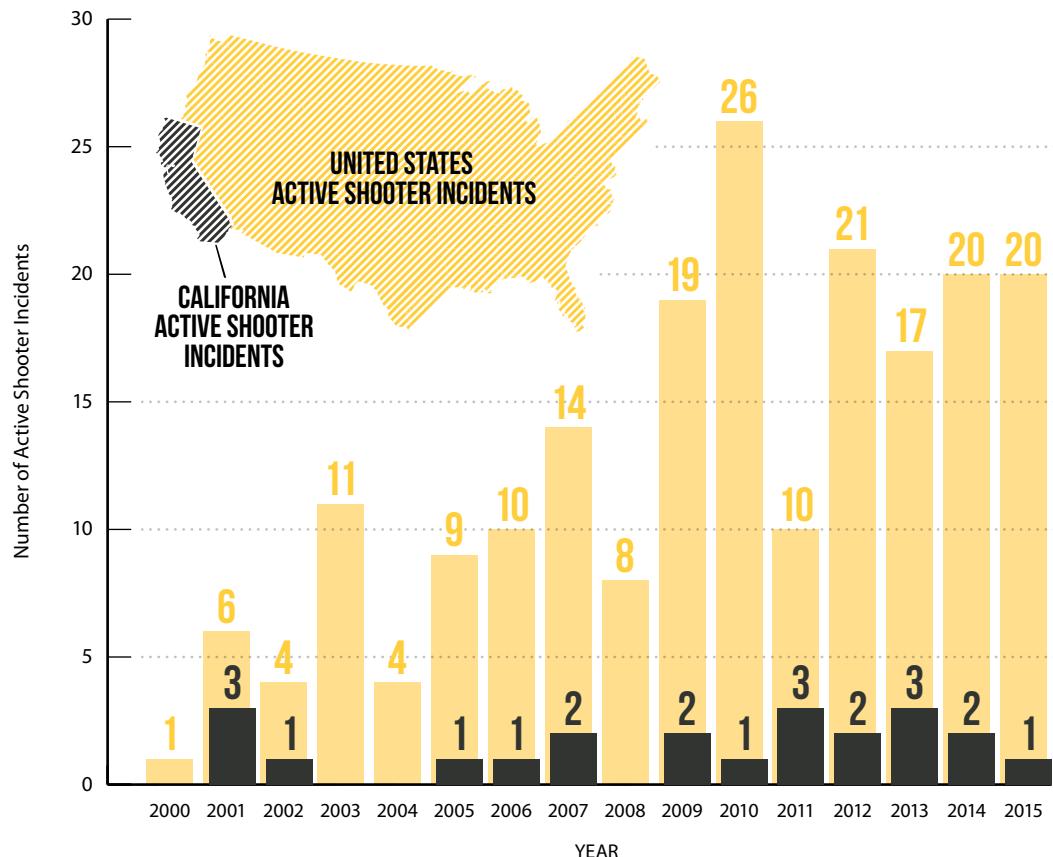
School Safety Plans Are a Key Component of School Safety

Comprehensive school safety plans (safety plans) are a key component of school safety and are required by state law. Safety plans are a collection of procedures for schools to use in the event of an emergency, as well as policies to promote a safe learning environment, including procedures for notifying teachers of potentially dangerous students. In 1985 the Legislature enacted the Interagency School Safety Demonstration Act of 1985 (school safety act) to address school safety concerns. State law specifies that each district and county office is responsible for the overall development of all safety plans for its schools that operate kindergarten or any grades 1 through 12, inclusive.² The Legislature enacted the school safety act to support the development, through a systematic planning process, of safety

² Small districts with 2,501 or fewer students may choose to meet this requirement by developing a districtwide comprehensive safety plan that is applicable to each school site.

Figure 1

Frequency of Active Shooter Incidents in the United States Has Increased Over Time



Source: California State Auditor's analysis of data from the FBI's *Study of Active Shooter Incidents* in the United States, 2000–2015.

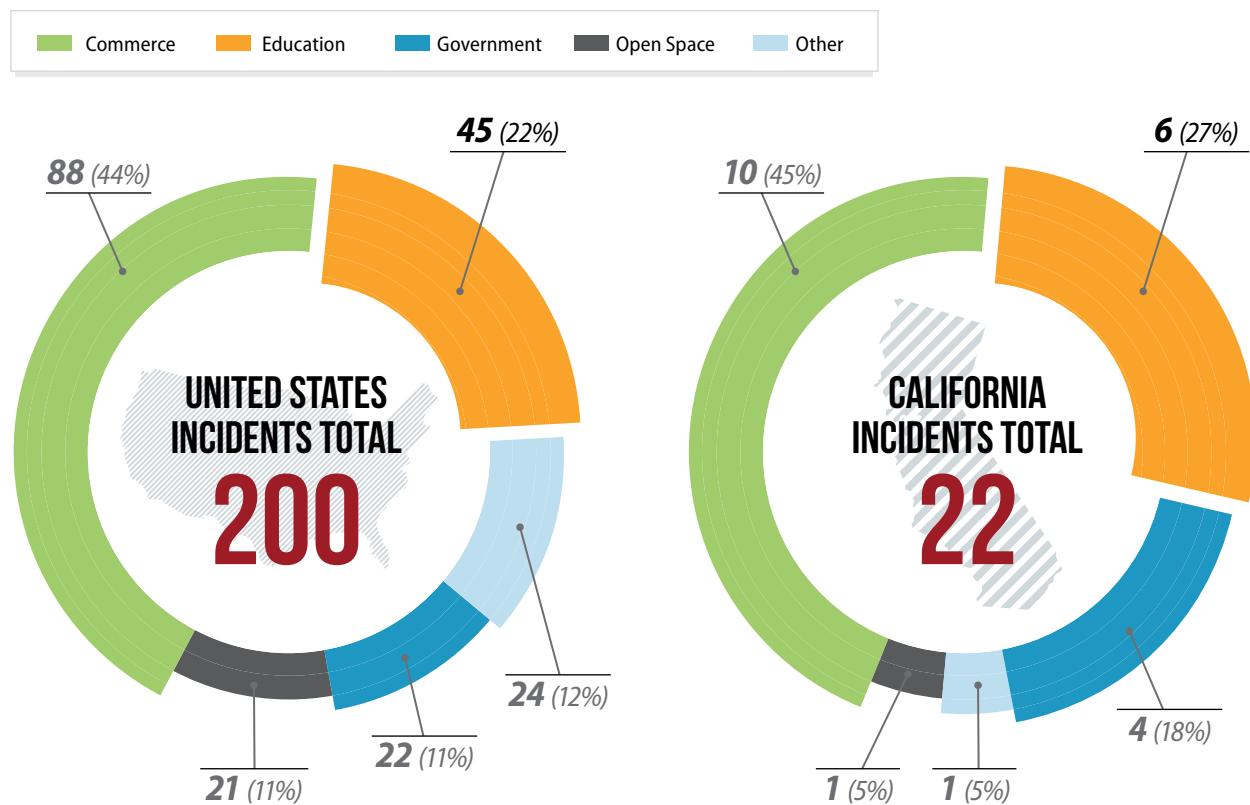
plans that include strategies aimed at the prevention of crime and violence on school campuses. The school safety act lists specific requirements that the safety plans must contain as well as optional components schools may include at their discretion.

For example, required items include policies and procedures for the following:

- Policies relating to discrimination and harassment.
- Procedures for notifying teachers of dangerous pupils.
- Procedures for preparing for and responding to disasters, such as earthquakes.
- Procedures for coordinating with local emergency response agencies.

Figure 2

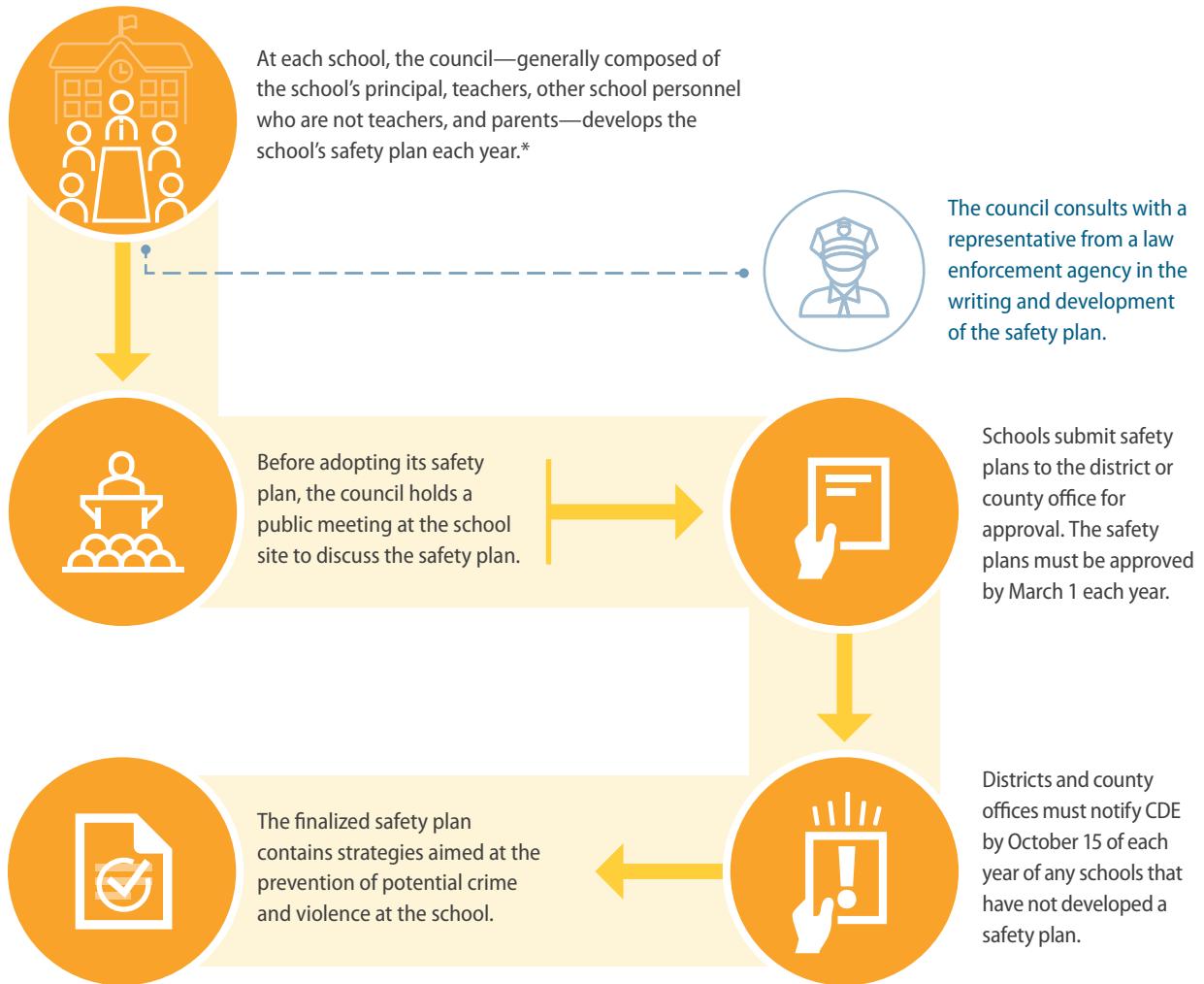
K–12 Schools and Institutes of Higher Education Are the Second Most Common Location for Active Shooting Incidents



Source: California State Auditor's analysis of data from the FBI's *Study of Active Shooter Incidents* in the United States, 2000–2015.

