

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 3038 (Essayli) – As Amended April 1, 2024

[This bill is double referred to the Assembly Public Safety Committee and may be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: School safety: armed school resource officers

SUMMARY: Requires a school district or charter school with an enrollment of 50 students or more to hire or contract with at least one armed school resource officer (SRO) authorized to carry a loaded firearm to be present at each school of the school district or charter school during regular school hours and any other time when students are present on campus, beginning with high schools in 2025, and adding middle/junior high schools serving students in grades 6 to 8 in 2026, and elementary schools in 2027. Specifically, **this bill:**

- 1) Requires a school district, including a school district that establishes a police department, or a charter school to hire or contract with at least one armed SRO authorized to carry a loaded firearm to be present, at each school of the school district or charter school with an enrollment of 50 or more students, during regular school hours and any other time when students are present on campus, subject to the following timelines:
 - a) By January 1, 2025, for schools enrolling students in grades 9 to 12;
 - b) By January 1, 2026, for schools enrolling students in grades 6 to 8, but no grade lower than grade 6; and
 - c) By January 1, 2027, for schools enrolling students in kindergarten or grades 1 to 5.
- 2) Requires that the schools' cost of hiring or contracting for armed SROs be reimbursed as a state mandate and prohibits the funding of these positions with a school district or charter school's Local Control Funding Formula (LCFF) appropriation.
- 3) Removes legislative intent language on the need to evaluate the presence of peace officers and other law enforcement on school campuses and to encourage local educational agencies (LEAs) to use school resources currently allocated to such personnel for student support services, such as mental health services and professional development for school employees on cultural competency and restorative justice, as needed if found to be a more appropriate use of resources.
- 4) Defines a "school resource officer" as an individual who is a peace officer, as defined, and is employed by, or contracts to be assigned to a school district or a charter school.

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 that 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 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).

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

COMMENTS:

Need for the bill. According to the author, “Nothing should be more important than the safety of our schools. No student should have to worry that they will be the victim of a school shooting or other violent incident while on campus. I introduced AB 3038 as a necessary step toward restoring student safety. Police officers on school campuses offer both a faster response to ongoing threats as well as a preventative presence that will help stop potential incidents of violence before such events transpire. This bill will ensure our schools are protected and create a healthy and productive learning environment for all students.”

The role of SROs. According to the California School Resource Officers' Association:

The role of the SRO is to assist in building a positive school culture by implementing the main duties of the SRO, working closely with the school leadership team and making a positive impact on the school community while focusing on school safety. The four main duties are: a counselor by talking with students and staff and offering guidance and assistance; a teacher by providing classroom presentations, support On-Campus Intervention or Saturday School through discussions and lessons, staff development and informational sessions for parents; a social worker by linking students, parents and staff with resources and services; lastly, as a law enforcement professional when all other options are exhausted or the case warrants tier three interventions or arrest. The majority of SRO – student contacts are positive in nature and serve to connect the student with another caring adult on campus or to provide mentoring, guidance and connections to needed services.

According to the National Association of School Resource Officers (NASRO), 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.

The 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.

A 2014 U.S. Department of Education (USDOE) publication, "Guiding Principles: A Resource Guide for Improving School Climate and Discipline," 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.

Requirements for school police or SROs. School-based law enforcement refers to situations in which one or more trained police officers work full-time or part-time on school property. A school district may choose to have its own dedicated police department or may establish a relationship with a local law enforcement agency to have one or more SROs assigned to one or more school properties. Both 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 carry firearms, have arrest powers, and carry a police department badge. These officers 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 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.

Who are school resource officers? A national survey of 400 SROs in 2018 identified the following:

- 84% of SROs are male and 16% female;
- 69% are White, 21% Black, 5% Hispanic, 4% other;
- 42% work in suburban schools, 37% rural, and 21% urban;
- 70% are assigned to high schools, 58% to middle schools, and 50% to elementary schools;
- 57% of SROs are employed by a local police or sheriff's office, while 20% are part of a school police department;
- 75% reported having experience working with youth prior to becoming an SRO;
- In responding to what they see as their primary role, 59% responded ensuring safety and security; other responses included enforcing laws, mentoring, enforcing school discipline, and teaching;
- Of the officers employed by local police or sheriff's departments, 100% carry a gun, 99% handcuffs, 65% Taser, 62% mace, and 33% wear a body camera; and

- Of the officers employed by a school police department, 86% carry a gun, 95% handcuffs, 37% Taser, 52% mace, and 24% wear a body camera. (Education Week Research Center, 2018)

The prevalence of peace officers on school campuses. According to national survey data of 2,400 public schools collected by the Institute of Education Sciences (IES) in 2022, 52% of public schools reported having any sworn law enforcement officers, including SROs, present at school at least once per week. This varied significantly based on the size of the school.

