

CLIENT NEWS BRIEF

Tactical Response Plans and SB 707: Are Your Schools Prepared to Evaluate and Respond to Threats?

Recently, various school district officials nationwide received anonymous communications threatening violent attacks. These events, and the school districts' responses, highlight the importance of having appropriate plans in place to evaluate and respond to threats.

The California Education Code establishes the basic framework for school districts to take steps to make schools safe. Each school in a district is required to develop a comprehensive school safety plan "that addresses the safety concerns identified through a systematic planning process." (Ed. Code, § 32280.) A "safety plan" is "a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus." (Ed. Code, § 32280.) The plan must be annually reviewed and updated by March 1. (Ed. Code, § 32286.)

Generally, the school site council is responsible for developing the safety plan. (Ed. Code, § 32281.) However, in lieu of the school site council, a school district or county office of education may elect to develop confidentially the portions of the safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, otherwise known as a "tactical response plan." (Ed. Code, § 32281(f)(1).) The term "tactical response" means the "steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators." (Ed. Code, § 32281(f)(2).) When developing a tactical response plan, district or county officials must consult with law enforcement officials and invite representatives of exclusive bargaining units of district employees to participate. (Ed. Code, § 32281(f)(1).)

The range of incidents that may be addressed in a tactical response plan is broad, and may include serious criminal threats and acts such as bomb threats, active shooter situations, and terrorist attacks. Tactical response plan considerations will vary by district and school. What may be a critical need during an emergency for a large urban school district may not be a concern for a rural school district. Similarly, rural schools may not be able to rely on the resources provided to schools in urban areas. Recognizing this reality, the components of a tactical response plan are purposefully broad to allow educators and law enforcement officials to tailor plans to the unique needs of their district.

Because of the sensitive nature of tactical response plans, they are afforded special protection from disclosure to the public. For example, a governing board may meet in closed session to discuss the tactical response plan. (Ed. Code, § 32281(f)(3); Gov. Code, § 54957.) Additionally, the plan may be exempt from disclosure under the California Public Records Act. (Ed. Code, § 32281(f)(1); Gov. Code, § 6254(aa).) However, a governing board must publically announce the outcome of any vote to approve the plan. (Ed. Code, § 32281(f)(3).)

One current, critical issue related to tactical responses for active shooter

February 2016
Number 8



Trevin E. Sims
Partner
Los Angeles Office
tsims@lozanosmith.com



Eric Barba
Associate
Walnut Creek Office
ebarba@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

CLIENT NEWS BRIEF

February 2016
Number 8

situations is permitting the presence of concealed weapons on campus. Recently passed legislation, Senate Bill (SB) 707, gives district officials the authority to determine whether concealed weapon permit holders may possess firearms on school grounds. However, SB 707 provides no guidance to district officials on appropriate standards and procedures in exercising that authority. As a result, school officials are left to struggle with important questions, including:

- Should concealed weapons be permitted at district sites at all?
- Who should be granted permission?
- What criteria should be applied for granting permission?
- What conditions should be imposed on the storage, handling and use of concealed weapons?

The answers to these questions implicate student and staff safety, district and individual liability exposure, and risk management.

The recent threats across the country are a reminder to California educators to be vigilant and to proactively address student safety, including by paying close attention to the tactical response components of school safety plans.

Lozano Smith will be presenting workshops on topics relating to school safety and SB 707 implementation. For information on our next series of workshops [click here](#).

If you have any questions regarding comprehensive school safety plans, tactical response plans, and SB 707, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).