State law does not require charter schools to have safety plans, but charter school petitions must include procedures the charter school will follow to ensure the health and safety of pupils and staff. CDE guidance states that safety is central to the daily operation of a school, and that school safety starts with the development of a comprehensive school safety plan. Schools with comprehensive safety plans that include all the required elements may provide a safer environment for students and staff and make them better prepared to respond effectively in the event of an emergency.

Districts and county offices are legally responsible for ensuring that the schools they supervise develop adequate safety plans in a specific manner. As shown in Figure 3, at each school the school site council (council)—comprising at a minimum the school's principal or the principal's designee, a teacher, a parent of a child who attends the school, and a school employee who is not a teacher—develops

Figure 3**State Law Requires Public Schools to Follow a Multistep Process to Develop a Safety Plan**

Source: Education Code.

* The council may also delegate the responsibility of developing a safety plan to a school safety planning committee (committee) generally composed of the same members. Districts with fewer than 2,501 average daily attendance are considered small districts and only need to develop a districtwide safety plan that is applicable to each school site.

the school's safety plan.³ State law also requires the council to consult with a representative from a law enforcement agency when writing and developing the safety plan. After adopting a safety plan, each school must submit its plan to its respective district or county office for approval. Districts and county offices must approve their schools' safety plans by March 1 each year. Although each school develops its own safety plan, the school safety act makes clear that the districts and county offices are responsible for the overall

³ The school may also designate the responsibility for developing and writing its safety plan to a committee.

development of safety plans for all the schools they supervise. State law requires districts and county offices to notify CDE by October 15 each year of any schools that have not developed a safety plan and requires CDE to fine districts and county offices up to \$2,000 for willful failure to report those schools without a safety plan.

State law does not require that safety plans include procedures for responding to active shooters in and around school sites. However, schools have discretion to include a variety of optional items related to school violence in their safety plans. For example, schools may coordinate with local law enforcement officials to develop tactical response plans to respond to criminal incidents that may result in death or serious bodily injury at the school site. Some schools' safety plans include procedures for responding to active shooters, such as locking down all classrooms to prevent unauthorized entry. The Sandy Hook Advisory Commission, a group established after the active shooting at Sandy Hook Elementary in Connecticut in 2012, recommended that schools implement specific procedures for responding to violent events. For example, it recommended the implementation of perimeter lockout procedures to lock all exterior doors and gates, as well as interior lockdown procedures during which all the interior doors throughout the school site are locked while students and teachers shelter in their classrooms as a means of preventing or delaying an intruder from entering these areas.

During the 2015–16 Regular Session, Assembly Bill 58 (AB 58) proposed changes to state law that would have required schools to incorporate procedures for responding to active shooters into their safety plans. AB 58 would also have increased oversight on districts and county offices by requiring superintendents to provide written notification to CDE certifying that each school within their jurisdiction had complied with the requirement to adopt a safety plan. Analysis of the bill indicated potentially significant reimbursable costs to districts and county offices for these activities. An analysis prepared for the Senate Appropriations Committee found that if the Commission on State Mandates determined AB 58 to be a mandate, it could create pressure to increase state funding for the K–12 Mandate Block Grant to reflect its inclusion. Although the Assembly approved AB 58, the Senate Appropriations Committee referred it to the suspense file, where no further action was taken.

Scope and Methodology

The Joint Legislative Audit Committee (Audit Committee) directed the California State Auditor to perform an audit to examine K–12 schools' readiness to prevent, identify, and respond to school-based violence, particularly active shooter threats and incidents in and around school campuses. Table 2 outlines the Audit Committee's objectives and our methods for addressing them.

Table 2
Audit Objectives and the Methods Used to Address Them

AUDIT OBJECTIVE	METHOD
1 Review and evaluate the laws, rules, and regulations significant to the audit objectives.	<ul style="list-style-type: none"> Reviewed the laws related to protecting students and staff from violent events at schools. Reviewed and documented the laws related to safety plans. Reviewed laws related to CDE monitoring and guidance requirements.
2 Determine the type and level of guidance CDE has provided to K-12 schools, charter schools, districts, and county offices related to ensuring the safety of students and staff on campus, including guidance related to active shooters or assailants.	<ul style="list-style-type: none"> Identified the guidance the Legislature requires CDE to provide related to the safety of students and staff on campus, including guidance related to active shooters, and obtained evidence of that guidance. Interviewed CDE and California Department of Justice (DOJ) personnel to determine whether they complied with requirements related to the school–law enforcement partnership (partnership). Determined partnership funding for fiscal years 2000–01 through 2015–16.
3 Evaluate and assess how CDE monitors districts' and county offices' compliance with state laws, regulations, and guidelines related to preventing, identifying, and responding to school-based violence or ensuring the safety of students and staff on campus.	Reviewed CDE's oversight role related to school safety and determined whether it was complying with those requirements.
4 Determine the number of districts and county offices that have reported school noncompliance with state law regarding the submission of safety plans to CDE. In addition, evaluate CDE's response to such notifications.	Determined whether CDE had received reports of noncompliance from districts or county offices and whether our selected districts and county offices reported noncompliance to CDE.
5 To the extent possible, determine the number of active shooter threats or incidents that have occurred in and around K-12 schools statewide.	<ul style="list-style-type: none"> Reviewed information on active shooters obtained from the FBI. Surveyed 983 districts and county offices about school violence, active shooter incidents, and safety plans.
6 For a selection of schools, districts, county offices, and charter schools, including at least one small district and one district located in San Bernardino County, determine the following:	<ul style="list-style-type: none"> Selected San Bernardino City Unified School District (San Bernardino City Unified), Taft Union High School District (Taft), Rocklin Unified School District (Rocklin), and the Kern, Placer, and San Bernardino county offices for review based on a variety of factors, including prior history of active shooter incidents and geography.
a. Whether schools, districts, county offices, and charter schools are complying with laws requiring the development and submission of a comprehensive safety plan.	<ul style="list-style-type: none"> Determined whether a selection of schools at each district and county office had submitted an updated safety plan for 2017 and whether the schools submitted plans by the March 1 deadline. Determined whether each district and county office had approved the plans for a selection of schools by March 1, 2017. For a selection of schools, determined whether the district retained a copy of approved safety plans for the last five years. Determined whether the selected districts and county offices tracked whether schools had submitted updated safety plans each year and assessed the adequacy of the district's safety plan approval process. Districts and county offices are not required to review and approve charter safety plans and charter schools are not required to submit them.
b. The number of active shooter threats or incidents that have occurred in or around the selected school campuses. In addition, determine how the incidents were handled and assess whether the incidents were handled in accordance with the safety plan or other guidance.	<ul style="list-style-type: none"> Interviewed district staff and principals from one charter school and at least one public school from each district, about whether they handled the violent event near them in accordance with their safety plans and whether those plans were adequate to respond to the violent event. Obtained any documentation of other policies and procedures related to active shooter incidents, and implemented by the selected districts and county offices, that might be considered best practices.

continued on next page...

AUDIT OBJECTIVE	METHOD
c. Whether the safety plan of the selected schools, districts, county offices, and charter schools includes all elements required by law. Assess whether the safety plan includes more elements than required by law and determine the nature and source of any additional elements. Further, determine whether the additional elements are and should be considered best practices.	<ul style="list-style-type: none"> Reviewed a selection of 29 safety plans from three districts, three county offices, and two charter schools to determine whether they contain all of the elements required by state law and whether the safety plans included additional elements related to active shooter incidents or violent events. Reviewed whether the selected plans include additional optional elements, such as provisions related to airplane crashes and civil disobedience. Reviewed additional elements from the selected plans to determine whether they comply with best practices advocated by state and federal agencies.
d. Whether the selected schools, districts, county offices, and charter schools are complying with existing laws and guidelines related to school safety, particularly in the areas that include, but are not limited to, campus violence and active shooter threats and incidents.	<ul style="list-style-type: none"> Determined what guidelines are available from CDE, the FBI, the U.S. Department of Homeland Security (DHS), and other state and federal agencies. State law does not require schools to have procedures for responding to violent incidents, including active shooter incidents. Reviewed a selection of safety plans to determine whether they contained elements related to active shooter incidents or violent events. For those safety plans that included additional elements, determined whether CDE, DHS, and other applicable agencies advocated the elements as best practices.
e. The types and levels of planning, training, and drills the selected schools, districts, county offices, and charter schools employ to respond to active shooter threats and incidents in and around campuses. Determine and evaluate whether the planning, training, and drills are evidence-based or considered best practices.	<ul style="list-style-type: none"> Determined the trainings and drills the FBI, DHS, and other federal entities advocate for responding to active shooter incidents and other violent situations. Interviewed staff from the three county offices to determine what support and assistance they provide to schools. Determined whether the selected districts and county offices require drills and trainings related to active shooter events and if they comply with practices advocated by the FBI.
f. Whether the selected schools, districts, county offices, and charter schools are effectively engaging with other schools or districts, parents, and the community in maintaining safe school environments.	<ul style="list-style-type: none"> Interviewed school and district staff to determine if schools are coordinating with law enforcement before updating their safety plans as required by state law. Determined whether a selection of schools from our selected districts and county offices held public meetings or met with law enforcement before updating their safety plans.
7 Review and assess any other issues that are significant to the audit.	We did not identify any additional issues that are significant to the audit.

Sources: California State Auditor's analysis of the Audit Committee's audit request 2016-136, planning documents, and information and documentation identified in the table column titled *Method*.

Audit Results

Safety Plans Need Improvement to Keep Students and Staff Safe During Emergencies, Including Active Shooter Incidents

Schools use safety plans when planning for and responding to emergencies. Although DHS and other state and federal agencies recommend having procedures for responding to active shooter incidents, state law does not require that California schools include these procedures in their safety plans. Consequently, our analysis found that many districts and county offices do not require their schools to include these procedures in their safety plans. Schools without such procedures may be unprepared to respond adequately in the event of an active shooting. In addition, our review of safety plans from three districts and three county offices found that some safety plans were missing required procedures for responding to other emergencies, such as earthquakes, and lacked policies intended to foster a safe learning environment.

State Law Should Require Additional Measures to Better Protect Students and Staff During Violent Incidents

Fourteen percent of the statewide survey respondents indicated that they do not require their schools' safety plans to include procedures to specifically address the threat of active shooter incidents, in part because state law does not require school sites to include active shooter response elements, such as lockdowns and evacuations, in their safety plans. In addition, even though all the districts and county offices we reviewed reported participating in or providing elements of school safety training, each lacked a policy mandating that all schools conduct active shooter training or drills periodically. For example, the San Bernardino City Unified superintendent noted that lockdown, lockout, and active shooter drills were important, but that the district had not mandated them because there was no statutory requirement to do so.

Districts and county offices with schools that have experienced violent incidents reported that having appropriate response procedures in place was instrumental in the protection of students and staff. For example, Taft and San Bernardino City Unified have each experienced a violent incident within the past five years. In 2013 a Taft High School student entered a classroom and opened fire with a shotgun, wounding one student before law enforcement took him into custody. In April 2017, the husband of a North Park Elementary school teacher at San Bernardino City Unified shot and killed the teacher and one student and injured another student before fatally shooting himself. During these two incidents, both schools implemented lockdown procedures. A lockdown procedure

generally requires students and staff to proceed inside the nearest building or classroom and lock interior doors. Further, students and staff must remain silent and stay out of sight. Finally, staff are not to open doors until given an all-clear signal by law enforcement.

Taft's current assistant principal, who was at the school at the time of the 2013 active shooter incident, stated that the lockdown procedure saved lives. San Bernardino City Unified also indicated that North Park Elementary implemented a lockdown during its active shooter incident, which the superintendent of San Bernardino City Unified noted was integral to containing the incident. San Bernardino City Unified does not require all of its schools to include lockdown procedures in their safety plans, but many of the schools we reviewed elected to do so. According to the superintendent, the district is planning to require all of its schools to include lockdown and lockout procedures in their 2018 safety plans.

