

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 750 (Chen) – As Amended, March 28, 2019

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

**SUMMARY:** Requires 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. Specifically, **this bill:**

- 1) Requires a school district or charter school to hire or contract with at least one school resource officer (SRO) authorized to carry a loaded firearm, as specified, to be present at each school of the school district or charter school during regular school hours and any other time when pupils are present on campus.
- 2) Specifies that the costs of implementation by a school district or charter school are to be reimbursed as a state mandate and are not to be funded with funding provided to schools under the local control funding formula (LCFF).
- 3) Defines “school resource officer” for purposes of this section as an individual who is a peace officer, as defined in the Penal Code, and is employed by, or contracts to be assigned to, a school of a school district, a school district, or a charter school.

**EXISTING LAW:**

- 1) 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).
- 2) 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).
- 3) 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 830.32).
- 4) 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 (Penal Code 832.3).

- 5) 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).
- 6) 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 bill as a possible state-mandated local program.

**COMMENTS:**

*Need for the bill.* According to the author, “School tragedies nationwide are heartbreaking and we need to be proactive in protecting students. This is common-sense legislation that will protect lives and prevent future tragedies.”

*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 school resource officers (SROs) assigned to one or more of the district’s schools. According to 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.
- 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
- 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.

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.

***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.
- 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 against themselves.

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

***California lags in providing social emotional support to pupils.*** According to the California Department of Education (CDE), “29 percent of California school districts have no counseling programs at all. When counseling programs exist, counselors are often asked to add administrative duties such as testing, supervising, and class scheduling. The ratio of students per counselor in this state averages 945 to 1, compared to the national average of 477 to 1, ranking California last in the nation.”

The American Academy of Pediatrics calls for a minimum of one full-time registered nurse in every school. According to the California School Nurses Organization, the distribution of school nurses by school district varies substantially throughout the state, with many schools having no school nurses on site. As of 2016-17, there were 2,630 credential school nurses in California. This clearly fails to meet the threshold of one teacher per school as there are more than 10,000 public K-12 schools in California.

According to CDE data for 2016-17, there were 5,932 school psychologists and 687 social workers employed in California schools. Clearly California lacks sufficient numbers of trained personnel in our schools to meet the social and emotional needs of over six million pupils.

***Varying needs of schools.*** There are over 10,000 schools in California serving pupils in Kindergarten through 12<sup>th</sup> 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 in the state during school hours as well as the hours that pupils are on campus. 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. One could question whether a 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 10,000 school sites for extended hours each school day. ***The Committee may wish to consider whether*** more flexibility should be provided to local education agencies in determining whether a SRO is needed at each school site, and whether very small schools and districts should be exempted from the provisions of the bill.

***Funding SROs on campuses.*** This bill prohibits a school district from using their Local Control and Funding Formula (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 find 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.

***Recommended amendment.*** *The Committee recommends* that the bill be amended as follows:

Add language to state that the requirement to have at least one SRO per school be considered as part of a broader strategy to maintain a school climate where all students feel physically and emotionally safe. Within this effort, schools are encouraged to look at overall staffing needs, including student support services, such as counselors, school nurses, school psychologist, social workers, as well as security personnel such as SROs.

***Arguments in opposition.*** Public Advocates, and others note, “Requiring a school resource officer at every school would not necessarily improve school safety and could actually worsen the fears of students and families. For young children, the presence of a resource officer may signal that school is not a safe place. Additionally, a resource officer at school can make some students feel as though they are seen as suspects and threats, not students and valued members of the school community. The many incidents of police officers called in to handle what should be routine disciplinary matters, sometimes escalating the situation to the point of using excessive force against students, demonstrate the dangers posed by having armed guards or officers in schools. We should be working to reduce the presence of police in schools, not to increase it.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

American Civil Liberties Union Of California  
California School Employees Association  
Public Advocates Inc.  
Public Counsel

**Analysis Prepared by:** Debbie Look / ED. / (916) 319-2087