

Date of Hearing: January 10, 2024

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 1299 (Jackson) – As Amended January 3, 2024

**SUBJECT:** School safety: school resource officers: school police officers: school safety plans

**SUMMARY:** Requires that school safety plans developed by school districts and charter schools, include procedures and policies relating to the use of police officers on a school campus; prohibits the use of handcuffs or pepper spray on a school campus except in an emergency situation necessary to prevent the loss of life; prohibits school resource officers (SROs) from correcting pupil behavior, requires SROs to report to and obtain approval from school principals before accessing a schoolsite; and requires specified training to be provided to SROs under contract with a school district. Specifically, **this bill:**

- 1) Requires that school safety plans developed by school districts or charter schools include procedures and policies relating to the use of police officers, including SROs, or any other law enforcement official acting as an SRO on a school campus, including all of the following:
  - a) A prohibition on the use of handcuffs or pepper spray on a school campus except in an emergency situation where the use of handcuffs or pepper spray is necessary to prevent the loss of life;
  - b) Specifies that, for purposes of this clause, “emergency situation” does not include fighting unless the fighting would cause the loss of life; and
  - c) A prohibition on a police officer, SRO, or any other law enforcement official acting as a SRO correcting pupil behavior.
- 2) Requires that a police officer, including a SRO, or any other law enforcement official acting as an SRO, employed by the governing board of a school district, do both of the following:
  - a) Report directly to the principal of the school while on the school campus, to the extent not in conflict with any collective bargaining agreement; and
  - b) Obtain approval from the school principal before accessing school grounds or engaging with pupils, other than in an emergency situation on a schoolsite where law enforcement is necessary for the prevention of loss of life.
- 3) Requires, if a school district provides a police officer, including a school resource officer, or any other law enforcement official acting as a school resource officer, employed by the governing board of the school district, with training, that same training be provided to a police officer with whom the governing board of the school district has contracted to perform law enforcement activities.

**EXISTING LAW:**

- 1) Asserts that all students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to

- attend campuses which are safe, secure and peaceful. (California Constitution, Article 1, Section 28)
- 2) Authorizes the governing board of a school district to establish a school police department under the supervision of a school chief of police, and to employ peace officers to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district. Specifies that persons employed and compensated as members of a police department of a school district, when appointed and duly sworn, are peace officers, for the purposes of carrying out their duties of employment. (EC 38000 and 38001)
  - 3) Authorizes the governing board of a school district to establish a security department under the supervision of a chief of security, and to employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. Expresses the intent of the Legislature that a school district security department be supplementary to city and county law enforcement agencies and not vested with general police powers. (EC 38000)
  - 4) Provides that any peace officer employed by a K-12 public school district who has completed training as prescribed shall be designated a school police officer. (Penal Code (PEN) 830.32)
  - 5) Requires any school police officer first employed by a K-12 public school district to successfully complete a basic course of training before exercising the powers of a peace officer. Also requires the Commission on Peace Officer Standards and Training (POST) to prepare a specialized course of instruction for the training of school peace officers to meet the unique safety needs of a school environment and for such officers to complete the specialized training within two years of the date of first employment. (PEN 832.3)
  - 6) Requires each school district or county office of education (COE) to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. (EC 32281)
  - 7) Encourages that, as school safety plans are reviewed, plans be updated to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, SROs, and police officers on school campuses, if the school district employs these people. (EC 32282.1)
  - 8) Requires charter schools to develop school safety plans and to update them by March of each year. (EC 47605, 47605.6)
  - 9) Specifies that when a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent of the release of the minor to the officer and regarding the place to which the minor is being taken, except when the minor is taken into custody as a victim of suspected child abuse. (EC 48906)
  - 10) Establishes the conditions under which chemical agents, including pepper spray, may be used by a peace officer, including a requirement that the officer has received training on the proper use, if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, or to bring an objectively dangerous and unlawful situation safely

and effectively under control, and only in accordance with specified requirements. (PEN 13652)