California school districts with their own police departments include:

- The Los Angeles Unified School District (LAUSD) Police Department is a recognized independent school police department, with 211 sworn police officers, 25 non-sworn school safety officers (SSO), and 32 civilian support staff;
- The San Diego Unified School District also has a fully accredited police agency employing 36 sworn police officers, 18 of these officers provide service at over 180 sites;
- The Stockton Unified School District Department of Public Safety includes 37 sworn officers, 8 dispatchers, 3 professional staff, and 90 civilian safety and security personnel;
- The Santa Ana Unified School District Police Services Department is the third largest school police agency in the state, with 30 sworn police officers, 5 dispatchers, and 50 civilian district safety officers and professional office staff;
- The San Bernardino City Unified School District Police Department includes both SROs as well as Campus Security Officers (CSO);
- The Clovis Unified School District Police Department employs 2 sergeants, 14 sworn officers, 1 dispatcher, and 1 CSO;
- The Kern High School District Police Department assigns a full-time POST-certified peace officer to each of the district's 19 comprehensive high school campuses. Additional officers serve as rovers, truancy officers, and supervisors;
- The Apple Valley Unified School District Police Department assigns each officer to a primary home school, typically a high school campus, but are available to respond to any of the other district schools. They work closely with site administration and District Safety Officers; and
- The Twin Rivers Unified School District Police Department assigns SROs to 6 high schools.

A Public Policy Institute of California (PPIC) 2020 report notes that some California school districts have ended their SRO agreements with local police departments in recent years, including Oakland, West Contra Costa, and Pajaro Valley Unified School District. The Oakland Unified School District's Reparations for Black Students resolution passed in 2021 called for the elimination of the Oakland Schools Police Department and the redirection of resources toward student safety supports, as designated in the community-driven safety plan created by the Black Organizing Project.

The PPIC report notes that high schools are more likely to have SROs (37%) than middle schools (16%) or elementary schools (10%). As SROs are more prevalent among schools with higher enrollment, the percentage of students who attend schools with SROs is much higher: two-thirds of high school students, one-quarter of middle schoolers, and 11% of elementary students.

Differing views regarding law enforcement presence on school campuses. Authors advocating for school-based law enforcement contend that when law enforcement officers are carefully selected and trained for placement in schools, their presence can reduce crime and improve students' feeling of safety and their learning outcomes (Canaday, 2012). Others contend that school-based law enforcement has led to increased criminalization of developmentally typical misbehavior and the disproportionate targeting of youth of color leading to their increased contact with the juvenile justice system. (Justice Policy Institute, 2011)

Reviews of the literature have suggested that there is insufficient evidence for drawing a definitive conclusion about the overall effectiveness of school-based law enforcement programs and that there is no conclusive evidence that the presence of school-based law enforcement has a positive effect on student perceptions of safety in their schools. (Petrosino, 2012)

Surveys of California middle and high school students indicate that student perceptions of security differ by race and gender. African American students, females, and students who have experienced school violence report feeling less safe in schools with an SRO, while males and students with strong connections to their schools feel more safe. (PPIC, 2020)

A study based on data from U.S. public schools during the period 2014-2018, concluded that SROs do effectively reduce some forms of violence in schools, but do not prevent school shootings or gun-related incidents. The study also reported that SROs intensify the use of suspensions, expulsions, police referrals, and arrests of students. These effects are consistently over two times larger for Black students than White students. It was also reported that SROs increase chronic absenteeism, particularly for Black students as well as students with disabilities. (Sorensen, 2021) A review of research found that schools recorded an increase of 21% more incidents of exclusionary discipline after the introduction of SROs. (Fisher, 2016)

Alternative approaches to preventing school violence. Following the deadly shootings at Marjory Stoneman Douglas High School in Florida in 2018, a group of over 200 universities, national education and mental health groups, school districts, and more than 2,300 individual experts signed on to "A Call for Action to Prevent Gun Violence in the United States of America." This document suggests that rather than having armed officers, metal detectors, or locked doors in schools, that the focus should be on prevention by improving the social and emotional health of the schools. Their eight point plan includes the following elements:

