S.76

Introduced by Senators Terenzini, Benning, Brock, Collamore, Ingalls, Parent and Starr

Referred to Committee on

Date:

Subject: Education; school resource officers; grant funding

Statement of purpose of bill as introduced: This bill proposes to expand the use of school resource officers by providing grant funding for schools to retain them.

An act relating to the expansion of, and grant funding for, school resource officers in Vermont schools

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

Sec. 1. FINDINGS

(a) The rural nature of Vermont’s communities could result in relatively slow response times for law enforcement when responding to life threatening incidents in schools. During a life-threatening incident in a school, the safety of children and staff is imperative and schools without a school resource officer (SRO) on-site are at a severe disadvantage in responding in a timely manner.
(b) Having SROs in schools can lead to trust and relationship building with students and staff. According to findings issued by the University of Virginia’s Curry School of Education and Human Development, the Virginia Secondary School Climate Survey conducted in the winter of 2020 asked high school staff how often they spoke with their SRO and whether their SRO makes them feel safer at school and makes a positive contribution to their school. A statewide sample of 15,707 staff in 299 high schools reported speaking with their SROs: every day (18 percent), about weekly (30 percent), once or twice a semester (37 percent), or never (15 percent). Most staff agreed (somewhat to strongly agree) that the SRO makes them feel safer at school (85 percent) and makes a positive contribution to the school (90 percent).

(c) There are numerous documented incidents where an SRO stopped a mass tragedy while on site. For example, television station WDRB reported on April 18, 2019 that an SRO arrested an 18-year-old male student who was allegedly walking toward the school while armed with a loaded revolver in his front pocket and a full, 50-round box of ammunition. The television station reported that the school had suspended the student the previous week after making a veiled threat of gun violence. Television station KMOV4 reported on April 4, 2019 that, while armed with a loaded handgun, a 17-year-old male student allegedly made verbal threats in the presence of an SRO to “shoot up” the school. The suspect allegedly spoke the threats while the SRO was
intervening in a fight in which the suspect was involved. The SRO
subsequently discovered the weapon in the suspect’s backpack.

(d) A first layer of defense in a school is added when an SRO is onsite
during a serious incident. According to a report entitled “Ten Essential
Actions to Improve School Safety” issued by the COPS Office’s School Safety
Working Group to the U.S. Attorney General in 2020 (report), school resource
officers “may have a profound impact on the school’s ability to prevent
targeted violence and other maladaptive behaviors.” The report includes
school-based law enforcement as part of the Working Group’s ten essential
recommendations for the physical and emotional safety of schools.

(e) While the report suggests that every SRO, whether a law enforcement
officer or an individual who is privately hired, receives ongoing training, it
specifically recommends 40 hours of specialized training at a minimum in
areas including implicit bias, de-escalation, trauma-informed investigations,
adolescent development, crisis intervention, and active shooter situations.

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

§ 1167. SCHOOL RESOURCE OFFICER OFFICERS; MEMORANDUM
OF UNDERSTANDING

(a) Neither the State Board nor the Agency shall regulate the use of restraint
and seclusion on school property by a school resource officer certified pursuant
to 20 V.S.A. § 2358.
(b) School boards and law enforcement agencies are encouraged to enter
into memoranda of understanding relating to:

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

(2) the nature and scope of assistance that a school resource officer will
provide to the school system.

(a) School Resource Officers encouraged. School districts, or supervisory
unions on behalf of their member school districts, are encouraged to contract
for the services of one or more school resource officers (SRO), as defined
under 34 U.S.C. § 10389, whose primary responsibility is to protect and
preserve the lives and property of the students and staff, not to serve as a
disciplinarian in the school. An SRO may assist with drug and alcohol
prevention and anti-cyber bullying training.

(b) Retention of SROs.

(1) A school district, or a supervisory union on behalf of its member
school districts, may retain and pay for an SRO on its own, or may retain and
pay for an SRO jointly with a State or local law enforcement agency or unit
where funding for the position comes in part from the State or municipal
budget that supports the law enforcement agency or unit.

(2) An individual serving as an SRO shall have a minimum of three
years of law enforcement experience with no infractions for excessive use of
force or other acts of misconduct noted on the individual’s law enforcement personnel file.

(3) If the SRO is to be retained jointly by a school district or supervisory union, on the one hand, and a State or local law enforcement agency or unit, on the other hand, the parties shall:

(A) enter into a memorandum of understanding relating to:

(i) the possession and use of weapons and law enforcement devices by the SRO on school property;

(ii) the nature and scope of assistance that the SRO will provide to the school district or supervisory union;

(iii) the position or positions to whom the SRO reports and is accountable; and

(iv) the allocation between the school district or supervisory union, on the one hand, and a State or local law enforcement agency or unit, on the other hand, of responsibility for the salary and benefits of the SRO; and

(B) jointly interview and agree to the retention of the SRO.

(c) Training. Each SRO shall participate annually in not less than 40 hours of specialized training in implicit bias, de-escalation, trauma-informed investigations, adolescent development, crisis intervention, and active shooter situations.
(d) Prohibition on regulation. Neither the State Board of Education nor the Agency of Education shall regulate the use of restraint and seclusion on school property by an SRO certified pursuant to 20 V.S.A. § 2358.

Sec. 3. 16 V.S.A. § 4029 is amended to read:

§ 4029. USE OF FUNDS FOR EDUCATION

(a) Funds received by a school district may be used only for legitimate items of current education expense and shall not be used for municipal services.

(b) Funds received by a municipality other than a school district may not be used directly or indirectly for education expenses.

* * *

(g) Notwithstanding anything to the contrary in this section or otherwise in law, a school district or supervisory union, on the one hand, and a local law enforcement agency or unit, on the other hand, may jointly fund the services of one or more school resource officers (SRO), as defined under 34 U.S.C. § 10389, as provided under section 1167 of this title.

Sec. 4. SCHOOL RESOURCE OFFICERS; GRANT FUNDING

(a) Beginning with the 2021–2022 school year and for the following three school years, school districts and supervisory unions shall be eligible for a school resource officer (SRO) grant in the amount of $50,000.00 per year from funds appropriated to the Agency of Education for this purpose. This grant
funding is designed to encourage school districts and supervisory unions that have not previously retained an SRO to retain one or more SROs and shall be used to pay the salary and benefits of SROs who are first retained by a school district or supervisory union on or after July 1, 2021.

(b) School districts and supervisory unions shall submit applications for this grant funding to the Agency of Education in a form developed by the Agency for this purpose on or before each of July 31, 2021, 2022, 2023, and 2024. If the applications for grant funding in any year exceeds the funds appropriated for this purpose for that year, the Agency shall prorate the grant awards.

Sec. 5. APPROPRIATION FOR SCHOOL RESOURCE OFFICER GRANTS

There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of $1,000,000.00 for school resource officer grants under Sec. 4 of this act.

Sec. 6. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST

The Agency of Education shall, in its annual budget request for each of fiscal years 2023, 2024, and 2025 to the General Assembly, include the amount of $1,000,000.00 for school resource officer grants under Sec. 4 of this act.
Sec. 7. TRANSITION

School district and supervisory unions that are not in compliance with 16 V.S.A. § 1167 as amended by this act have until December 31, 2021 to come into compliance.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.