- 11) Authorizes the use of physical restraints for youth in juvenile facilities only for those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm, and suggests that physical restraints should be used only when it appears less restrictive alternatives would be ineffective in controlling the youth's behavior. (California Code of Regulations Title 5, Division 1, Chapter 1, Subchapter 5, Section 1358)
- 12) Authorizes the use of mechanical restraints, including handcuffs, chains, irons, or other similar items to be used on a juvenile detained in or committed to a local secure juvenile facility, camp, ranch, or forestry camp, during transportation outside of the facility only upon a determination that the restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. (Welfare and Institutions Code (WIC) 210.6)

**FISCAL EFFECT:** The Office of Legislative Counsel has keyed this bill as a possible state-mandated local program.

**COMMENTS:**

***Need for the bill.*** According to the author, "Current data and lawsuits in California call on the legislature to reevaluate the role that school resource officers on K-12 campuses have played. We must recognize the importance of protecting lives while striking the appropriate balance to ensure no unintended consequences affect the health and well-being of students of color, foster care students, and students with disabilities. This bill strikes that balance."

***The role of peace officers on school campuses.*** A safe school environment is critical to effective teaching and learning. Some school districts choose to enhance the safety of their schools by establishing a school police or security department, or by working with a city or county law enforcement agency to have SROs assigned to one or more of the district's schools. According to the Commission on Peace Officer Standards and Training (POST), 18 school districts in California have established their own police departments and collectively employ 658 peace officers and reserve members. The Los Angeles Unified School District assigns armed peace officers to high schools and middle schools on a daily basis. They also employ school safety officers who are non-armed civilians at middle schools. These officers receive additional training to support the police officers in creating safe educational environments.

According to the National Association of School Resource Officers, the role of SROs includes three primary responsibilities:

- Ensuring a safe and secure campus;
- Educating students about law-related topics; and
- Mentoring students as counselors and role models.

In addition to traditional law enforcement duties such as searching a student suspected of carrying a weapon or investigating whether drugs have been brought onto campus, a SRO's

activities may also include a wide range of supportive activities and programs. Further, the Association notes that “the presence of an SRO, as a result of their law-enforcement activities and day-to-day visibility to and interaction with students and staff, supports a safe and orderly environment where students can feel safe and educators can feel supported in their determination to protect their students during the school day.”

***Requirements for school police or SROs.*** Members of a school district police department or SROs assigned to a school site by a local law enforcement agency are sworn peace officers who have successfully completed a minimum of 800-1,200 hours of training in a police academy program in order to initially qualify as a peace officer and to carry firearms.

Current law in California requires SROs to take an additional training specific to law enforcement in an educational setting. The National Association of School Resource Officers offers “The Basic School Resource Officer Course,” a forty-hour block of instruction designed for any law enforcement officer with two years or less experience working in an educational environment. This course includes the following topics:

- Foundations of School-Based Law Enforcement;
- Ethics and the SRO;
- The SRO as a Teacher/Guest Speaker;
- Diversity;
- Understanding Special Needs Students;
- Social Media;
- School Law;
- The SRO as an Informal Counselor/Mentor;
- Understanding the Teen Brain;
- Violence and Victimization: Challenges to Development;
- Sex Trafficking of Youth;
- Effects of Youth Trends and Drugs on the School Culture and Environment;
- Threat Response: Preventing Violence in School Settings;
- School Safety and Emergency Operations Plans; and
- Crime Prevention through Environmental Design.

***Concerns regarding law enforcement presence on school campuses.*** In recent years, concerns have been raised regarding the role of law enforcement officers on school campuses, as in some cases police officers have become involved in administering disciplinary actions. Some contend that the increase in student-police interactions has resulted in thousands of students being pushed into the school-to-prison pipeline. A 2016 report by the American Civil Liberties Union (ACLU) of California notes that student-police interactions may be disproportionately impacting certain student groups.

The National Association of School Resource Officers (NASRO) notes that SROs who follow NASRO's best practices do not arrest students for disciplinary issues that would be handled by teachers or administrators if the SRO were not present. They contend that SROs help troubled students avoid involvement with the juvenile justice system.

*"Guiding Principles: A Resource Guide for Improving School Climate and Discipline,"* (U.S. Department of Education (USDOE), 2014) notes that schools choosing to use school-based law enforcement officers should ensure that these officers' roles are focused on protecting the physical safety of the school and preventing criminal conduct. The USDOE further recommends that schools ensure that school-based law enforcement officers do not become involved in routine school disciplinary matters.