- A national requirement for all schools to assess school climate and maintain physically and emotionally safe conditions and positive school environments that protect all students and adults from bullying, discrimination, harassment, and assault;
- A ban on assault-style weapons, high-capacity ammunition clips, and products that modify semi-automatic firearms to enable them to function like automatic firearms;

- Adequate staffing (such as counselors, psychiatrists, psychologists, and social workers) of coordinated school- and community-based mental health services for individuals with risk factors for violence, recognizing that violence is not intrinsically a product of mental illness;
- Reform of school discipline to reduce exclusionary practices and foster positive social, behavioral, emotional, and academic success for students;
- Universal background checks to screen out violent offenders, persons who have been hospitalized for violence towards self or others, and persons on no-fly, terrorist watch lists;
- A national program to train and maintain school- and community-based threat assessment teams that include mental health and law enforcement partners. Threat assessment programs should include practical channels of communication for persons to report potential threats as well as interventions to resolve conflicts and assist troubled individuals;
- Removal of legal barriers to sharing safety-related information among educational, mental health, and law enforcement agencies in cases where a person has threatened violence; and
- Laws establishing Gun Violence Protection Orders that allow courts to issue time-limited restraining orders requiring that firearms be recovered by law enforcement when there is evidence that an individual is planning to carry out acts against others or themselves.

This document lays out a more comprehensive approach to preventing school violence, but among other things, requires significant investments in pupil support services.

Varying needs of schools. There are over 10,000 schools in California serving pupils in Kindergarten through 12th grade. Schools vary significantly from one another in terms of factors such as the number of pupils served, the nature of the school climate, and the safety of the school setting. This bill would require at least one SRO at each public school, with an enrollment of 50 students or more, during school hours as well as the hours that pupils are on campus. These requirements would be phased in with high schools needing to comply by January 1, 2025, middle/junior high schools serving students in grades 6 to 8 as of January 1, 2026, and elementary schools by January 1, 2027. As schools may offer before and after-school child care programs, extra-curricular activities, and/or athletic events and activities, this bill could lead to a need for the presence of an officer on campus for 12-16 hours per day in some situations. ***The Committee may wish to consider*** whether an SRO is warranted in every situation, regardless of the size of the school or the nature of the community and whether there are sufficient numbers of sworn peace officers available in California to staff up to 10,000 school sites for extended hours each school day.

Funding SROs on campuses. This bill prohibits a school district from using its LCFF apportionment to fund SROs on K-12 school sites and specifies that such expenses be reimbursed as a state mandate. Other than their LCFF funding, the only significant funding schools receive is specially designated funding for special education services, home-to-school transportation, or other federal funds for designated purposes. This creates a “Catch-22” situation: by prohibiting districts from expending LCFF funds for this purpose, there would be no mandated expenditure to be reimbursed.

This bill also requires the creation of a new mandate requiring the state to reimburse districts for the costs associated with deploying officers. If the Commission on State Mandates finds that this is a state-mandated local program, the Commission would then have to determine the level of reimbursement for this purpose and districts would then be added to the queue of districts awaiting reimbursements for prior mandate claims. Many districts have opted to accept reimbursement through the mandate block grant rather than wait for reimbursement. There is no indication in the bill that this mandate would be added to the block grant, or if so, if there would be any additional funding allocated to the block grant to cover this very significant outlay of funds.

Arguments in support. According to the Los Angeles School Police Management Associations,

California school campuses have become increasingly unsafe because of violent incidents, criminal activity, and, tragically, the epidemic of school shootings. From 2018 to 2023, California experienced 96 school shooting incidents. Many school districts, especially rural ones, cannot afford the necessary safety measures to protect our schools with their limited resources. The safety of our students must be prioritized, and this bill will accomplish that goal by reimbursing schools for the cost of hiring full-time school resource officers.

Having a school resource officer at every school means that they can immediately confront threats and step in before violent incidents occur. School resource officers also create a healthy and a safe environment for students to learn about law enforcement and the benefits they provide to our communities. LASPD Officers are experts in this field and have protected students, staff, administrators, and the school community in the Los Angeles Unified School District for the last 75 Years. As the largest School Police Department in the Nation, we wholeheartedly believe in this bill and see the value of what it will accomplish. AB 3038 will improve the safety and well-being of California students and faculty.

