

Mandatory New Charter Petition Requirement: School Safety Plans (AB 1747)

While being prepared for an emergency has always been an important part of keeping students safe, nothing in the Charter Schools Act specifically addressed emergency preparedness. That changed with the passage of AB 1747, which amended Sections 47605 and 47605.6 of the Education Code to add preparation of a “School Safety Plan” as a required component of the description of health and safety procedures (Element 6 or F) in charter petitions. AB 1747, which took effect on Jan. 1, 2019, now requires a reasonably comprehensive description of: “The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.” (Ed. Code § 47605, subd. (b)(5)(F); Ed. Code § 47605.6(b)(1)(G).)

A school district is required to prepare a “Comprehensive School Safety Plan” in accordance with Education Code Section 32280. AB 1747 only applied certain elements of that larger statutory scheme to the school safety plans that charter schools must prepare. For example, a Comprehensive School Safety Plan prepared by a *school district* must assess the status of school crime(s) committed at school campuses and school-related functions. By contrast, a School Safety Plan prepared by a *charter school* need only address certain elements required in a Comprehensive School Safety Plan, listed below, but not an assessment of school crime.

The School Safety Plan for a charter school must include the following elements:

- (A) Child abuse reporting procedures;
- (B) Disaster procedures, including earthquake preparedness, procedures for allowing school grounds to be used as a disaster shelter, and adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act;
- (C) Policies for pupils who committed certain serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations;
- (D) Procedures to notify teachers of dangerous pupils;
- (E) A discrimination and harassment policy;
- (F) The provisions of any schoolwide dress code that prohibits pupils from wearing “gang-related apparel,” if the school has adopted that type of a dress code;
- (G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school;
- (H) A safe and orderly environment conducive to learning at the school; and
- (I) Procedures for conducting tactical responses to criminal incidents.

Like the more comprehensive version prepared by a school district, the School Safety Plan prepared by a charter school must be reviewed and updated by the charter school no later than March 1 annually. The School Safety Plan must also be specific to each school and should be developed and updated with input from the administration, local first responders, legal counsel, and experts in school safety.

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A charter school should describe contents of or the procedures for preparation of the School Safety Plan in the health and safety element of its charter. For those charter schools whose charter petitions were approved or renewed before the adoption of AB 1747, there is no immediate need to seek a material revision. Instead, the procedures for preparing such a plan can be specified in the next renewal petition or material revision. However, we do recommend that charter schools have a School Safety Plan in place now, as a best practice.

Should you have any questions about this Legal Alert or the requirements of AB 1747, or developing a School Safety Plan please contact or Sarah Kollman (skollman@mycharterlaw.com) or Gregory Forest (gforest@mycharterlaw.com); 916-646-1400. You can also [view past Legal Alerts here](#).

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