Most districts and county offices are beginning to acknowledge the importance of requiring that their schools' safety plans specifically address active shooter threats or incidents.

Our statewide survey results also found that most districts and county offices are beginning to acknowledge the importance of requiring that their schools' safety plans address active shooter threats or incidents. Specifically, 86 percent of districts and county offices, or 298 out of 348 survey respondents, indicated that they require that safety plans specifically address active shooter threats or incidents. Furthermore, safety plans we reviewed from schools at Kern, Placer, and San Bernardino county offices, as well as San Bernardino City Unified, Rocklin, and Taft, included some level of planning for active shooter or violent incident response, as shown in Table 3. Although the trends indicate that districts and county offices are taking steps to include active shooter response procedures independent of a statutory requirement, a requirement in state law would help ensure that all schools are prepared to respond to violence in and around school sites. Moreover, if state law required such planning, districts and county offices that are already providing drills and trainings designed to support school sites during violent events would likely do so more consistently.

Our statewide survey also shows that some districts and county offices are not providing any training or drills to students and staff for responding to active shooters. The FBI recommends providing students with training so that they will know how to react during potentially dangerous or threatening situations. Additionally, it recommends providing initial and ongoing training to staff. Further, a guide for developing school emergency plans prepared by various federal agencies states that schools should conduct drills and exercises to provide opportunities to practice with first responders and identify weaknesses in the procedure. Although 88 percent of districts (282 of 319) and 69 percent of county offices (20 of 29) that responded to our survey reported that they provide

training on active shooter situations, some schools across the State do not receive training and may be unprepared to respond to a violent incident.

Table 3
Comprehensive Safety Plans Often Include Optional Elements Relating to School Violence

OPTIONAL SAFETY PLAN ELEMENTS RELATING TO SCHOOL VIOLENCE	COUNTY OFFICES			DISTRICTS				
	KERN	PLACER	SAN BERNARDINO	SAN BERNARDINO CITY UNIFIED		ROCKLIN		TAFT*
	2 PLANS EXAMINED	2 PLANS EXAMINED	2 PLANS EXAMINED	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL	DISTRICT SAFETY PLAN*
Lockdown procedures	1 of 2	2 of 2	1 of 2	9 of 10	Yes	10 of 10	Yes	Yes
Lockout procedures (securing all school entry points)	0 of 2	0 of 2	0 of 2	4 of 10	No	0 of 10	No	Yes
Other active shooter procedures	1 of 2	2 of 2	0 of 2	4 of 10	Yes	10 of 10	Yes	Yes
Procedures in the event of other violent incidents, such as a bomb threat or sniper	1 of 2	2 of 2	2 of 2	8 of 10	Yes	10 of 10	Yes	Yes
Evacuation procedures	2 of 2	2 of 2	2 of 2	10 of 10	Yes	0 of 10	No	Yes

Sources: California State Auditor's analysis of safety plans from schools at the Kern, Placer, and San Bernardino county offices and the San Bernardino City Unified, Rocklin, and Taft districts.

■ = Doing well

■ = Could improve

■ = Poor

* Taft is a certified small school district with fewer than 2,501 students and is only required to have one safety plan for all schools in the district.

In addition to making active shooter response procedures a mandatory part of the safety plans, districts and county offices should consider best practices that further improve entities' abilities to respond to active shooter incidents and include them in their safety plans. Federal agencies recommend that schools and organizations implement specific procedures for responding to active shooter incidents, such as lockdowns and evacuations. For example, the U.S. Department of Education, Federal Emergency Management Agency, and Sandy Hook Advisory Commission advocate that safety plans include lockdown procedures. As described in the text box on the following page, procedures for responding to active shooter incidents consist of a variety of elements, including hiding in a place that does not restrict movement and seeking to escape as an initial response. Additionally, San Bernardino City Unified also advocates for

Federal, State, and Local Agencies Advocate Various Procedures for Responding to Active Shooter Incidents

LOCKDOWN PROCEDURES:

- Students and staff proceed inside the nearest building or classroom and lock interior doors.
- Turn out the lights, stay out of sight, and maintain silence.
- Remain in place until given an all-clear signal by identifiable law enforcement officers.

LOCKOUT PROCEDURES:

- Students and staff return to the inside of the school building and lock perimeter gates and doors.
- Staff can continue instruction but should maintain increased situational awareness to determine if additional steps are needed.

EVACUATION PROCEDURES:

- School leaders facilitate evacuation to a predetermined location.
- School leaders take roll and report any missing, injured, or extra students or persons.

RUN, HIDE, FIGHT PROCEDURES:

Run

- If there is an accessible escape path, attempt to evacuate.
- Have an escape route and plan in mind.
- Take others with you, but do not stay behind because they refuse to leave.

Hide

- If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.
- Take steps to prevent the active shooter from entering your hiding place: Lock and blockade doors.
- Your hiding place should not trap you or restrict your options for movement.

Fight

- This should be done as a last resort, and only when your life is in imminent danger.
- Acting as aggressively as possible, attempt to disrupt or incapacitate the shooter.
- Throw items and improvise weapons.

Source: California State Auditor's analysis of best practices advocated by DHS, U.S. Department of Education, CDE, San Bernardino City Unified, and Placer county offices.

a procedure known as a *lockout*, which consists of locking all perimeter doors, windows, and gates in a facility to prevent access by a potential assailant.

Many School Safety Plans Were Missing Required Procedures Meant to Protect Students and Staff

Although state law does not require that schools include an active shooter response procedure in their safety plans, it does require K–12 schools that are supervised by districts and county offices to have individual safety plans that include other specific elements. As shown in Table 4, we reviewed 20 required key safety plan elements, which we sorted into three categories: requirements related to developing and submitting the safety plan, policies for assessing school climate and maintaining a safe learning environment, and procedures for responding to disasters and emergencies. Our review of 27 safety plans at three districts and three county offices found that many were missing required processes and procedures intended to keep students and staff safe while at school. We did not include charter schools in our count of plans that did not meet state law requirements because charter schools are not required to develop safety plans unless mandated by their charter petitions. As we detail later in this report, deficiencies in the safety plans we tested were the result of lax oversight by the districts and county offices we reviewed, as well as inadequate statewide guidance and oversight.

Safety plans at four of the six entities we reviewed—the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified—failed to include several of the elements related to developing and submitting safety plans (elements 1 through 5 in Table 4). For example, nine of the 16 safety plans we reviewed were not evaluated or amended as needed at least once each year as state law requires. In one instance, a Kern county office school had not updated multiple elements of its safety plan since 2011, including emergency response procedures. In another example, Placer county office also had not updated or approved safety plans for any site since their creation by a contractor in 2014. According to the CDE and California Department of Justice (DOJ), schools

derive major benefits from the mandated yearly evaluation of safety plans. Failure to conduct yearly updates may result in plans retaining insufficient policies and procedures for multiple years.

Table 4
Many Safety Plans Failed to Comply With State Law

WE TESTED 20 KEY COMPREHENSIVE SAFETY PLAN ELEMENTS REQUIRED BY STATE LAW	COUNTY OFFICES			DISTRICTS				
	KERN	PLACER	SAN BERNARDINO	SAN BERNARDINO CITY UNIFIED		ROCKLIN		TAFT
	2 PLANS EXAMINED	2 PLANS EXAMINED	2 PLANS EXAMINED	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL*	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL*	DISTRICT SAFETY PLAN†

Development & Submission

Elements 1–5

1 Comprehensive safety plan is written and developed by a council or committee	0 of 2	0 of 2	0 of 2	1 of 10	No	10 of 10	Yes	Yes
2 Council or committee consulted with a representative from a law enforcement agency in the writing and development of the safety plan	2 of 2	2 of 2	1 of 2	0 of 10	No	10 of 10	Yes	Yes
3 School submitted the safety plan to the district or county office for approval	1 of 2	0 of 2	0 of 2	10 of 10	Yes	10 of 10	Yes	Yes
4 Council or committee communicated the safety plan to the public at a public meeting at the school site	0 of 2	0 of 2	0 of 2	0 of 10	No	10 of 10	Yes	Yes
5 School evaluated and amended the plan as needed and at least once each year	0 of 2	0 of 2	1 of 2	6 of 10	No	10 of 10	Yes	Yes

School Climate & Environment

Elements 6–13

6 Assessment of crime at the school and at school-related functions	1 of 2	0 of 2	0 of 2	1 of 10	No	10 of 10	Yes	Yes
7 Child abuse reporting procedures	1 of 2	0 of 2	1 of 2	0 of 10	No	10 of 10	Yes	Yes
8 Suspension/expulsion policies and procedures	1 of 2	0 of 2	1 of 2	2 of 10	No	10 of 10	Yes	Yes
9 Procedures for notifying teachers of dangerous pupils	1 of 2	0 of 2	0 of 2	1 of 10	No	10 of 10	Yes	Yes
10 Discrimination and harassment policy	1 of 2	0 of 2	1 of 2	1 of 10	No	10 of 10	Yes	Yes
11 Procedures for safe ingress and egress of pupils, parents, and employees	1 of 2	0 of 2	1 of 2	2 of 10	No	10 of 10	Yes	Yes
12 A safe and orderly environment conducive to learning	1 of 2	0 of 2	1 of 2	2 of 10	No	10 of 10	Yes	Yes
13 Rules and procedures on school discipline	1 of 2	0 of 2	1 of 2	1 of 10	No	10 of 10	Yes	Yes

continued on next page...

	WE TESTED 20 KEY COMPREHENSIVE SAFETY PLAN ELEMENTS REQUIRED BY STATE LAW	COUNTY OFFICES			DISTRICTS				
		KERN	PLACER	SAN BERNARDINO	SAN BERNARDINO CITY UNIFIED		ROCKLIN		TAFT
		2 PLANS EXAMINED	2 PLANS EXAMINED	2 PLANS EXAMINED	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL*	10 PUBLIC SCHOOLS	1 CHARTER SCHOOL*	DISTRICT SAFETY PLAN†
Disaster & Emergencies									
Elements 14-20	14 Routine and emergency disaster response procedures	1 of 2	2 of 2	1 of 2	10 of 10	Yes	10 of 10	Yes	Yes
	15 Adaptations of routine and emergency disaster response procedures for pupils with disabilities	0 of 2	0 of 2	0 of 2	1 of 10	No	0 of 10	No	Yes
	16 Earthquake drop procedure (students and staff take cover)	1 of 2	2 of 2	2 of 2	10 of 10	Yes	10 of 10	Yes	Yes
	17 Frequency of drop procedure drills: at least once per quarter in elementary, once per semester in secondary	0 of 2	2 of 2	0 of 2	4 of 10	No	10 of 10	Yes	Yes
	18 Protective measures to be taken before, during, and after an earthquake	2 of 2	2 of 2	2 of 2	10 of 10	Yes	10 of 10	Yes	Yes
	19 Program to ensure that pupils and certificated and classified staff are aware of and are trained in the earthquake procedures	0 of 2	2 of 2	1 of 2	7 of 10	No	10 of 10	Yes	Yes
	20 Procedures to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency	0 of 2	0 of 2	1 of 2	0 of 10	No	10 of 10	Yes	No

Sources: California State Auditor's analysis of safety plans from schools at the Kern, Placer, and San Bernardino county offices, and the San Bernardino City Unified, Rocklin, and Taft districts.

= Doing well

= Could improve

= Poor

* Under state law, charter schools are exempt from the requirements related to developing and updating safety plans.

