

Assembly Bill No. 2368

CHAPTER 146

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

[Approved by Governor July 17, 2012. Filed with
Secretary of State July 17, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2368, Block. School security: security departments: school police departments.

Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security, or a police department under the supervision of a chief of police, and authorizes the governing board to employ personnel to enforce the law to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. Existing law expresses the intention of the Legislature that a school district police or security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

This bill would authorize the governing board of a school district to establish a school police department under the supervision of a school chief of police, and would authorize the employment of peace officers, as defined, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district. The bill would also express the intent of the Legislature that only a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

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

SECTION 1. Section 38000 of the Education Code is amended to read:
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 by 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 officer pursuant to this section.