

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 354

Introduced by Assembly Member Havice

February 16, 2001

An act to amend, repeal, and add Section 38001.5 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Havice. School safety: school security officers: training.

Under existing law, every school security officer employed by a school district who works more than 20 hours a week as a school security officer ~~shall~~ *is required to* complete a 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.

This bill would require every school security officer employed by a school district after January 1, 2002, and every school security officer employed prior to January 1, 2002, who continues to be employed by a school district on and after January 1, 2003, to receive that training, regardless of the number of hours worked per week. By imposing new duties on school districts regarding the training requirements of school security officers, 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, including the creation of a State Mandates Claims Fund

to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 these statutory provisions.

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 38001.5 of the Education Code is
 2 amended to read:
 3 38001.5. (a) It is the intent of the Legislature to ensure the
 4 safety of pupils, staff, and the public on or near California’s public
 5 schools, by providing school security officers with training that
 6 will enable them to deal with the increasingly diverse and
 7 dangerous situations they encounter.
 8 (b) After July 1, 2000, every school security officer employed
 9 by a school district who works more than 20 hours a week as a
 10 school security officer shall complete a course of training
 11 developed ~~no later than July 1, 1999~~, by the Bureau of Security and
 12 Investigative Services of the Department of Consumer Affairs in
 13 consultation with the Commission on Peace Officer Standards and
 14 Training pursuant to Section 7583.31 of the Business and
 15 Professions Code. If any school security officer subject to the
 16 requirements of this subdivision is required to carry a firearm
 17 while performing his or her duties, that school security officer
 18 shall additionally satisfy the training requirements of Section 832
 19 of the Penal Code.
 20 (c) For purposes of this chapter, “school security officer”
 21 means any person primarily employed or assigned pursuant to
 22 subdivision (b) to provide security services as a watchperson,
 23 security guard, or patrolperson on or about premises owned or
 24 operated by a school district to protect persons or property or to
 25 prevent the theft or unlawful taking of district property of any kind
 26 or to report any unlawful activity to the district and local law
 27 enforcement agencies.



1 (d) No school security officer shall be employed or shall
2 continue to be employed by the district after July 1, 2000, until
3 both of the following conditions have been met:

4 (1) (A) The applicant or employee has submitted to the district
5 two copies of his or her fingerprints on forms or electronically, as
6 prescribed by the Department of Justice. The district shall submit
7 the fingerprints to the Department of Justice, which shall submit
8 one copy of the fingerprints to the United States Federal Bureau
9 of Investigation.

10 (B) An applicant or contracted employee who holds a
11 permanent registration with the Bureau of Security and
12 Investigative Services of the Department of Consumer Affairs as
13 a security guard need only submit one copy of his or her
14 fingerprints, which copy shall be submitted to the United States
15 Federal Bureau of Investigation.

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

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

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

32 (e) Every school security officer employed by a school district
33 prior to July 1, 2000, who works more than 20 hours a week as a
34 school security officer shall meet the requirements of subdivision
35 (b) by July 1, 2002, unless he or she has completed an equivalent
36 course of instruction pursuant to Section 832.2 of the Penal Code.

37 (f) This section shall remain in effect only until January 1,
38 2002, and as of that date is repealed, unless a later enacted statute,
39 that is enacted before January 1, 2002, deletes or extends that date.



1 SEC. 2. Section 38001.5 is added to the Education Code, to
2 read:

3 38001.5. (a) It is the intent of the Legislature to ensure the
4 safety of pupils, staff, and the public on or near California's public
5 schools, by providing school security officers with training that
6 will enable them to deal with the increasingly diverse and
7 dangerous situations they encounter.

8 (b) After January 1, 2002, every school security officer
9 employed by a school district as a school security officer,
10 regardless of the number of hours worked per week, shall complete
11 a course of training developed ~~no later than July 1, 1999~~, by the
12 Bureau of Security and Investigative Services of the Department
13 of Consumer Affairs in consultation with the Commission on
14 Peace Officer Standards and Training pursuant to Section 7583.31
15 of the Business and Professions Code. If any school security
16 officer subject to the requirements of this subdivision is required
17 to carry a firearm while performing his or her duties, that school
18 security officer shall additionally satisfy the training requirements
19 of Section 832 of the Penal Code.

20 (c) For purposes of this chapter, "school security officer"
21 means any person primarily employed or assigned pursuant to
22 subdivision (b) to provide security services as a watchperson,
23 security guard, or patrolperson on or about premises owned or
24 operated by a school district to protect persons or property or to
25 prevent the theft or unlawful taking of district property of any kind
26 or to report any unlawful activity to the district and local law
27 enforcement agencies.

28 (d) No school security officer shall be employed or shall
29 continue to be employed by the district after January 1, 2002, until
30 both of the following conditions have been met:

31 (1) (A) The applicant or employee has submitted to the district
32 two copies of his or her fingerprints on forms or electronically, as
33 prescribed by the Department of Justice. The district shall submit
34 the fingerprints to the Department of Justice, which shall submit
35 one copy of the fingerprints to the United States Federal Bureau
36 of Investigation.

37 (B) An applicant or contracted employee who holds a
38 permanent registration with the Bureau of Security and
39 Investigative Services of the Department of Consumer Affairs as
40 a security guard need only submit one copy of his or her



1 fingerprints, which copy shall be submitted to the United States
2 Federal Bureau of Investigation.

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

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

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

19 (e) Every school security officer employed by a school district
20 prior to January 1, 2002, who works as a school security officer,
21 regardless of the number of hours worked, shall meet the
22 requirements of subdivision (b) by January 1, 2003, unless he or
23 she has completed an equivalent course of instruction pursuant to
24 Section 832.2 of the Penal Code.

25 SEC. 3. Notwithstanding Section 17610 of the Government
26 Code, if the Commission on State Mandates determines that this
27 act contains costs mandated by the state, reimbursement to local
28 agencies and school districts for those costs shall be made pursuant
29 to Part 7 (commencing with Section 17500) of Division 4 of Title
30 2 of the Government Code. If the statewide cost of the claim for
31 reimbursement does not exceed one million dollars (\$1,000,000),
32 reimbursement shall be made from the State Mandates Claims
33 Fund.