† Taft is a certified small school district with fewer than 2,501 students and is required to have only one safety plan for all schools in the district.

In addition, none of the 16 schools whose safety plans we reviewed from these four entities communicated their safety plan during a public meeting at the school site. Each of the schools failed to comply with requirements that their safety plans be updated by individual councils or committees made up of certain community members. According to CDE and DOJ, community collaboration is necessary to achieve the desired results of a comprehensive and effective safety plan. Further, one plan from the San Bernardino county office and all of the safety plans we reviewed for San Bernardino City Unified did not provide evidence that the schools met the requirement that they consult with a law enforcement representative when developing their safety plan.

According to CDE and DOJ, partnerships between schools and law enforcement can be invaluable in meeting the needs of students at risk of committing violent acts. Law enforcement partnerships can also help schools set up referral systems so that these students receive comprehensive behavioral support from a variety of community agencies. When schools do not engage with law enforcement or the public before updating their safety plans, they miss an opportunity to benefit from the knowledge and perspective of these stakeholders.

Safety plans from schools at four of the six districts and county offices we reviewed—the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified—were also missing important elements needed to assess school climate and create a safe learning environment (elements 6 through 13 in Table 4). Fourteen of the 16 safety plans were missing element 9—procedures for notifying teachers when dangerous pupils are enrolled in their classes. Further, 12 of the plans from these entities were missing element 11—procedures for the safe ingress and egress of pupils, parents, and employees. In fact, 12 of the 16 safety plans from these four entities were missing all eight of the elements related to assessing school climate and creating a safe learning environment. Although three of the four entities had some of these policies available online, the safety plan contained no reference to their location and thus the policies were not easily accessible by students and staff. Procedures such as these are important for maintaining the safety of students and staff.

Safety plans for schools at Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified also lacked two or more of the emergency procedures intended to safeguard students during disasters and emergencies (elements 14 through 20 in Table 4). State law requires districts and county offices to include routine and emergency disaster procedures in their safety plans to ensure that students and staff have procedures for responding to disasters such as earthquakes. However, 15 of the 16 plans were missing element 15—adaptations to procedures to accommodate pupils with disabilities—and six of the plans lacked element 19—a program to ensure that students and staff are aware of and trained in earthquake emergency procedures. Moreover, nearly every safety plan in the districts and county offices we reviewed, except Taft, lacked procedures to accommodate pupils with disabilities. Safety plans play a key role in keeping students and staff safe during an emergency, but when required elements are missing from the plans, students and staff may not be prepared.

The four entities whose schools' safety plans were missing multiple key procedures gave a number of reasons for the problems we found. The safety and emergency manager (safety manager) at San Bernardino City Unified stated that the district had previously

When schools do not engage with law enforcement or the public before updating their safety plans, they miss an opportunity to benefit from the knowledge and perspective of these stakeholders.

focused on areas of school safety rather than safety plans. He also indicated that before academic year 2016–17, San Bernardino City Unified had not evaluated its schools' safety plans using the CDE checklist that summarizes safety plan components, discussed later in this report. However, he stated that San Bernardino City Unified would begin using a safety plan template and document-tracking system for all of its schools in academic year 2017–18.

The three county offices offered other explanations for why their schools' safety plans were missing elements. For example, the Kern and San Bernardino county offices did not know that county offices were required to comply with state laws regarding safety plans in the same manner as districts. According to the Placer County chief operations officer, the county office contracted with an independent contractor to develop its safety plan template and will update its safety plans for the upcoming school cycle, which will address the missing documentation. Also, as we discuss in the next section, all three county offices lack a sufficient process to monitor whether schools are submitting safety plans and whether those safety plans include all of the policies and procedures state law requires. Until all schools' safety plans include these elements, students and teachers may not know how to respond during an emergency.

Districts and County Offices Have Failed to Ensure That Schools Are Complying With Safety Plan Requirements

Districts and county offices have provided their schools with inadequate oversight, resulting in the schools' potential reliance on insufficient or nonexistent safety plans and creating an environment ripe for inadequate emergency responses. All county office schools and schools in districts with 2,501 or more students must submit an individualized safety plan for review by March 1 each year.⁴ Districts and county offices are responsible for the overall development, review, and approval of these safety plans for the schools they oversee and must submit an advisory notification to CDE of any noncompliant schools. However, four of the six districts and county offices we reviewed failed to ensure that all of their school sites had safety plans in place or that existing plans met state requirements. In contrast, as we discuss later, the remaining two districts we reviewed—Taft and Rocklin—had strong oversight systems in place to ensure that safety plans generally met state requirements.

Four of the six districts and county offices we reviewed failed to ensure that all of their school sites had safety plans in place or that existing plans met state requirements.

Despite an event that highlighted the necessity of having comprehensive, up-to-date safety plans, San Bernardino City Unified has not ensured that its schools have safety plans or that

⁴ Small districts with 2,501 or fewer students may choose to meet this requirement by developing a districtwide comprehensive safety plan that is applicable to each school site.

their plans meet the requirements of state law. In 2015 a mass shooting occurred in San Bernardino at the Inland Regional Center for the Disabled (regional center) that resulted in the deaths of 14 people. However, even though several of its schools were in close proximity to the regional center, in the years following the incident, San Bernardino City Unified has not implemented a process to ensure that its schools submit annual safety plans. The need for greater oversight of these plans by the district was highlighted in an after-action report for the 2015 incident, in which 54 percent of the district's school and department sites reported the need for a clear lockdown protocol, as well as practices and drills.

As a result of this lax oversight of safety plans, some schools have failed to create or update them annually. For example, San Bernardino City Unified could not provide 2017 safety plans for 15 of its 73 school sites that are required to submit them. When we discussed the missing plans with the district's safety manager, he stated that he did not believe that the 15 schools had safety plans in place. When we questioned the superintendent on the schools' missing safety plans, he pointed to the high rate of staff turnover at various school sites as an explanation for why schools may not have submitted them. Moreover, before academic year 2016–17, San Bernardino City Unified failed to track whether schools were submitting safety plans annually. Thus, for many years, some schools in this district may have had no safety plan to consult before or during an emergency.

In addition, schools may have maintained unapproved safety plans that were missing vital procedures. Specifically, San Bernardino City Unified has failed to review and approve the safety plans that its schools do submit. Our review of safety plans over a five-year period, from academic years 2012–13 through 2016–17, found that San Bernardino City Unified was unable to provide evidence that a single plan had been approved during that period. The superintendent noted that the district has focused on other aspects of school safety because of the challenges associated with the crime rate in San Bernardino. For example, the district held numerous trainings and conducted 10 site-specific drills related to lockdowns in 2016. According to the San Bernardino City Unified superintendent, the district is taking steps to institute a formal document-tracking and approval process for academic year 2017–18, which he believes will allow for a more formalized approval process and verification that all 73 required school sites submit safety plans that comply with state law. Further, the district is in the process of creating a template for use by all school sites. However, until San Bernardino City Unified implements actions to increase oversight, students and staff may lack access to plans and procedures that are meant to keep them safe.

Our review of safety plans over a five-year period found that San Bernardino City Unified was unable to provide evidence that a single plan had been approved during that period.

San Bernardino county office schools and Kern county office community schools relied on one central safety plan for all their schools, instead of having each school create its own safety plan.

The Kern and San Bernardino county offices also lacked robust policies and procedures necessary to ensure that their schools' safety plans met the requirements of state law. County offices can operate a variety of schools that provide a wide range of services, such as special and vocational education, programs for youth at risk of failure, and instruction in juvenile detention facilities. Like districts, county offices are responsible for ensuring that safety plans adopted by these schools have the necessary procedures and policies to respond to an emergency and to foster a safe school environment, and for ensuring that their schools develop and submit safety plans in accordance with state law. A key requirement is that schools must have a site-specific safety plan that is relevant to its needs and resources. However, San Bernardino county office schools and Kern county office community schools relied on one central safety plan for all their schools, instead of having each school create its own safety plan.

Moreover, to be eligible for state disaster assistance programs, which refund emergency response-related personnel costs, each school district and its accompanying school sites must comply with state and federal laws that require that an incident command structure for each school-site-specific safety plan be in place for emergencies. Because the Kern and San Bernardino county offices rely on generic safety plans, rather than safety plans that are specific to each site, they have no assurance that individual sites have in place individualized emergency procedures, such as up-to-date evacuation routes or emergency command structures. The Kern director of alternative education and the San Bernardino county assistant superintendent both indicated that they had not included some required safety plan elements because they were not aware of them. However, without these school-site-specific procedures, staff and students at these educational facilities may not have the processes in place to respond safely to some emergencies.

The Placer county office also lacked sufficient review and approval procedures to ensure that its sites annually submitted safety plans that contained the required elements. Further, the Placer county office lacked safety plans for two of the sites that report to it. When we questioned the chief operations officer about these two sites, he told us that the Placer county office believed it was not required to conduct safe school planning for one of them—a juvenile hall—and that he had been under the impression that the other school site fell under the planning responsibility of a school district. However, he informed us that he would address these issues in the upcoming academic year 2017–18.

The Rocklin and Taft districts have implemented strong processes to ensure the sufficiency of their schools' safety plans and their compliance with state law. For example, Rocklin uses two processes,

which we discuss later in this report, to ensure that all of its 16 public school sites that require plans submitted them and complied with state law. Taft, a small district of two schools, created a districtwide plan that addresses each school site. The superintendent noted that following its 2013 active shooter incident, Taft revised its safety plan and its designated committee now meets multiple times per year to discuss safety protocols and update the district's plan. Rocklin and Taft's strong protocols for safety plan creation, submission, and approval have led to plans that help ensure the safety of the school sites they oversee.

Statewide Guidance and Oversight Are Inadequate to Ensure the Safety and Security of Students and Staff

Although CDE has provided guidance to districts and county offices regarding school safety plans, given the number of errors we described earlier and responses we received to our interview and survey questions, its guidance appears to be insufficient. State law requires CDE to provide counsel to educational entities. For example, CDE must provide information related to gun violence, best practices to combat crime and violence in public schools, and educational materials on disaster preparedness. CDE has supplied guidance through a combination of memos sent to districts and county offices, participation in annual educational conferences, convening a superintendent's advisory committee, and information posted to its website. Additionally, CDE's guidance includes an optional compliance checklist for schools to use during safety plan creation. Such checklists can be beneficial for schools in understanding the volume of requirements related to safety plans. However, the current version of CDE's safety plan checklist contains several errors, such as incorrect statutory references and an optional provision that is identified as required.

Moreover, some districts and county offices we reviewed stated that they had not received guidance from CDE or that they wanted CDE to provide additional direction and training. For example, the Kern county office and San Bernardino City Unified explained that they were unaware of CDE's guidance, either because that guidance had not been directed to the correct employee or because CDE sends numerous letters throughout the year. Thus, these letters may have been overlooked. Further, the Kern and San Bernardino county offices noted that their safety plans' noncompliance stems from a lack of understanding of state law. In addition, our statewide survey results indicate that a broader problem exists, as shown in the text box on the following page. Specifically, nearly 80 percent of county offices indicated that they were not responsible for reviewing and approving school safety plans, even though state law requires every county office that maintains a school to review and approve their schools' safety

Some districts and county offices we reviewed stated that they had not received guidance from CDE or that they wanted CDE to provide additional direction and training.

plans. Moreover, respondents indicated that more training and guidance on the part of CDE would be beneficial. Thus, even though CDE has made attempts to provide guidance to school districts and county offices about comprehensive safety plan requirements, these efforts have failed to yield sufficient compliance with state law.

