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AB-68 School safety: armed school resource officers. (2025-2026)

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AMENDED IN ASSEMBLY MAY 05, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 68

Introduced by Assembly ~~Members Essayli and~~ **Member** Gallagher
(Coauthor: Assembly Member Castillo)

December 05, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, ~~Essayli~~Gallagher. 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, 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 Local Program: yes

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 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) (1) A school district, including a school district that establishes a police department pursuant to this section, or ~~a~~ charter school shall hire or contract with at least one armed school resource officer authorized to carry a loaded firearm pursuant to Article 3 (commencing with Section 25900) of Chapter 3 of Division 5 of Title 4 of Part 6 of the Penal Code 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, in accordance with all of the following:

(A) On and after January 1, 2026, each school of the school district or charter school that maintains any of grades 9 to 12, inclusive.

(B) On and after January 1, 2027, each school of the school district or charter school that maintains any of grades 6 to 8, inclusive, but no grade lower than grade 6.

(C) On and after January 1, 2028, each school of the school district or charter school that maintains a kindergarten or any of grades 1 to 5, inclusive.

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

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

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

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.