

**Introduced by Senator Bradford**February 19, 2021

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An act to amend Sections 32282.1 and 38000 of the Education Code, relating to school safety.

## LEGISLATIVE COUNSEL'S DIGEST

SB 796, as introduced, Bradford. School safety: comprehensive school safety plans: school peace officers: pupil searches.

(1) Existing law requires each school district and 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 to 12, inclusive. Existing law requires the comprehensive school safety plan to contain specified elements. Under existing law, as the comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans to include, to the extent resources are available, clear guidelines for the roles and responsibilities for various people used by the school, including peace officers. Existing law encourages those guidelines to have specified elements.

This bill would encourage those guidelines to include additional elements, including, among other things, clear policies and procedures for how and when school administrators refer pupils to law enforcement. The bill would state the intent of the Legislature that a school's role of "loco parentis" when a pupil is on a schoolsite does not extend to a pupil in distance learning in the home.

(2) Existing law authorizes a 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.

This bill would prohibit a peace officer employed by a school district from sharing information collected from a pupil with other law enforcement agencies. The bill would require information gathered from a pupil by a peace officer employed by a school district to only be collected for the purpose of the pupil’s school records and would prohibit the records from being shared with other law enforcement agencies unless the agency has a search warrant.

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

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

1 SECTION 1. Section 32282.1 of the Education Code is  
2 amended to read:

3 32282.1. (a) As comprehensive school safety plans are  
4 reviewed and updated, the Legislature encourages all plans, to the  
5 extent that resources are available, to include clear guidelines for  
6 the roles and responsibilities of mental health professionals,  
7 community intervention professionals, school counselors, school  
8 resource officers, and police officers on school campuses, if the  
9 school district uses these people.

10 (b) The guidelines developed pursuant to subdivision (a) are  
11 encouraged to include ~~both~~ *all of the following*: ~~following elements~~:

12 (1) Primary strategies to create and maintain a positive school  
13 climate, promote school safety, and increase pupil achievement,  
14 and prioritize mental health and intervention services, restorative  
15 and transformative justice programs, and positive behavior  
16 interventions and support.

17 (2) Consistent with paragraph (2) of subdivision (a) of Section  
18 32282, protocols to address the mental health care of pupils who  
19 have witnessed a violent act at any time, including, but not limited  
20 to, any of the following:

- 21 (A) While on school grounds.
- 22 (B) While going to or coming from school.
- 23 (C) During a lunch period whether on or off campus.
- 24 (D) During, or while going to or coming from, a  
25 school-sponsored activity.

26 (3) *Clear policies and procedures for how and when school*  
27 *administrators refer pupils to law enforcement.*

1 (4) *The creation of a formal diversion program to address minor*  
2 *school-based criminal offenses, aimed at minimizing arrest*  
3 *citations and bookings.*

4 (5) *The creation of a protocol for schoolsite administrators to*  
5 *refer pupils who exhibit indicators of mental health needs to mental*  
6 *health professionals or school counselors, instead of a referral to*  
7 *the police department or school police department, where*  
8 *appropriate.*

9 (6) *Training of all officers working on campus in crisis*  
10 *intervention to handle calls that relate to pupils in mental health*  
11 *crisis or exhibiting behavior that may indicate a mental health*  
12 *crisis.*

13 (c) *It is the intent of the Legislature that a school’s role of “loco*  
14 *parentis” when a pupil is on a schoolsite does not extend to a pupil*  
15 *engaging in distance learning while in the home.*

16 SEC. 2. Section 38000 of the Education Code is amended to  
17 read:

18 38000. (a) The governing board of a school district may  
19 establish a security department under the supervision of a chief of  
20 security as designated by, and under the direction of, the  
21 superintendent of the school district. In accordance with Chapter  
22 5 (commencing with Section 45100) of Part 25, the governing  
23 board of a school district may employ personnel to ensure the  
24 safety of school district personnel and pupils and the security of  
25 the real and personal property of the school district. It is the intent  
26 of the Legislature in enacting this section that a school district  
27 security department is supplementary to city and county law  
28 enforcement agencies and is not vested with general police powers.

29 (b) The governing board of a school district may establish a  
30 school police department under the supervision of a school chief  
31 of police and, in accordance with Chapter 5 (commencing with  
32 Section 45100) of Part 25, may employ peace officers, as defined  
33 in subdivision (b) of Section 830.32 of the Penal Code, to ensure  
34 the safety of school district personnel and pupils, and the security  
35 of the real and personal property of the school district.

36 (c) The governing board of a school district that establishes a  
37 security department or a police department shall set minimum  
38 qualifications of employment for the chief of security or school  
39 chief of police, respectively, including, but not limited to, prior  
40 employment as a peace officer or completion of a peace officer

1 training course approved by the Commission on Peace Officer  
2 Standards and Training. A chief of security or school chief of  
3 police shall comply with the prior employment or training  
4 requirement set forth in this subdivision as of January 1, 1993, or  
5 a date one year subsequent to the initial employment of the chief  
6 of security or school chief of police by the school district,  
7 whichever occurs later. This subdivision shall not be construed to  
8 require the employment by a school district of additional personnel.

9 (d) A school district may assign a school police reserve officer  
10 who is deputized pursuant to Section 35021.5 to a schoolsite to  
11 supplement the duties of school police officers pursuant to this  
12 section.

13 (e) It is the intent of the Legislature to evaluate the presence of  
14 peace officers and other law enforcement on school campuses and  
15 to ~~identify~~ *identify* and consider alternative options to ensure pupil  
16 safety based on the needs of the local school communities. It is  
17 the intent of the Legislature to consider encouraging local  
18 educational agencies to use school resources currently allocated  
19 to such personnel, including school police departments and  
20 contracts with local police or sheriff departments, for pupil support  
21 services, such as mental health services and professional  
22 development for school employees on cultural competency and  
23 restorative justice, as needed, if found to be a more appropriate  
24 use of resources based upon the needs of the pupils and campuses  
25 that serve them.

26 (f) (1) *A peace officer employed by a school district pursuant*  
27 *to subdivision (b) shall not share information collected from a*  
28 *pupil with other law enforcement agencies.*

29 (2) (A) *Information gathered from a pupil by a peace officer*  
30 *employed by a school district shall only be collected for the*  
31 *purpose of the pupil's school records.*

32 (B) *The records described in subparagraph (A) shall not be*  
33 *shared with other law enforcement agencies unless the agency has*  
34 *a search warrant.*