Districts' and County Offices' Responses to Our Statewide Survey Indicate That There is a Widespread Lack of Understanding Related to Safety Plan Responsibilities and That More Guidance is Necessary

If your district / county is responsible for approving comprehensive school safety plans, have all schools submitted their plans for approval during academic years 2014–15 through 2016–17?

	COUNTY OFFICE	DISTRICT
Yes	10%	89%
No	4%	3%
Unknown	7%	7%
Not responsible	79%	1%

Open-Ended Comments:

- The guidance needs to start with [state law] changes and increased CDE staffing and/or activity to address school safety, bullying prevention, and how to prepare active shooter response plans and drills with law enforcement. School safety across all California schools could be improved if there was additional funding focused on safety and enhanced CDE leadership on safe schools planning to address bullying, cyber-bullying, and active shooter situations.
- Direct guidance [from CDE] on the [county offices'] responsibility on the school safety act.

Source: A survey by the California State Auditor sent to 983 districts and county offices conducted from March to April 2017 with 348 entities responding.

CDE and DOJ also allowed the activities of the partnership to lapse several years ago, which further decreased the amount of guidance and oversight districts and county offices receive from the State related to safety plans. The Legislature created the partnership as a joint collaboration between CDE and DOJ in 1985. State law requires the partnership to fulfill several broad duties related to safety plans, including developing policies necessary for safety plan implementation, providing all related training, and administering safe schools programs. More specifically, the partnership must sponsor two regional conferences related to school safety, establish a statewide safety cadre for the purpose of facilitating interagency coordination between law enforcement and educational entities, and conduct annual assessments of items such as the effectiveness of training on safe schools and crisis response.⁵ Because neither entity actively participates in the partnership, none of these important activities have taken place in recent years.

CDE and DOJ both explained that the partnership activities lapsed due to budget cuts. Specifically, when we asked DOJ's director of operations for her perspective on why the partnership ceased, she noted that DOJ ended its half of the partnership activities in approximately 2008, when the Legislature eliminated funding for the Crime and Violence Prevention Center. Similarly, CDE's administrator of coordinated school health and safety (safety administrator) stated that CDE continued its partnership duties until the Legislature reallocated school funding into the

Local Control Funding Formula in 2013. The partnership received a total appropriation of \$14.6 million in fiscal year 2003–04 included in CDE's budget to perform its duties—the last year the Legislature

⁵ CDE sponsored two regional conferences in 2016 related to the U.S. Department of Education's Office of Safe and Healthy Students Readiness and Emergency Management for Schools that provided guidance on developing emergency operations plans.

provided separate funding for the partnership. However, regardless of whether the Legislature provides funding for those specific purposes, state law continues to require CDE and DOJ to perform most of the partnership's activities. In fact, only contracting with professional trainers to coordinate statewide workshops for districts and county offices and the provision of training on bullying prevention are contingent on appropriations.

Relevant and up-to-date guidance from the partnership may have helped schools create more robust and informed safety plans. For example, state law contains a statement of legislative intent that schools are to use a handbook developed by the partnership in conjunction with developing their school safety plans. However, the partnership last updated the handbook, *Safe Schools: A Planning Guide for Action*, in 2002, which includes guidance related to lockdown procedures that conflicts with more current procedures developed in consultation with law enforcement. For example, the partnership's handbook recommends that staff allow a late student to enter a classroom during a lockdown only if he or she is enrolled in that class. However, lockdown procedures at one district and one county office developed 12 years later, in 2014, require any student who is outside to proceed to the nearest building or classroom during a lockdown in order to ensure those students' safety while on campus. In addition, state law requires that every safety plan include a school building disaster plan, but the handbook offers no guidance on how schools should create such plans. In fact, no state entity we spoke with could provide any guidance on what a building disaster plan is or what it should include. Consequently, we could not identify the necessary criteria for evaluating this element of the safety plans, but we did note that many safety plans contained no reference to a building disaster plan. CDE's and DOJ's cessation of activities related to the partnership, which was designed to provide guidance and support to districts and county offices concerning their safety plans, has weakened the schools' ability to protect students.

Furthermore, CDE has not exercised the oversight necessary to ensure that districts and county offices are reviewing and approving safety plans. Districts and county offices are required to provide annual notifications to CDE of schools that have failed to comply with safety plan requirements. Although CDE's safety administrator stated that CDE has never received a notification of noncompliance since the inception of the requirement in 1997, CDE has not conducted an audit or review to confirm that all of California's 9,300 public schools are submitting safety plans and that all districts and county offices are approving them. If CDE had conducted such a review, it would have found numerous instances—as we did—in which districts and county offices failed to report schools that did not submit plans. In their responses to our statewide survey, 19 of

CDE has not conducted an audit or review to confirm that all of California's 9,300 public schools are submitting safety plans and that all districts and county offices are approving them.

the 319 districts indicated that some of the schools they oversee had not reviewed or updated their safety plans by March 1, 2017, and an additional 13 did not know whether all of their schools had reviewed or updated their safety plans as state law requires.

In addition, 19 of the 29 responding county offices noted that they did not track whether all their schools had even submitted a safety plan, which calls into question how those county offices would know when to submit a notice of noncompliance to CDE. Moreover, as we noted previously, we identified numerous instances of noncompliance at the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified. The CDE audit and investigation director stated that CDE has conducted reviews of child care centers and assisted with fiscal portions of federal monitoring that could include work at a limited number of districts, but that it does not have the resources or funding to conduct audits of safety plan compliance at the district or county office level. Additionally, she noted that having CDE conduct safety plan audits of districts and county offices would not be an effective approach for a number of reasons. For example, she stated that having CDE conduct separate audits of districts and county offices would not be effective in achieving timely compliance, due to the size of the CDE audit and investigation unit compared to the number of districts and county offices in the State.

The State could use a separate oversight process, such as the audit process guided by the EAAP, to ensure that districts and county offices review and approve safety plans annually.

We believe the State could use a separate oversight process, such as the audit process guided by the Education Audit Appeals Panel (EAAP), to ensure that districts and county offices review and approve safety plans annually. For example, state law requires the State Controller's Office (SCO), in consultation with the Department of Finance, CDE, and other representatives from specified organizations, to propose the contents of a guide for the required annual financial and compliance audit of the State's educational entities each year. State law requires districts, county offices, and other local educational entities to use the audit guide to review compliance with a variety of important state requirements, including attendance records and instructional time. The SCO then submits the proposed audit guide to the EAAP, which formally adopts it. According to the EAAP's executive officer, each district and county office in the State then contracts with an outside audit firm to conduct the required audit procedures. The executive officer went on to state that after the outside audit firm completes the audit, the district, county office, or charter school forwards the results to the SCO for review and CDE or county offices then follow up on any findings, depending on the nature of the finding. If the audit guide included a requirement to review whether districts and county offices were appropriately approving safety plans, it would

encourage all districts and county offices to increase their oversight of their schools' safety plans and better ensure that those plans comply with state law.

Finally, the State could do more to ensure that safety plans contain all of the procedures needed to keep students and staff safe in constantly evolving school environments. Currently, no entity is systematically reviewing safety plan requirements to ensure that they respond to changes in the school setting and that they incorporate best practices from federal and state authorities. For example, current events have shown that bullying and cyber-bullying increase the potential for students to act out violently or take other negative actions. However, state law does not currently require safety plans to contain policies to reduce instances of bullying in or out of school. Periodic evaluation and monitoring by entities, such as the partnership, that are knowledgeable about school safety issues could assist schools throughout the State by providing updates regarding policies or procedures that could improve school safety.

Rocklin and the Placer County Office Have Implemented Best Practices to Help Ensure That Safety Plans Are Approved Annually

We identified three best practices at two of the entities we reviewed that could help other districts and county offices ensure that their schools have submitted safety plans and that those safety plans have all of the procedures needed to comply with state law. We observed the following best practices at Rocklin and the Placer county office:

- Rocklin distributes a safety plan template to its school sites that the schools then modify to include site-specific procedures.
- Rocklin uses a document-tracking system to ensure that its schools submit safety plans in a timely manner so that the district can review and approve them before the March 1 deadline each year.
- The Placer county office requires districts in its jurisdiction to certify that they have reviewed and approved all of their schools' safety plans each year.

To ensure that the safety plans submitted by its schools contain the procedures state law requires, Rocklin distributes templates to all its schools. Schools then modify the templates with site-specific information, such as lists of personnel responsible for emergency activities. According to Rocklin's coordinator of state and federal programs, the district worked with law enforcement in 2014 to revise existing plans and bring them in line with the processes local law enforcement uses. Rocklin helped to ensure the overall

To ensure that the safety plans submitted by its schools contain the procedures state law requires, Rocklin distributes templates to all its schools, which the schools modify with site-specific information.

sufficiency of its template by working with law enforcement during its creation, and each site complied with the state requirement to create its plan in consultation with law enforcement. In contrast, districts and county offices that lack templates, such as San Bernardino City Unified, were missing a number of elements necessary for preparing for and responding to emergencies or fostering safe learning environments. Districts and county offices that distribute generic safety plan templates to school sites for them to modify may allow schools to more easily determine what procedures are required to increase school safety while at the same time complying with state law.

Rocklin also verified that school sites updated their plans and submitted them for approval in a timely fashion by using a document-tracking system, which included all public schools in the district. State law requires districts, including Rocklin, and county offices throughout the State to review and approve safety plans submitted by school sites by March 1 each year. Although four of the six entities we reviewed did not have adequate processes to review and approve safety plans, Rocklin had approved the 2017 safety plans submitted by every public school in the district by that date. Further, the district was able to provide approved historical plans for a selection of district schools over a five-year period. In contrast, San Bernardino City Unified did not have a document-tracking system in place, and our review found that 15 of its 73 school sites that are required to submit safety plans failed to do so in 2017.

Finally, we found a best practice implemented at the Placer county office that increased its districts' oversight of their schools' safety plans. While we found issues with how Placer monitored its educational facilities, it had a process in place to ensure that its districts were approving safety plans for all of their schools annually. Although not required by state law, the Placer county office instituted a program for districts within its jurisdiction mandating that they self-certify their compliance with safety plan approval requirements. The process increases the Placer county office's oversight of districts by requiring district superintendents or their designees to certify that they have reviewed and approved all of their schools' safety plans. The superintendent of the Placer county office noted that the county office began this program so that it could report any noncompliant districts to CDE. The Placer county office did not extend this oversight to any formal review, approval, or auditing of district plans, but it did achieve a significant number of responses from its districts. This process may have contributed to the fact that one of the districts we reviewed—Rocklin, within Placer County—received and approved safety plans from all

Although not required by state law, the Placer county office instituted a program for districts within its jurisdiction mandating that they self-certify their compliance with safety plan approval requirements.

its schools in 2017. This practice demonstrates that requiring subordinate agencies to send in certification notices that their schools have submitted safety plans may increase compliance rates.

Recommendations

Legislature

To ensure that students and staff are prepared to respond to violent incidents on or near school sites, the Legislature should require that safety plans include procedures, such as lockdowns, recommended by federal and state agencies. The Legislature should also require schools to hold periodic training and drills on these procedures.

To ensure that districts and county offices are complying with state law each year, the Legislature should require CDE to conduct an annual statewide survey to determine whether schools have submitted plans and whether those plans have been reviewed and approved by their respective district or county office. The Legislature should also require CDE to issue an annual report detailing the survey's results.

To ensure that districts and county offices are complying with state laws related to safety plans, the Legislature should add a requirement to the EAAP audit guide for districts and county offices to receive audits of their approval of safety plans.

The Legislature should require that the partnership between CDE and DOJ periodically review safety plan requirements to ensure that the plans keep pace with evolving school environments and updated educational research.