***Chain of command.*** According to the Community Oriented Policing Services (COPS) of the U.S. Department of Justice (DOJ), law enforcement agencies and schools should develop a Memorandum of Understanding (MOU) to clearly document the roles, responsibilities and expectations of the individuals involved including SROs, school officials, law enforcement, and other interested parties. In terms of supervision responsibility and chain of command for the SRO, the DOJ recommends that the MOU clearly establish a definitive chain of command for the SRO, including the individuals with the responsibility for the supervision of the SRO. They note that with rare exceptions, this responsibility lies with the law enforcement executive or their designee.

***Arguments in opposition.*** The Riverside Sheriffs' Association notes, "Our members include and work closely with school police/school resource officers (SROs) on a daily basis. SROs are fully-sworn police officers who have completed additional, extensive training specific to student and staff safety issues and have dedicated their careers to protecting, mentoring and advocating for student wellness and safety at our public schools.

In communities that follow the best practices that the National School Resource Officers Association recommends, SROs bridge gaps between law enforcement and youth, serve as trusted mentors to students and provide valuable information in classrooms as guest lecturers. Students who are victims of crimes, including child abuse, often confide in their school resource officers before anyone else. And SROs are usually better able to develop essential emergency plans."

***Recommended Committee Amendments. Staff recommends that the bill be amended as follows:***

- 1) Remove the language prohibiting the use of handcuffs or pepper spray on a school campus except when necessary to prevent the loss of life, and replace with the following:
  - a) Prohibit the use of handcuffs on a school campus except in situations where the SRO or other law enforcement official determines that a pupil may present an immediate danger to themselves or others, may exhibit behavior that results in the destruction of property, or may cause self-inflicted physical harm.
  - b) Prohibit the use of pepper spray on a school campus except when utilized in a manner consistent with Penal Code section 13652.

- 2) Remove the prohibition on law enforcement official, including an SRO, correcting pupil behavior, and instead prohibit the law enforcement official from engaging in student disciplinary actions, except as requested by staff or officials of the local educational agency.
- 3) Remove the requirement that a law enforcement official report directly to the principal of the school while on school campus, and obtain approval from the principal before accessing school grounds or engaging with pupils, other than in an emergency situation where their presence is necessary for the prevention of loss of life. Replace with a requirement that only those police officers not employed or contracted as an SRO notify the principal or their designee before accessing school grounds or engaging with pupils, unless necessary to defend against a threat to life or serious bodily injury to any individual, or to bring an objectively dangerous and unlawful situation safely and effectively under control

**Related legislation.** AB 750 (Chen) of the 2019-20 Session would have required school districts and charter schools to have at least one SRO present at each school during regular school hours and any other time when pupils are present on campus. This bill failed passage in the Assembly Education Committee.

AB 2067 (Gallagher) of the 2017-18 session would have required school districts and charter schools to ensure there is at least one armed SRO present at each school during regular school hours and any other time when students are on campus. It would have also prohibited funding this requirement from the district or charter school's Local Control Funding Formula (LCFF) apportionment and specified expenses would be reimbursed as a state mandate. This bill was held in the Assembly Appropriations Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

Administrators Association of San Diego City Schools  
 Arcadia Police Officers' Association  
 Burbank Police Officers' Association  
 California Coalition of School Safety Professionals  
 Claremont Police Officers' Association  
 Corona Police Officers' Association  
 Culver City Police Officers' Association  
 Deputy Sheriffs' Association of Monterey County  
 Fullerton Police Officers' Association  
 Los Angeles School Police Management Association  
 Los Angeles School Police Officers' Association  
 Murrieta Police Officers' Association  
 Newport Beach Police Association  
 Novato Police Officers' Association  
 Palos Verdes Police Officers' Association  
 Placer County Deputy Sheriffs' Association  
 Pomona Police Officers' Association

Riverside County Sheriff's Office  
Riverside Police Officers' Association  
Riverside Sheriffs' Association  
Santa Ana Police Officers' Association  
Uplands Police Officers' Association

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