



Member Alert -School Security FAQs

There are 4 categories that can be considered for School Security Positions:

1. **Campus Supervisor-employed by district to monitor school site**
 2. **School Resource Officer –employed by local law enforcement**
 3. **Security Guard- contracted through a vendor; armed or unarmed**
 4. **Security Guard-employed by the district; armed or unarmed**
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- Concealed Weapons are **not permitted on school campuses** under Safe Schools Act SB514 and Gun Free Schools Act SB707. This includes those individuals who have been issued permits to carry concealed weapons (CCW) as well as persons that are **not employed** by the district as an armed security guard.
 - Under Ed Code 38000 and 38001.5 (attached) a district may employee a security officer and must follow the requirements under this statute which include-fingerprinting, background check, Security Officer Training and **if armed** additional Peace Officer Training per Penal Code Section 832.
 - The district must establish a Board Policy to employ personnel for this position and note that this is supplementary to city and county law enforcement agencies as stated in Ed Code 38000 (a).
 - All district employed armed security officers must carry suitable identification with a photograph and signature in addition to the signature of the superintendent and any other identification required by local law enforcement agencies.
 - A school district may contract with a privately licensed security agency in lieu of hiring an employee for this job duty.
 - **A district should work directly with their legal counsel regarding School Security Positions.**
 - For insurance purposes, the Tuolumne JPA must be informed if an armed security officer is employed by the district as required by our liability excess carrier; there are no coverage limitations.

State of California

EDUCATION CODE

Section 38000

38000. (a) The governing board of a school district may 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. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board of a school district may 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. It is the intent of the Legislature in enacting this section that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

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

(c) The governing board of a school district that establishes a security department or a police department shall set minimum qualifications of employment for the chief of security or school chief of police, respectively, including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or school chief of police shall comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date one year subsequent to the initial employment of the chief of security or school chief of police by the school district, whichever occurs later. This subdivision shall not be construed to require the employment by a school district of additional personnel.

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

(e) It is the intent of the Legislature to evaluate the presence of peace officers and other law enforcement on school campuses and to identify and consider alternative options to ensure pupil safety based on the needs of the local school communities. It is the intent of the Legislature to consider encouraging local educational agencies to use school resources currently allocated to such personnel, including school police departments and contracts with local police or sheriff departments, for pupil 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 based upon the needs of the pupils and campuses that serve them.

(Amended by Stats. 2020, Ch. 24, Sec. 17. (SB 98) Effective June 29, 2020.)

State of California

EDUCATION CODE

Section 38001.5

38001.5. (a) It is the intent of the Legislature to ensure the safety of pupils, staff, and the public on or near California's public schools, by providing school security officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.

(b) (1) Every school security officer employed by a school district shall complete the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training pursuant to Section 7583.45 of the Business and Professions Code. If a school security officer subject to the requirements of this subdivision is required to carry a firearm while performing their duties, that school security officer shall additionally satisfy the training requirements of Section 832 of the Penal Code.

(2) A school district shall provide the training required pursuant to this subdivision to all school security officers who are employees of the school district. A school district shall provide the training during the employee's regular work hours, unless otherwise negotiated and mutually agreed upon with the employee's exclusive representative.

(3) This subdivision does not require a school district to provide training to security guards who are not employees of the school district, including security guards who work on the property of the school district pursuant to a contract with a private licensed security agency. A school district that contracts for security services shall comply with the requirements of Section 45103.1.

(4) This subdivision shall not apply to a school security officer employed by a school district who works 20 or fewer hours per week as a school security officer until July 1, 2021.

(5) For purposes of this subdivision, "school district" includes a school district, county office of education, and charter school.

(c) For purposes of this chapter, "school security officer" means any person primarily employed or assigned pursuant to subdivision (b) 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 school district property of any kind or to report any unlawful activity to the school district and local law enforcement agencies.

(d) (1) A school security officer shall not be employed and shall not continue to be employed by a school district until both of the following conditions have been met:

(A) (i) The applicant or employee has submitted to the school district two copies of their fingerprints on forms or electronically, as prescribed by the Department of Justice. The school district shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

(ii) An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services of the Department of Consumer Affairs as a security guard need only submit one copy of their fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

(iii) An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and who holds a firearms qualification card as specified in Section 7583.22 of the Business and Professions Code, is exempt from the requirements of this subdivision.

(B) The applicant or employee has been determined not to be a person prohibited from employment by a school district pursuant to Sections 44237 and 45122.1, or by the Department of Justice from possessing a firearm if the applicant is required to carry a firearm.

(2) The Department of Justice may participate in the National Instant Criminal Background Check System (NICS) in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet the requirements of this subdivision relating to firearms.

(Amended by Stats. 2019, Ch. 475, Sec. 2. (SB 390) Effective January 1, 2020.)