CDE and DOJ

To ensure that districts and county offices properly review and approve safety plans as required, CDE should provide the following additional guidance regarding district and county office responsibilities under state law:

- Update and correct the safety plan compliance checklist and make it available to all districts and county offices.
- Provide general direction to schools on what to include in their building disaster plans.
- Provide information on best practices similar to those we discuss in this report for monitoring and approving safety plans.

To ensure that districts, county offices, and schools receive guidance on a variety of safety issues and to comply with state law, CDE and DOJ should resume their partnership activities, as required by state law. Further, the partnership should update the 2002 handbook, *Safe Schools: A Planning Guide for Action*, and distribute it to all districts and county offices. If CDE or DOJ determine the need for additional funds to implement the legislative recommendations or to reestablish the partnership's activities, they should request those funds from the Legislature.

Districts and County Offices

To ensure that their schools' safety plans comply with state law and are submitted and approved on or before March 1 each year, the Kern, Placer, and San Bernardino county offices, and San Bernardino City Unified should implement procedures to monitor and approve their schools' safety plans. The procedures should include the use of electronic document-tracking systems and safety plan templates.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the Scope and Methodology section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: August 31, 2017

Staff: Kathleen Klein Fullerton, MPA, Audit Principal
Aaron E. Fellner, MPP
David DeNuzzo, MBA
Nick B. Phelps, JD

Legal Counsel: J. Christopher Dawson, Sr. Staff Counsel

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

August 11, 2017

Elaine M. Howle, State Auditor*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Subject: *School Violence Prevention – School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies*, Audit Number 2016-136, dated August 2017

The California Department of Education (CDE) appreciates the opportunity to comment and provide proposed corrective actions for the recommendations outlined in the California State Auditor's (CSA) Audit Report No. 2016-136 titled: *School Violence Prevention – School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies*.

Recommendation 1

To ensure districts and county offices properly review and approve safety plans as required, CDE should provide the following additional guidance regarding district and county office responsibilities under state law:

- Update and correct the safety plan compliance checklist and make it available to all districts and county offices.

CDE's Comments and Corrective Actions

The CDE concurs with the recommendation. The safety plan compliance checklist was updated, corrected, and posted on the CDE's Web site at <http://www.cde.ca.gov/ls/ss/vp/documents/schoolsafetyplanchklist.pdf> in August 2017 and is now available to all districts, county offices of education, and the public.

- Provide general direction to schools on what to include in their building disaster plans.

CDE's Comments and Corrective Actions

The CDE does not concur with the recommendation. Currently, the CDE provides, through an annual letter issued to all county superintendents and charter school administrators by the State Superintendent of Public Instruction, general direction to schools regarding building disaster plans. This letter includes a compliance checklist with the requirements delineated in *Education Code (EC)* Section 32282; the correspondence is subsequently posted on the CDE's Web site. In addition, the CDE

(1)

will explore options for a collaborative effort with other agencies to strengthen general direction on disaster building plans for schools.

- Provide information on best practices similar to those we discuss in this report for monitoring and approving safety plans.

CDE's Comments and Corrective Actions

The CDE concurs with the recommendation. The CDE is gathering and reviewing best practices for the purpose of strengthening guidance to assist schools and districts in monitoring and approving safety plans. Commencing in the 2017-18 school year, the CDE will provide information on best practices to all districts and county offices of education.

Recommendation 2

To ensure districts, county offices, and schools receive guidance on a variety of safety issues, and to comply with state law, CDE and DOJ should resume their partnership activities, as required by state law. Further, the partnership should update the 2002 handbook, *Safe Schools: A Planning Guide for Action*, and distribute it to all districts and county offices. If CDE or DOJ determine they need additional funds to implement the legislative recommendations or to reestablish the partnership's activities, they should request those funds from the Legislature.

CDE's Comments and Corrective Actions

The CDE concurs with the recommendation. The CDE will initiate a meeting in 2017 with the DOJ to explore the possibility of resuming the School Law Enforcement Partnership (SLEP). However, funding for SLEP staffing and activities is no longer available and will need to be requested from the Legislature and received by the CDE, DOJ, and all county regions in order to ensure the success of resuming the program. In addition the CDE is researching costs for updating the 2002 handbook.

If you have any questions regarding the CDE's comments or corrective actions, please contact Kimberly A. Tarvin, Director, Audits and Investigations Division, by e-mail at ktarvin@cde.ca.gov.

Sincerely,



Michelle Zumot
Chief Deputy Superintendent of Public Instruction

MZ:kl

Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM CDE

To provide clarity and perspective, we are commenting on the response from CDE. The number below corresponds to the numbers we have placed in the margin of CDE's response.

The letter that CDE references did not provide any guidance related to school building disaster plans. Further, when we discussed this matter with staff from CDE's coordinated school health and safety office, they noted that no guidance was available. As a result, we stand by our recommendation that CDE needs to provide guidance related to disaster plans. However, we are pleased to see that CDE will meet with other agencies to provide direction on school building disaster plans.

①

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XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 11, 2017

Elaine M. Howle, CPA
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: State Auditor's Report on School Violence Prevention

Dear Ms. Howle,

The Department of Justice (DOJ) has reviewed the California State Auditor's (CSA) draft report titled "*Comprehensive School Safety Plans: School Districts, County Offices of Education, and the State Must Do More to Ensure that School Safety Plans Help Protect Students and Staff During Emergencies*" and appreciates the opportunity to respond to the report.

The DOJ agrees with the stated importance of school districts and county offices to provide a safe, secure and peaceful environment to children attending California public schools. Under a previous Attorney General administration, the School Law Enforcement Partnership (SLEP) operated under the DOJ's Crime and Violence Prevention Center (CVPC). DOJ did not receive direct funding for these efforts; rather, staff and operating expenses were redirected from existing resources. Unfortunately, in FY 2008-09, the DOJ suffered significant General Fund budget reductions, a part of which included \$4.681 million and 35.5 positions from the CVPC being abolished. This resulted in the complete dissolution of the CVPC program.

In response to the CSA's specific recommendations identified in the draft report, DOJ submits the following responses:

CSA Recommendation:

To ensure that districts, county offices, and schools receive guidance on a variety of safety issues, and to comply with state law, the California Department of Education (CDE) and DOJ should resume their partnership activities, as required by state law. Further, the partnership should update the 2002 handbook, *Safe Schools: A Planning Guide for Action*, and distribute copies to all districts and county offices. If CDE or DOJ determine the need for additional funds to implement the legislative recommendations or to reestablish the partnership's activities, they should request those funds from the Legislature.

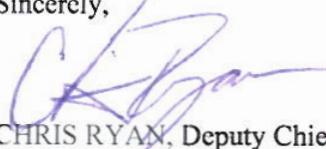
Elaine M. Howle, State Auditor
August 11, 2017
Page 2

DOJ Response:

The DOJ will work with CDE to review its' mandated activities and identify the resources needed to implement legislative recommendations or to reestablish partnership activities.

Current Attorney General Xavier Becerra recognizes the important mission of SLEP and looks forward to working with the Legislature on resource needs and CDE on program requirements. There is no more important task than keeping our children safe and the Attorney General stands ready to work with all partners to achieve this goal.

Sincerely,



CHRIS RYAN, Deputy Chief
Division of Operations

For XAVIER BECERRA
Attorney General

cc: Sean McCluskie, Chief Deputy Attorney General
Amanda Renteria, Chief, Division of Operations
Andrew J. Kraus III, Acting Director, Office of Program Oversight and Accountability

Kern County
**Superintendent
of Schools**

Office of Mary C. Barlow ...advocates for children

August 11, 2017

California State Auditor *
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Re: Kern County Superintendent of Schools Response to State Auditor's Report –
"Comprehensive School Safety Plans: School Districts, County Offices of Education, and
the State Must Do More to Ensure That School Safety Plans Help Protect Students and
Staff During Emergencies"

Dear California State Auditor:

Attached please find our formal response to the California State Auditor's Report referenced above. We appreciate the opportunity to clarify our position on the issues raised in the report.

We also appreciate the recommendations made to help strengthen our safety plan implementation, and we look forward to working with our agency partners to improve upon our collaborative work to date.

Sincerely,



Mary C. Barlow
Kern County Superintendent of Schools

Enclosures

**Kern County Superintendent of Schools Response to State Auditor's Report:
"Comprehensive School Safety Plans: School Districts, County Offices of Education, and
the State Must Do More to Ensure That School Safety Plans Help Protect Students and
Staff During Emergencies"**

Introduction

The Office of the Kern County Superintendent of Schools (Kern) appreciates the opportunity to respond to the draft report of the State Auditor regarding comprehensive school safety plans. Kern was one of three county offices and three schools districts whose school safety plans were reviewed. We understand that our response will be included in your report when it is issued.

① Safety of students and staff in all of Kern's instructional programs is our highest priority. We believe that we have considered and addressed the subject of safety, and the various elements required by law to be included in our safety plans. In addition, Kern has been active in addressing emergency preparedness and response, in coordination with multiple agencies, as discussed below. These efforts are not reflected in the draft report. We acknowledge that not all of our provisions related to safety are found within the plans themselves and we fully intend to incorporate elements found elsewhere by reference, and address any elements not fully addressed to date, as we revise and update our plans prior to the March 1 deadline.

② Table 4 of the draft report is a graphical representation of your proposed findings on 20 elements in safety plans. You indicate that you examined two Kern plans for your review. For the record, those plans are for our court schools and our community schools. In many instances, you found that one plan satisfied an element and the other did not. We understand that the alleged non-compliance in those instances was with the court schools.

Court Schools

③ Court schools are programs where students are under the jurisdiction of the juvenile court and under the direct supervision of the probation department. By virtue of this supervision, and the design of court school facilities, these are the safest school campuses anywhere in the state. The Kern County probation department has its own safety plan for court school operations, which we have reviewed and comply with. This plan was shown to your office representatives.

④ Many of the elements of student safety in court schools are under the control of probation officers and not within the county office's authority. We will address those later, but offer as an example the element of procedures for safe ingress and egress of pupils, parents and employees. Probation controls ingress and egress to court schools. Our office maintains a very positive working relationship with the Kern County Probation Department, with a rich history of collaboration on behalf of students.

Community Schools

The report also notes, in two places, that Kern has only one safety plan that covers all of its community schools. You contend that the law requires an individual plan for each community school site. We disagree.

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Page Two

As noted in footnote 2 to your report "Small school districts with 2,501 or fewer students may choose to meet this requirement [to adopt school safety plans] by developing a districtwide comprehensive school safety plan that is applicable to each school site." The authority for this statement is Education Code section 32228(d). Kern's community schools have never had a student population in excess of 2,500. Education Code section 1984 provides, in its entirety: "For the purposes of establishing and maintaining a county community school a county board of education shall be a school district." Since the legislature is satisfied that a small district need not have a separate plan for each site, there is no basis to conclude that a single plan for a similarly small county office community school program is prohibited.

(5)

Kern has a single safety plan for its community school operations. Nevertheless, we note that each of our individual community school sites has its own emergency plan adopted under the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).

(6)

The report says that Kern was not aware of its requirement to have school safety plans in the same manner as school districts. This is not correct. The existence of a comprehensive safety plan for its community schools is evidence that Kern was aware and, in almost all aspects, in full compliance with that requirement. As indicated below, a formal adoption of a plan for court schools, incorporating many safety elements already in place under existing Kern policies, will now take place. Kern had not been made aware of periodic advice and guidance from the California Department of Education on the subject of safety plans, due to miscommunication and changes in personnel assignments. Those problems have now been corrected both at Kern and at CDE.