Arguments in opposition. According to the Alliance for Boys and Men of Color:

Countless research shows that law enforcement does not make schools safer. A 2023 systematic review of 32 other studies found that law enforcement presence in schools does not reduce crime or behavioral problems. SROs do not reduce bullying in schools, and the CDE guidance on bullying prevention excludes police entirely from their recommendations. In terms of external threats, a recent DOJ report found that dozens of officers responding to the Uvalde school shooting failed to protect students due to “cascading failures of leadership, decision-making, tactics, policy, and training”.

Instead, law enforcement presence in schools is harmful to students and school climate. California’s 2024 Racial and Identity Profiling Act (RIPA) Board report, co-drafted with the Attorney General, found that if a school has an assigned law enforcement officer, the rate of school staff referring students with disabilities to the police quadruples. While Black students are generally not more likely to misbehave than other students, regardless of income status, the RIPA report detailed that Black students are significantly more likely to be handcuffed during law enforcement stops than other racial or ethnic groups.

A 2021 report from the American Civil Liberties Union explores the way that destructive school policing patterns “contribute to tens of thousands of California students being criminalized, pushed out of schools, and shunted into the juvenile justice system.” Black students in California are three times as likely as white students to be referred to law

enforcement, and California's Latinx students and students with disabilities are referred to police in schools at rates 2-3 times their enrollment rate. Police contact has a devastating effect on impacted students: arrest doubles the likelihood that a high school student will drop out, and subsequent court involvement doubles those odds again.

LGBTQ+ youth also disproportionately face the harms that stem from school policing. A 2022 study showed that youth who reported queer identity and/or same-sex romantic attraction were stopped more often by police, and at younger ages, than their heterosexual counterparts. Transgender individuals of all ages are more likely to be harassed and assaulted by law enforcement. Police presence in California schools would cause trauma, academic disruption, and criminalization of LGBTQ+ students.

Related legislation. SB 1026 (Smallwood-Cuevas) of the 2023-24 Session requires LEAs that enter into contract on or after January 1, 2025, with a private licensed security agency to provide school security services to specify the parameters on the use of weapons, including handcuffs, pepper spray, batons, and firearms, on a school campus and also to specify the roles and responsibilities of school administrators, school security department personnel, and contracted school security officers, in ensuring the safety of personnel and students, consistent with assigning school administrators primary responsibility for de-escalation.

AB 1299 (Jackson) of the 2023-24 Session, would have required 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; prohibit the use of handcuffs or pepper spray on a school campus, except under specified conditions; require SROs not employed or under contract 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. This bill was held on the Assembly third reading file.

AB 750 (Chen) of the 2019-20 Session would have required school districts and charter schools to have at least one school resource officer 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 also have prohibited funding this requirement from the district or charter school's LCFF apportionment and specified expenses were to be reimbursed as a state mandate. This bill was held in the Assembly Appropriations Committee.

AB 202 (Donnelly) of the 2013 Session establishes the School Marshal Plan and authorizes school districts, county offices of education, and charter schools to use general-purpose funds to provide training for school marshals. Defines "school marshal" as a school employee who is authorized to possess a firearm at a schoolsite or designated school activities. This bill failed passage in the Assembly Education Committee.

AB 2368 (Block), Chapter 146, Statutes of 2012 authorizes the governing board of a school district to establish a school police department under the supervision of a school chief of police, and authorizes the employment of 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.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association
Los Angeles School Police Management Association

Opposition

ACLU California Action
Alliance for Boys and Men of Color
Alliance for Children's Rights
Black Organizing Project
California Federation of Teachers
California for Safety and Justice
California School Boards Association
California School-based Health Alliance
Californians United for A Responsible Budget
Cancel the Contract
Children's Defense Fund - CA
Civil Rights Education and Enforcement Center
Coleman Advocates for Children and Youth
Communities United for Restorative Youth Justice
Disability Rights California
Dolores Huerta Foundation
Ella Baker Center for Human Rights
Equal Justice Society
Indigenous Justice
Initiate Justice
Initiate Justice Action
LA Defensa
Los Angeles Alliance for A New Economy
National Center for Youth Law
Pacific Juvenile Defender Center
Public Advocates INC.
Public Counsel
Reclaim Our Schools Los Angeles
San Jose Unified Equity Coalition
Students Deserve
The Children's Partnership
The Collective for Liberatory Lawyering
Western Center on Law & Poverty, INC.
Youth Alliance
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School

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