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S.63

Introduced by Senators Hardy, Clarkson, Pearson and Pollina

Referred to Committee on

Date:

Subject: Education; school resource officers

Statement of purpose of bill as introduced: This bill proposes to prohibit schools from contracting for the services of school resource officers.

An act relating to the prohibition of school resource officers

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

(a) The presence of school resource officers (SROs) in schools leads to an increase in student referrals to law enforcement, arrests, and convictions, even for low-level offenses. A 2016 report on the nationwide school-to-prison pipeline found that a student’s referral to law enforcement for lower-level offenses is between 1.38 and 1.83 times higher for schools that have regular contact with SROs than those schools that do not have such contact. Analysis of the U.S. Department of Education Civil Rights Data Collection (CRDC) data found that, nationally, schools a with law enforcement presence reported 3.5 times as many arrests as schools without law enforcement presence.

1 (b) In Vermont, according to CRDC data from 2015–2016, Black students
2 had an arrest rate of 38 per 10,000 students, which was 5.4 times higher than
3 that of White students. This data also shows that while Black students only
4 make up three percent of Vermont student population, they represent 13
5 percent of school arrests and nine percent of referrals to law enforcement.

6 (c) In Vermont, according to CRDC data from 2015–2016, students with
7 disabilities had an arrest rate of 20 per 10,000 students, which was nearly two
8 times higher than that of their nondisabled peers. This data also shows that
9 while students with disabilities only make up 13 percent of the Vermont
10 student population, they represent 36 percent of school arrests and 37 percent
11 of referrals to law enforcement.

12 (d) In Vermont, according to CRDC data, Black male students with
13 disabilities face the highest overall arrest rate of 134 per 10,000 students when
14 considering race, gender, and disability status together, and Black female
15 students are five times as likely to be arrested in school than White female
16 students, 20 per 10,000 students for Black female students compared to four
17 per 10,000 students for White female students.

18 Sec. 2. 16 V.S.A. § 1167 is amended to read:

19 § 1167. SCHOOL RESOURCE OFFICER; ~~MEMORANDUM OF~~

20 UNDERSTANDING PROHIBITION

1 ~~(a) Neither the State Board nor the Agency shall regulate the use of restraint~~
2 ~~and seclusion on school property by a school resource officer certified pursuant~~
3 ~~to 20 V.S.A. § 2358.~~

4 ~~(b) School boards and law enforcement agencies are encouraged to enter~~
5 ~~into memoranda of understanding relating to:~~

6 ~~(1) the possession and use of weapons and devices by a school resource~~
7 ~~officer on school property; and~~

8 ~~(2) the nature and scope of assistance that a school resource officer will~~
9 ~~provide to the school system. Neither a school, a school district, nor a~~
10 ~~supervisory union shall contract, or otherwise engage, for the services of a~~
11 ~~school resource officer, as defined under 34 U.S.C. § 10389.~~

12 (b) Nothing in this section shall prevent a school, a school district, or a
13 supervisory union from working with law enforcement to prevent or address
14 security concerns or criminal activity within a school or from school personnel
15 and law enforcement from working together on community or educational
16 programs or services. Schools, school districts, and supervisory unions are
17 encouraged to enter into memoranda of understanding with law enforcement
18 relating to:

19 (1) the possession and use of weapons and devices by a law enforcement
20 officer on school property; and

1 (2) the nature and scope of assistance that the law enforcement agency
2 will provide to the school system.

3 (c) Schools, school districts, and supervisory unions are encouraged to
4 engage in alternative disciplinary methods that are currently available, more
5 effective, and less punitive, such as:

6 (1) use of appropriate disciplinary discretion under chapter 25
7 (Attendance and Discipline), subchapter 4 (Effective Discipline Measures) of
8 this title, including the use of restorative justice principles;

9 (2) use of a tiered system of academic and behavioral supports under
10 section 2902 of this title;

11 (3) referral to the Juvenile Court Diversion Program under 3 V.S.A.
12 § 163; and

13 (4) provision of school-based mental health services through the
14 coordinated system of care under 33 V.S.A. § 4305.

15 Sec. 3. TRANSITION

16 On and after July 1, 2021, neither a school, a school district, nor a
17 supervisory union shall enter into a new contract, or renew a contract, for the
18 services of a school resource officer. A contract for the services of a school
19 resource officer that was in effect prior to July 1, 2021 shall continue in force
20 until its termination date unless otherwise terminated by the mutual consent of
21 the parties to the contract.

1 Sec. 4. EFFECTIVE DATES

2 Sec. 2 of this act shall take effect on July 1, 2022, and Secs. 1, 3, and this
3 section shall take effect on passage.