(7)

(8)

Safety Plan Elements

Turning to Table 4:

Elements 1-5, Development and Submission

Kern has a comprehensive school safety plan for its community schools, developed and approved by a school site council and presented to the county superintendent. This plan will be presented at a public meeting at the largest community school site prior to review by March 1. A formal plan for the juvenile court schools program will be developed, publicly presented and submitted to the county office for review by March 1. Thereafter, plans will be evaluated annually and amended where necessary.

(6)

(9)

Elements 6-13, School Climate and Environment

The report finds that all elements were met at the community school.

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Page Three

As for the court schools:

- Element 6 – we believe that assessment of crime at the court school and school-related functions at the court school is the responsibility of and best handled by the probation department and we will coordinate with that agency.
- Element 7 – all employees of the Kern county office assigned to court and community schools are mandated child abuse reporters, trained in reporting procedures established office-wide as documented in their personnel files. We understand probation officers are also mandated reporters and receive their training and procedures from their employer.
- Element 8 – at the court school, expulsion is not a legal option because there is no alternative program to which students under court jurisdiction can be referred as required by law. The court school safety plan will address current practice, which is to suspend students when warranted which results in their being returned to confinement under probation control.
- Element 9 – we will insure in the court school safety plan that county office staff are notified of dangerous pupils.
- Element 10 – all employees of the Kern county office assigned to court and community schools receive discrimination and harassment training under procedures established office-wide as documented in their personnel files. Kern has in place policies that prohibit bullying and harassment of students and provide that they may file complaints of discrimination and harassment. These policies are applicable to all programs of instruction, including court and community schools.
- Element 11 – ingress and egress at the court schools are under the authority and control of the probation department. Those rules and procedures will be incorporated by reference in the Kern county office safety plan for court school.
- Element 12 – to the extent not otherwise addressed in previous elements, and within the control of county office employees, the subject of a safe and orderly environment conducive to learning will be addressed in the court school plan. It should be noted that an armed probation officer is present in every court school classroom.
- Element 13 – rules and procedures for school discipline similar to those in place for the community schools, adapted to the needs of the court school environment, will be included in the court school plan.

Elements 14-20, Disaster and Emergencies

Kern already has in place comprehensive office-wide policies and procedures for disaster emergency response. All community school students and staff participate in annual emergency preparedness drills. Where necessary, they will be adapted to meet the needs of students with disabilities as the plans are reviewed prior to March 1. Existing earthquake drop procedures will be modified to provide for drills once per quarter for elementary students and once per semester for secondary students.

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Page Four

Kern has office-wide agreements with the County of Kern and other public agencies dealing in a comprehensive manner with emergency responses. They specifically address the availability of sites for mass care and shelter. In addition, all Kern sites are civic centers available to the public which would make them accessible to the Red Cross and other agencies. The availability of court school sites is within the discretion of the probation department.

(11)

Active Shooter and Emergency Preparedness

Finally, a word about active shooter plans and emergency preparedness in general. Your report acknowledges that active shooter plans are not required by state law. However, in Kern we have focused on this issue as part of our multi-agency involvement called STAT: School Threat Assessment Task Force. This multi-agency team included the following organizations:

- Kern County School Districts
- Kern County Superintendent of Schools Office
- Kern County Office of Emergency Services
- Kern County Sheriff's Office
- FBI/Homeland Security Liaison
- Kern County Fire Department
- Bakersfield Fire Department
- Bakersfield Police Department
- Kern County EMS
- Kern County Mental Health

STAT was created to include key stakeholders at the table to identify best practices, provide reasonable and effective solutions and coordination of resources around the issue of threat assessment and emergency preparedness for schools, including our own court and community school programs.

STAT created guidance for agencies and schools, regular communication and updates and local training opportunities, and focused largely on active shooter trainings for Kern and district staffs.

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE KERN COUNTY OFFICE OF EDUCATION

To provide clarity and perspective, we are commenting on the response from the Kern County office. The numbers below correspond to the numbers we have placed in the margin of Kern County office's response.

We acknowledge the efforts that Kern county office has made related to school violence. Specifically, as detailed in Table 3 on page 15, we note that Kern's safety plans contained optional procedures for responding to active shooter incidents. However, as depicted in Table 4 beginning on page 17, we also concluded that Kern's safety plans did not contain numerous other emergency preparedness procedures, including a program to ensure that pupils and certificated and classified staff were aware of and trained in earthquake procedures (element 19). Thus, Kern can do more to ensure that its schools have sufficient emergency preparedness and response plans in place.

(1)

The Kern county office is incorrect when it states that the non-compliance was with the court schools. Specifically, as we note in Table 4 beginning on page 17, both the court school's and the community school's safety plans were missing multiple elements.

(2)

As we note on page 20, state law requires every county office that maintains a school to review and approve their schools' safety plans. This requirement includes court schools, community schools, and any other schools operated by the Kern county office.

(3)

We reviewed the court school's plan and found that it contained numerous deficiencies, which we note in Table 4 beginning on page 17. Thus, the Kern county office's review of this safety plan was not sufficient as it did not identify or correct the deficiencies we noted.

(4)

The exception to state law cited by the Kern county office does not exempt it from the requirement to have a separate plan for each school site. In enacting the requirement to adopt school safety plans, the Legislature specifically identified school districts and county offices, indicating that each has a discrete and specific duty to fulfill this requirement. Although the Legislature specified an exception to this requirement for small school *districts*, it specifically did not name *county offices*.

(5)

- ⑥ As we state on page 22, county offices, like school districts, are responsible for ensuring that safety plans have the necessary procedures and policies to respond to an emergency and to foster a safe school environment, and that they develop and submit safety plans in compliance with state law. Because the Kern county office relies on one generic safety plan for all of its schools, rather than safety plans that are specific to each site, the Kern county office has no assurance that individual sites have individualized emergency procedures, such as up-to-date evacuation routes.
- ⑦ We are confused by the conflicting statements from the Kern county office concerning whether or not it was aware that state law required it to review and approve safety plans in the same manner as districts. As we state on page 22, staff at the Kern county office indicated that the county office had not included some required safety plan elements because it was not aware of them. Moreover, we asked the Kern county office to provide an alternate explanation for the missing elements, but it did not do so.
- ⑧ The safety plans we reviewed were not, in almost all aspects, in full compliance with state law. Table 4 beginning on page 17 shows that the safety plans were missing numerous required elements.
- ⑨ We note in Table 4 on page 17 that the Kern county office did not demonstrate that its school site council wrote and developed the safety plans (element 1).
- ⑩ The Kern county office's responses indicate that it plans to only include certain elements that we identified as missing in its court schools' safety plans. However, as we state on page 22, county offices are responsible for ensuring that safety plans adopted by these schools have the necessary procedures and policies to respond to an emergency and to foster a safe school environment. The requirement to review and approve safety plans extends to court schools, community schools, and any other schools operated by the Kern county office.
- ⑪ We are disappointed that the Kern county office did not share the office-wide agreements it references in its response. State law requires safety plans to include procedures to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency for each school site. As we show in Table 4 on page 18, our review of the Kern county office's safety plans did not contain any references to the office-wide agreements that the Kern county office refers to in its response (element 20).



Gayle Garbolino-Mojica

County Superintendent of Schools

Board of Education

Susan Goto

Area 1

Suzanne Jones

Area 1

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Area 1

Kelli Gnile

Area 2

David Patterson, Ed.D.

Area 3

Lynn Oliver

Area 4

E. Ken Tokutomi

Area 4

August 10, 2017

Via electronic mail and USPS

California State Auditor *

Elaine M. Howle, CPA

621 Capital Mall, Suite 1200

Sacramento, CA 95814

Dear Ms. Howle:

I write in response to the California State Auditor's draft report entitled *School Violence Prevention* received by the Placer County Office of Education (PCOE) on August 7, 2017. First, I would like to thank you and your staff for your professional approach in conducting this audit and for the insight provided to PCOE as a result of your review of our school safety planning. It is my understanding that the auditors found PCOE staff to be cooperative during the audit as well as committed to the effort of creating a safe learning environment at all PCOE schools.

Superintendent's Cabinet

Phillip J. Williams
Deputy Superintendent
Educational Services

Martin Fregoso
Associate Superintendent
Business Services

Catherine M. Goins
Assistant Superintendent
Early Education & Administration

James L. Anderberg
Chief Operations Officer
Administrative Services

Mary Ann Garcia
Chief Human Resources Officer
Human Resources

Troy Tickle
Executive Director
SELPA

As I expressed to your auditors, I too, have a deep concern regarding the increased frequency of active shooter threats and incidents in California, as well as the rest of the nation. Sadly, as these incidents are on the increase, this audit report could not have been any timelier and I would like to offer my support for any effort to improve school safety planning across the state.

In the days immediately following the tragedy in Newtown, Connecticut, I directed county office staff to increase PCOE's crisis response preparation as a matter of critical importance. PCOE has significantly increased its response readiness through working with local law enforcement, providing professional development, conducting situational crisis drills, and equipping all county office facilities with emergency and communication supplies down to each of our classrooms. I am gratified to see some of the measures we have taken here at PCOE listed as best practice recommendations in the report. PCOE has taken a leadership role in assisting school districts in Placer County in safe school preparation by providing financial resources and professional development opportunities to school leadership.

PCOE recognizes the areas of improvement needed in its school safety planning as identified in the report. While we believe that some of the items of deficiency are already in place at PCOE, this office will take the necessary steps to further align its school safety practices with the administrative requirements of the California Education Code and will be prepared to implement any future changes in state law.

In response to the recommendations in the report, PCOE will:

- Ensure that all current Placer County Board of Education and County Superintendent Policies and Procedures, including 0450, Comprehensive School Safety Plans, 5131.2, Bullying, and 5141.4, Child Abuse and Reporting, are along with the other relevant policies and regulations, attached to PCOE's safe school plans. Although the report identifies in Table 4 that PCOE was deficient by not including its policies and regulations with its safety plans, PCOE did provide the auditors with copies of the many policies and regulations that address the procedures essential to a comprehensive school safety plan.
- Ensure that safety response procedures accommodate students and persons with disabilities as identified as Element 15.

(1)

Elaine M. Howle, CPA
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- Convene School Site Councils and/or Safety Committees annually for the purpose of reviewing and when applicable, updating comprehensive safe school plans. These plans annually will be reviewed and approved by the Placer County Superintendent or designee annually. Also, these plans will be assembled using a template to ensure uniformity and completeness and administered through PCOE's document management system.
- Secure the ongoing cooperation of the Placer County Juvenile Detention Facility (JDF), a law enforcement operated youth incarceration center, to incorporate JDF's existing crisis response plans into PCOE's comprehensive safety plans. As a locked-down facility under the jurisdiction of the Placer County Sheriff, PCOE will work with the Sheriff to address the safety planning procedures required of county offices of education.
- Develop and include in all comprehensive safe school plans an Active Shooter procedure as recommended by the Department of Homeland Security. PCOE will continue to make active shooter scenarios, including its lockdown procedures, a key part of its school safety drills.

I hope you find this response to be as intended, in a spirit of cooperation and expressing a commitment to move forward to improve the safety of our schools while meeting the school safety planning process and procedures required by state law.

Yours in education,


Gayle Garbolino-Mojica
Placer County Superintendent of Schools

cc: Phillip J. Williams, Deputy Superintendent, Educational Services
Martin Fregoso, Associate Superintendent, Business Services
Mary Ann Garcia, Chief Human Resources Officer
James L. Anderberg, Chief Operations Officer
Keith J. Bray, General Counsel

Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM THE PLACER COUNTY OFFICE OF EDUCATION

To provide clarity and perspective, we are commenting on the response from the Placer county office. The number below corresponds to the number we have placed in Placer county office's response.

