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- 01/10/2017 Received by Lt. Gov & Speaker 05/10/2017

H 01/10/2017 Referred to Committee

S 01/10/2017 Referred to Committee

S 04/17/2017 Committee Requested Withdrawal

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**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 5-7-12, 16-17-420, 59-5-60, and 59-5-65

**Synopsis:**

 The State Board of Education proposes to create R.43-210, to establish a definition of “school resource officers,” along with expectations, roles, and procedures associated with these individuals.

 Notice of Drafting for the proposed new regulation was published in the *State Register* on June 24, 2016.

**Instructions:**

New regulation. Print as shown below.

**Text:**

43-210. School Resource Officers.

I. Expectations for School Resource Officers in South Carolina Public Schools

 School campuses are learning environments where public education students are prepared for success in college, careers, and citizenship. School resource officers are necessary to provide law enforcement and police services to assist in providing a safe learning environment. School resource officers shall act in accordance with policies and procedures of police departments, sheriff’s offices, and other law enforcement agencies to enforce state laws and county and municipal ordinances.

II. Resource Officers Defined

 A school resource officer is a sworn law enforcement officer, pursuant to the requirements of any jurisdiction of South Carolina, who has completed the basic course of instruction, as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this state to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

 A school resource officer has statewide jurisdiction to arrest any persons committing crimes in connection with a school activity or school-sponsored event.

III. Role of the School Resource Officer

 A. Law Enforcement Officer

 As sworn law enforcement officials, school resource officers have a major role in campus security. School resource officers shall not only be called to respond to criminal incidents, but also to assist in emergency crisis planning, building security, and training school personnel on handling crisis situations. It is important for school administrators to establish and maintain close partnerships with school resource officers, as they are valuable resources for providing a safe school environment.

 B. Law-Related Educator

 Teachers and staff shall utilize school resource officers within the classroom to help design and present law-related topics regarding the role of law enforcement in our society.

 C. Community Liaison

 School administrators shall encourage school resource officers’ visibility within the school community, as well as attendance and participation at school functions, to build working relationships with school personnel, students, and parents.

 D. Positive Role Model

 School resource officers should be positive role models and may be used to promote the profession of law enforcement as a career choice for students. School administrators shall support positive interactions between school resource officers and students on school campuses.

IV. Procedures

 A. Student Behavior

 School resource officers are law enforcement officers, not school disciplinarians and shall not ordinarily be requested or permitted to intervene in school discipline matters. The school resource officers shall only be called in these situations when a student’s behavior has exceeded the level of disruptive conduct as determined by school administration, based on district policy and reached conduct amounting to a Level III violation for which law enforcement involvement is required (see Regulations 43-279 for levels of disruptive and criminal conduct). School resource officers shall only be called to respond to Level II misconduct when

 1. the conduct rises to a level of criminality, and

 2. the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to a level of criminality in that school year.

 When law enforcement referrals are required, a school resource officer shall be the first line of contact for local law enforcement to ensure that the matter is resolved expeditiously to decrease significant interruption to the learning process.

 B. General provision for visitors, employees, and unauthorized persons.

 Students deserve school environments that are safe and conducive to learning. Visitors and employees will not disrupt the learning environment or school activity inappropriately or unlawfully.

 State law mandates that it is unlawful to willfully or unnecessarily interfere with or disturb school, loiter about a school, or act in an obnoxious manner while at a school. The school resource officer should be called immediately to handle a disturbance or emergency regarding a visitor or employee who disrupts the learning environment or school activity.

V. Memorandum of Understanding

 Prior to placing a school resource officer at a school or in a school district, a memorandum of understanding must be executed between the school district, and the local law enforcement agency, which employs the school resource officers. The role of the school district, individual schools, local law enforcement agency, school administration, and the school resource officer shall be clearly defined in the memorandum of understanding. The role of the school resource officer as a law enforcement official must clearly be defined pursuant to state law in the memorandum. That definition must include the provisions of this regulation and Regulation 43-279 which distinguish school discipline from law enforcement and prohibit the involvement of school resource officers in school discipline.

 The school district shall provide the school administration with a copy of the memorandum of understanding, and review it with the school administration and with the school resource officer prior to the start of every school year.

**Fiscal Impact Statement:**

 No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-210.

**Statement of Rationale:**

 This regulation is designed to improve the uniformity of the roles and expectations of school resource officers among schools statewide.