

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 390 (Umberg) – As Amended May 17, 2019

[Note: This bill is double referred to the Assembly Higher Education Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 38-0

SUBJECT: School districts and community college districts: school security officers and security guards

SUMMARY: Requires all security guards working on the property of a K-12 school district to complete the latest training developed by the Department of Consumer Affairs and requires school districts to provide the training to all security guards during their regular work hours. Specifically, **this bill:**

- 1) Deletes the requirement, as of July 1, 2021, that only security guards working more than 20 hours per week must complete the specified training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and instead requires all security guards working on the property of a K-12 school district to complete the training.
- 2) Requires a school district to provide the required training to all school security officers who are employees of the school district, and requires that the training be provided during the employee's regular work hours, unless otherwise negotiated and mutually agreed upon with the employee's exclusive representative.
- 3) States that a school district is not required to provide training to security guards who are not employees of the school district, but who work on school district property pursuant to a contract with a private licensed security agency.

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 as well as 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. (Education Code (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 is supplementary to city and county law enforcement agencies and is not vested with general police powers. (EC 38000)

- 3) Requires every school security officer employed by a school district who works more than 20 hours a week as a school security officer to complete a course of training by the Bureau of Security and Investigative Services in consultation with the Commission on Peace Officer Standards and Training (POST). Requires that, if any school security officer subject to the requirements of this subdivision is required to carry a firearm while performing his or her duties, that school security officer must also satisfy the training requirements of Section 832 of the Penal Code. (EC 38001.5)
- 4) Defines “school security officer” as any person primarily employed or assigned to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or operated by a school district to protect persons or property, or to prevent the theft or unlawful taking of district property of any kind, or to report any unlawful activity to the district and local law enforcement agencies. (EC 38001.5)
- 5) 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)
- 6) 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 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)
- 7) Requires each school district, charter school, 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, EC 47605, and EC 47605.5)
- 8) 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, school resource officers, and police officers on school campuses, if the school district uses these people. (EC 32282.1)

FISCAL EFFECT: According to the Senate Appropriations Committee, “The bill’s requirement for school districts and community colleges to provide the required training could result in local costs in the low millions of dollars over time. This assumes there are between 7,000 and 10,000 security guards working in K-12 and community college districts statewide earning between \$15 and \$20 per hour, and that the training takes 24 hours to complete at a cost of \$90 each. The estimate could be higher or lower depending on the exact number of security guards as well as the wages they are earning. Further, because the bill requires security guards to complete the latest training developed, additional ongoing training would be required, as updates become available, rather than just completing it once.”

COMMENTS:

Need for the bill. According to the author, “Today’s students are faced with increasingly complex stressors including bullying, gun violence, gangs, social media, and drug abuse. An estimated half of the state’s school security employees are part-time and limiting the training to those with more than 20 hours leaves many employees without the skills necessary to perform

their jobs. California should demonstrate its commitment to student safety by training all security personnel, regardless of whether they are full or part-time. The best way to create a safe school atmosphere involves using a school security team that is up to date, and well trained in all aspects of the law and the evolving needs of the student population.”

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 the 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 security guards. According to the California Bureau of Security and Investigative Services (BSIS), all security guards or school security officers under contract with a school district through a Private Patrol Operator, or employed by a school district more than 20 hours per week, must complete a specified 24 hour training course developed by BSIS in consultation with the POST, consisting of the following elements:

- Role and Responsibility of School Security Officer;
- Laws and Liability;
- Security Awareness in the Educational Environment;
- Mediation/Conflict Resolution;

- Disasters and Emergencies; and
- Dynamics of Student Behavior.

In addition, a school security officer cannot be employed by a school district until they have submitted fingerprints to the district, are not prohibited from employment by a school district, and are not prohibited by the Department of Justice from possessing a firearm if the applicant is required to carry a firearm.

Requirements for school police or SROs. Members of a school district police department and 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.

In California, SROs are required 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.

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.

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, 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, the focus should be on prevention by improving the social and emotional health of the students. 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 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.

Expanding provisions to charter schools. The bill currently applies to school districts. In order to ensure all students have the benefit of adequately trained security staff, ***Committee staff recommends that the bill be amended*** to include the governing bodies of charter schools and county offices of education, if they employ security guards.

Arguments in support. The sponsor of the bill, the California School Employees Association, states, “Under current law, only school security personnel that work 20 hours or more per week are required to complete a training course developed by BSIS. This is a one-time course established twenty years ago. An estimated half of the state’s school security employees are part-time and limiting the training to those with more than 20 hours leaves many employees without the skills necessary to perform their jobs. California should demonstrate its commitment to student safety by training all security personnel, regardless of whether they are full or part-time. The best way to create a safe school atmosphere involves using a school security team that is up to date and well trained in all aspects of the law and the evolving needs of the student population.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Student Councils
California Federation of Teachers
California Labor Federation, AFL-CIO
California School Employees Association
California State PTA
California Teamsters Public Affairs Council

Opposition

None on file

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