Client News Brief

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School Safety is No Joke: Expanding Responsibilities of School Resource Officers

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California's Fourth District Court of Appeal recently clarified the authority of school resource officers (SROs), including police officers on assignment at public school sites, to investigate dangers to student safety. This decision comes alongside new legislation, Assembly Bill (AB) 1586, which will require SROs to receive training related to opioid overdoses and carry overdose reversal medication beginning in the 2027-28 school year.

In *In Re NS* (2026) 123 Cal.App.5th 76, a student passed by a local police officer assigned to patrol the middle school as a liaison officer, and, upon seeing the officer's gun, remarked, "I have a Glock, too." Concerned, the officer requested that the student go to the principal's office for a search. The student went to the office but then repeatedly, with profanity, refused to comply with the search. He left the office. The officer followed him across the parking lot and requested that he return. The student continued to refuse, at one point denying the comment and then claiming that he had been joking. This pattern repeated for approximately 10 minutes, until another officer arrived and the student agreed to return to the principal's office. The student was searched and arrested. Subsequently, the student was charged with resisting, delaying, or obstructing a peace officer in violation of Penal Code section 148. After the juvenile court found the allegations against the student true beyond a reasonable doubt, the student appealed.

Court of Appeal Opinion

On appeal, the student argued that there was insufficient evidence to establish the student's actions were willful resistance, delay, or obstruction to the liaison officer's search. The appellate court disagreed, finding that the number of times he refused to comply with the search, and the fact that he left the office, constituted a defiance of the officer's orders which interfered with her duties. The court additionally rejected the student's argument that his remarks and profane refusals were protected by free speech, concluding that his words went beyond a mere challenge of authority and delayed the SRO's search.

The student further argued that, as a police officer, the SRO needed to demonstrate "probable cause" to conduct such a search, which generally requires a fair probability that a crime has occurred or evidence of a crime will be found. Probable cause is the standard that would normally apply when a law enforcement officer conducts a search off of school property. However, searches of students by school officials can be conducted based upon the

lower standard of "reasonable suspicion based upon articulable facts." Accordingly, the the Court of Appeal's decision turned on which standard would apply to a law enforcement officer when the officer is assigned as an SRO at a school site.

Relying on *In re William* (2003) 111 Cal.App.4th 1464, the Court reaffirmed that police officers assigned to public schools as school resource or school liaison officers, are "school officials" for the purpose of conducting searches of public school students. The Court reasoned that without such extension of status, a school may be forced to employ lesser trained private security guards rather than sworn police officers, which would hardly enhance the protection of a student's Fourth Amendment rights.

Applying "reasonable suspicion" standard, the Court found that the search was justified. A student's statement suggesting possession of a firearm on campus raises safety threats that outweigh the relatively minor intrusion into privacy, particularly where, as here, the student *himself* stated that he had a gun. The Court determined that whether or not he had been joking was a matter for the juvenile court to determine.

AB 1586

Under the recently enacted AB 1586 beginning in the 2027-28 school year, SROs will be required to complete opioid overdose and response training, and carry opioid reversal medication. The Commission on Peace Officer Standards and Training, and the Department of Health Care Services must create guidance for LEAs and law enforcement agencies on how to access this medication at "low or no cost," and how this will be integrated into school safety planning.

Takeaways

The decision in *In Re N.S.* firmly establishes a SRO or police officer liaison's ability to rely on a reasonable suspicion to conduct a student search, as a school official. The decision also provides helpful guidance on what conduct might establish reasonable suspicion in the school setting. Further, SB 1586 demonstrates the broader responsibilities of SRO's in identifying and responding to student health and safety threats.

If you have any questions about the decision in *In Re NS*, or AB 1586, please contact the authors of this Client News Brief or an attorney at one of our nine offices located statewide. You can also subscribe to our podcast, follow us on Facebook and LinkedIn, or download our mobile app.

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