Although the Placer county office did provide some school board policies that are available online, which we acknowledge on page 19, these policies did not address all the deficiencies we identified. For example, we could not find any evidence that the Placer county office had online school board policies related to notifying teachers regarding dangerous pupils and procedures for safe ingress and egress of pupils, parents, and employees. As we note in Table 4 beginning on page 17, none of the safety plans we reviewed contained these elements (elements 9 and 11). ①

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Ted Alejandre
County Superintendent

August 11, 2017

Ms. Elaine M. Howle, CPA *
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

Thank you for your interest in school violence prevention in California's K-12 public schools. As requested, this letter is a preliminary response to the California State Auditor's ("Auditor") draft audit report ("Report") *"School Violence Prevention: School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies."* We appreciate the opportunity to dialogue with your staff on this very important matter and to comment on the preliminary findings and recommendations in the draft Report. You will find below, the San Bernardino County Superintendent of Schools ("SBCSS") general comments and specific responses to the Report recommendations.

As the Report indicates, California's education institutions have a responsibility to create safe and secure learning environments (pg. 9). While schools have multiple measures in place to ensure the safety and well-being of students and staff, the occurrence of active shooter threats and incidents in schools nationwide has increased in frequency (pg. 10). Certainly, the readiness to prevent, identify and respond to all types of emergency incidents, including violence and active shooter threats on and around school campuses, should be a priority for all adults.

①

①

Auditor's Legislative Recommendations

To ensure that students and staff are prepared to respond to violent incidents on or near school sites, the Legislature should require that safety plans include procedures, such as lockdowns, recommended by federal and state agencies. The Legislature should also require schools to hold periodic drills on the procedures.

SBCSS Response

SBCSS is committed to serving the districts in San Bernardino County with guidance, support and best practices concerning the safety of school campuses. While current state law does not require schools to include procedures for responding to active shooter incidents in their school safety plans, SBCSS recognizes the importance and validity of this recommendation and would be supportive of proposed legislation in this regard. Additionally, SBCSS will continue numerous efforts in place to ensure the safety and security of school campuses, including:

- Continuing, expanding and maintaining regular active shooter awareness training and lockdown procedure drills at its schools and administrative sites. In lieu of a statutory mandate (pg. 15), SBCSS will develop policy to require training and drills, to include active shooter response and lockdown procedures, bi-annually at all school and administrative site as part of its comprehensive safety plans.

Office of the Superintendent

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* California State Auditor's comments appear on page 53.

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- ①
- Holding monthly meetings with the San Bernardino Countywide Gangs and Drugs Task Force, a partnership between education, law enforcement and juvenile justice to prevent and curtail school violence countywide. The Task Force provides a forum for local school districts, law enforcement and the judiciary to partner and evaluate current trends, data and best practices. (pg. 20).
 - Sharing best practices in the area of school safety with schools and districts by bringing in national, state and local experts to discuss and provide training on tactics and procedures to address school-based emergencies, including active shooter incidents and lockdown procedures. In partnership with the San Bernardino County Sheriff's Department, SBCSS has hosted trainings for district and school site leaders on how to respond to active shooters with Sheriff's Department experts and nationally recognized expert on violent crime, Lt. Col. Dave Grossman, who most recently presented to more than 700 educators at the Southern Region Student Wellness Conference in July.

Auditor's District and County Office Recommendations

To ensure that their schools' safety plans comply with state law and are submitted and approved on or before March 1st each year, county offices should implement procedures to monitor and approve their schools' safety plans. The procedures should include the use of electronic document-tracking systems and safety plan templates.

SBCSS Response

SBCSS supports this recommendation and will review current policies and procedures, and implement improved procedures where necessary, to monitor and approve comprehensive school safety plans. The use of safety plan templates and document-tracking systems to monitor and approve annual school safety plans by March 1st of each year will ensure that schools have in place up-to-date safety plans that include all the requirements to comply with state law.

- ①
- ②
- SBCSS believes it is important to note the requirements for comprehensive school safety plans put forth in Education Code ("EC") 32280-32288 in response to the Auditor's written comments on page 25 of the Report about site-specific safety plans. EC 32281 indicates that a "small school district" with fewer than 2,501 units of average daily attendance ("ADA") at the beginning of each fiscal year may develop a *districtwide* comprehensive school safety plan. The California Department of Education ("CDE") recognizes three separate schools operating under SBCSS. The three schools are: San Bernardino County Juvenile Detention and Assessment Center; Community School / Independent Alternative Education; and San Bernardino Special Education.

Juvenile Hall ADA during the 2016-17 school year had an ADA of 208.37. Community school / independent study had an ADA of 590.59. Most SBCSS special education classes are primarily housed on local school campuses. Those classes are covered under the local district / school safety plan. SBCSS has two stand-alone special education sites with a total ADA of 72.64 ADA. The total ADA for SBCSS for 2016-17 was 2098.00. Since 2013-14 school year, SBCSS district ADA has been below the 2,501 ADA level, which the CDE identifies as the demarcation between small school districts and others.

The district conducts school site council meetings regularly during the course of the school year, as well as holds biannual Local Control Accountability Plan("LCAP") forums. Attending these meetings are: school and district administration, teachers, paraeducators, students, parents, community members, and probation officers. School safety is discussed at school site council meetings and school climate is one of the state's eight required elements for district LCAPs. The district has allocated funds for probation officers housed at community schools to assist with safety concerns.

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Specific actions SBCSS is committed to implementing, which pertain to the Auditor's recommendations for county offices of education include:

- Include law enforcement representative as an active participant on the district School Safety Planning Committee (pg. 20). SBCSS currently has actively recruited both San Bernardino County Sheriff's Department and Probation to train all principals and conduct safety inspections and drills.
- Using the approved Compliance Checklist for Comprehensive Safety Plans provide by the California Department of Education to ensure that all required elements of comprehensive school safety plans are met.
- Develop procedures for tracking individual school's annual update of comprehensive school safety plans.
- Document safety plan approval by March 1st
- Document annual training to all staff in safety plan uses and updates.
- Require sites to submit documentation of all drills conducted.
- Call upon the district School Safety Planning Committee to review the current status of school crime and violence, including discipline, attendance, expulsions, suspensions, school referral data and violent incidents as part of the annual safety plan update.
- Assess current staffing and services to ensure capacity necessary to: develop and monitor school safety plans; coordinate drills on emergency and active shooter response and lockdown procedures; and provide trainings to SBCSS and district staff to ensure safe and secure school campuses; and bring in additional resources where necessary.

We appreciate the Auditor's attention to and concern for the safety of California's public school students. The safety and well-being of students and staff in California's public schools is of paramount importance. Students should be able to attend schools in safe and secure environments so that learning may flourish. We look forward to our continued efforts with the Auditor on this matter to see that all of our students have the ability to attend school in environment that are safe and secure in order to fulfill their greatest potential.

Sincerely,



Ted Alejandre

San Bernardino County Superintendent

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE SAN BERNARDINO COUNTY OFFICE OF EDUCATION

To provide clarity and perspective, we are commenting on the response from the San Bernardino county office. The numbers below correspond to the numbers we have placed in San Bernardino county office's response.

During the publication process for the audit report, page numbers shifted. Therefore, the page numbers cited by the San Bernardino county office in its response may not correspond to the page numbers in the published audit report.

(1)

The exception to state law cited by the San Bernardino county office does not exempt it from the requirement to have a separate plan for each school site. In enacting the requirement to adopt school safety plans, the Legislature specifically identified school districts and county offices, indicating that each has a discrete and specific duty to fulfill this requirement. Although the Legislature specified an exception to this requirement for small school *districts*, it specifically did not name *county offices*.

(2)

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Dale Marsden, Ed.D., Superintendent

August 11, 2017

Sent via Email and U.S. Mail:

California State Auditor *
Attention: Elaine Howle, State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Dear Ms. Howle:

Thank you for your assistance in completing an audit of School Safety Plans within our District. The investigation by your team is most valuable in keeping our students as safe as possible, while assuring an appropriate learning environment.

I do have some observations for your consideration as we move forward in collaboration:

- 1) While I agree that the School Safety Plans should include protocol for active shooter situations, there are other approaches which we have implemented to achieve the same result. Since the December 2, 2015 incident at the Inland Regional Center in San Bernardino, our District created new lockdown, lockout, and shelter procedures. This included handouts, posters and power point presentations throughout the District. We have conducted training for all school leaders on these new procedures. Moreover, many drills for schools were completed and public meetings conducted. Combined, over 500 substitute teachers and custodians received the same training. We implemented improved mass communication methods at all of our schools;
- 2) The inclusion of safety procedures in School Safety Plans do not in and of themselves protect students. Rather, training, which our District has implemented, must be provided when confronting school violence. To this extent, I respectfully disagree with your conclusion that our oversight with respect to School Safety Plans has "put students and staff at risk". School Safety Plans are only one part of how we assure safe campuses with staff training being a far more important approach. Clearly, a School Safety Plan without training is ineffective. Training of staff, on the other hand, assures an appropriate response;

(1)

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Making Hope Happen

Office of the California State Auditor
Ms. Elaine Howle
Page Two

- ②
- 3) Emphasis is warranted in preventing school violence before it occurs. Part of our staff training is aimed at recognizing circumstances that could lead to destructive events on or near our schools so that proactive measures can be taken before the devastation takes place;
 - 4) Your report makes reference to the fact that policies, training and other procedures were not included in School Safety Plans. I assure you, however, that policies do exist and safety training has been conducted within the District. I will make certain that our updated Safety Plans include this information;
 - 5) The SBCUSD has retained the services of an outside contractor to evaluate our campuses from the perspective of maintaining a secure learning environment. The project is ongoing presently and will take place over the next several months. We anticipate input from the retained contractor during the current school year. Our School Safety Plans are being updated at each of our campuses as mandated by the Education Code and we will be in compliance for the 2017-18 school year;
 - 6) Funding should be made available to the school districts to permit full compliance with School Safety Plan requirements.

Once again, I want to thank you and your members for the time and effort spent in our District towards the end of keeping staff and students as safe as possible. It is our mutual belief that establishing a culture of safety throughout the school community will promote student and staff security. Relationships among community, staff, parents, students and partners will create the desired result. We value your input and thank you for your assistance.

Very truly yours,



Dale Marsden, Ed.D., Superintendent
San Bernardino City Unified School District

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

To provide clarity and perspective, we are commenting on the response from San Bernardino City Unified. The numbers below correspond to the numbers we have placed in San Bernardino City Unified's response.

We stand by our conclusion on page 2 that the lack of oversight by districts and county offices of education may put students and staff at risk because they may not know how to properly respond to an emergency. Safety plans are a collection of procedures for schools to use in the event of an emergency, such as an earthquake, as well as policies to promote a safe learning environment. We note in Table 4 beginning on page 17 that San Bernardino City Unified is deficient in multiple areas. For example, nine of the 10 safety plans we reviewed were missing a discrimination and harassment policy (element 10). In addition, we assessed the supplemental evidence of training provided by San Bernardino City Unified and found that it did not include all of the information missing from the safety plans we reviewed.

(1)

Although San Bernardino City Unified does provide some school board policies online, which we acknowledge on page 19, these policies did not address all the deficiencies we identified. For example, we could not find any evidence that San Bernardino City Unified had online school board policies related to notifying teachers regarding dangerous pupils. As we note in Table 4 beginning on page 17, only one of the 10 safety plans we reviewed at San Bernardino City Unified contained this element (element 9). Further, we did not find evidence that the trainings conducted by district staff included all of the elements required in safety plans.

(2)