

ASSEMBLY BILL

No. 3038

Introduced by Assembly Member Essayli

February 16, 2024

An act to amend Section 38000 of the Education Code, relating to school safety.

legislative counsel's digest

AB 3038, as amended, Essayli. School safety: armed school resource officers.

Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district. Existing law also 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.

This bill would require a school district or charter school to hire or contract with at least one armed school resource officer, as defined, 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 pupils are present on ~~campus~~. *campus, phased in by certain grade spans, as provided.* By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38000 of the Education Code is amended
2 to read:

3 38000. (a) The governing board of a school district may
4 establish a security department under the supervision of a chief of
5 security as designated by, and under the direction of, the
6 superintendent of the school district. In accordance with Chapter
7 5 (commencing with Section 45100) of Part 25, the governing
8 board of a school district may employ personnel to ensure the
9 safety of school district personnel and pupils and the security of
10 the real and personal property of the school district. It is the intent
11 of the Legislature in enacting this section that a school district
12 security department is supplementary to city and county law
13 enforcement agencies and is not vested with general police powers.

14 (b) The governing board of a school district may establish a
15 school police department under the supervision of a school chief
16 of police and, in accordance with Chapter 5 (commencing with
17 Section 45100) of Part 25, may employ peace officers, as defined
18 in subdivision (b) of Section 830.32 of the Penal Code, to ensure
19 the safety of school district personnel and pupils, and the security
20 of the real and personal property of the school district.

21 (c) The governing board of a school district that establishes a
22 security department or a police department shall set minimum
23 qualifications of employment for the chief of security or school
24 chief of police, respectively, including, but not limited to, prior
25 employment as a peace officer or completion of a peace officer
26 training course approved by the Commission on Peace Officer
27 Standards and Training. A chief of security or school chief of
28 police shall comply with the prior employment or training
29 requirement set forth in this subdivision as of January 1, 1993, or
30 a date one year subsequent to the initial employment of the chief
31 of security or school chief of police by the school district,

1 whichever occurs later. This subdivision shall not be construed to
2 require the employment by a school district of additional personnel.

3 (d) A school district may assign a school police reserve officer
4 who is deputized pursuant to Section 35021.5 to a schoolsite to
5 supplement the duties of school police officers pursuant to this
6 section.

7 (e) (1) ~~A school district~~ *A school district, including a school district that*
8 *establishes a police department pursuant to this section, or a*
9 *charter school shall hire or contract with at least one armed school*
10 *resource officer authorized to carry a loaded firearm pursuant to*
11 *Article 3 (commencing with Section 25900) of Chapter 3 of*
12 *Division 5 of Title 4 of Part 6 of the Penal Code to be present at*
13 *each school of the school district or charter school during regular*
14 *school hours and any other time when pupils are present on*
15 ~~campus.~~ *campus, in accordance with the following:*

16 (A) *On and after January 1, 2025, each school or charter school*
17 *that maintains any of the grades 9 to 12, inclusive.*

18 (B) *On and after January 1, 2026, each school or charter school*
19 *that maintains any of the grades 6 to 8, inclusive, but no grade*
20 *lower than grade 6.*

21 (C) *On and after January 1, 2027, each school or charter school*
22 *that maintains a kindergarten or any grades 1 to 5, inclusive.*

23 (2) *This subdivision shall only apply to a school or charter*
24 *school with an enrollment of 50 or more pupils.*

25 ~~(2)~~

26 (3) A school district's or charter school's costs of implementing
27 paragraph (1) shall be reimbursed as a state mandate under Section
28 6 of Article XIII B of the California Constitution and shall not be
29 funded with the funding provided to school districts and charter
30 schools pursuant to Section 42238.02.

31 ~~(3)~~

32 (4) For purposes of this subdivision, "school resource officer"
33 means an individual who is a peace officer as defined in Chapter
34 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
35 Code and is employed by, or contracts to be assigned to, a school
36 district or a charter school.

37 SEC. 2. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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