

# HB0345S01 compared with HB0345

~~text~~ shows text that was in HB0345 but was deleted in HB0345S01.

text shows text that was not in HB0345 but was inserted into HB0345S01.

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Representative Sandra Hollins proposes the following substitute bill:

## SCHOOL RESOURCE OFFICERS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sandra Hollins**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions relating to a local education agency's ability to contract with a law enforcement agency for school resource officer services.

#### Highlighted Provisions:

This bill:

- ▶ amends provisions related to a training that statute requires the State Board of Education to prepare and make available, including:
  - broadening the intended audience;
  - requiring rather than suggesting specific content; and
  - adding certain additional content;
- ▶ places conditions on the ability of a local education agency (LEA) to contract with a law enforcement agency for school resource officer services, including requiring:

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- that the contract procure services in elementary or secondary schools;
  - governing board review of the contract;
  - the collection of certain information by the LEA; and
  - a biennial review of certain policies and information; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**53G-8-702**, as last amended by Laws of Utah 2020, Chapter 408

**53G-8-703**, as last amended by Laws of Utah 2019, Chapter 293

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53G-8-702** is amended to read:

**53G-8-702. School resource officer training -- Curriculum.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that prepare and make available a training program for school principals, school personnel, and school resource officers to attend.

(2) To create the curriculum and materials for the training program described in Subsection (1), the state board shall:

(a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;

(b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;

(c) solicit input from local law enforcement and other interested community stakeholders; and

(d) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.

(3) The training program described in Subsection (1) ~~may~~ shall include training

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on the following:

- (a) childhood and adolescent development;
- (b) responding age-appropriately to students;
- (c) working with disabled students;
- (d) techniques to de-escalate and resolve conflict;
- (e) cultural awareness;
- (f) restorative justice practices;
- (g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;
- (h) student privacy rights;
- (i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;
- (j) strategies to reduce juvenile justice involvement; ~~[and]~~
- (k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure[-];
- (l) developing and supporting successful relationships with students; and
- (m) ~~constitutional~~ legal parameters of searching and questioning students on school property.

(4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies and procedures that govern [student] school resource officers.

Section 2. Section **53G-8-703** is amended to read:

### **53G-8-703. Contracts between an LEA and law enforcement for school resource officer services -- Requirements.**

(1) (a) An LEA may contract with a law enforcement agency ~~[or an individual]~~ to provide school resource officer services at the LEA only if:

- (i) the purpose of the contract is to provide school resource officer services to elementary or secondary schools;
- (ii) the LEA governing board, including law enforcement, reviews and approves the contract[-]; and
- (iii) beginning on July 1, 2023, the LEA creates a policy or includes provisions in the

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contract to collect, maintain, and provide to the LEA governing board the following information:

(A) the purpose for having school resource officer services;

(B) measurable performance metrics, ~~that the LEA and law enforcement agency define,~~ related to meeting the purpose for having school resource officer services~~;~~

~~— (C) the steps to be used to evaluate and improve the school resource officer services within the LEA;~~

(C) a timeline for annual recordkeeping containing interactions with a school resource officer that lead to an arrest;

(D) the alternative efforts at remediation and intervention, including multidisciplinary school teams, that the LEA and school resource officer took ~~before~~ immediately preceding an arrest, suspension, or ~~disciplinary action~~ expulsion;

~~(~~D~~)E) the individual or agency who ~~initiated~~ made a report that led to an arrest ~~referral~~ or disciplinary action; and~~

~~(~~E~~)F) the information related to the LEA in the report described in Section 53E-3-516.~~

(b) At least once every two calendar years, an LEA governing board shall review:

(i) the LEA governing board's policies on instruction described in this section; and

(ii) (A) for a school district, the information described in Subsection (1)(a)(iii) for each county in which the school district is located; or

(B) for a charter school, the information described in Subsection (1)(a)(iii) for the ~~county in which the~~ charter school ~~is located~~.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA governing board shall require in the contract:

(a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

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(iv) emphasize the use of restorative approaches to address negative behavior; and  
(v) at the request of the LEA, teach a vocational law enforcement class;  
(b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA to:

(i) maintain safe schools;  
(ii) improve school climate; and  
(iii) support educational opportunities for students;  
(c) a designation of student offenses that the SRO shall confer with the LEA to resolve, including an offense that:

(i) is a minor violation of the law; and  
(ii) would not violate the law if the offense was committed by an adult;  
(d) a designation of student offenses that are administrative issues that an SRO shall refer to a school administrator for resolution in accordance with Section 53G-8-211;

(e) a detailed description of the constitutional rights of [~~a student~~] students under state and federal law with regard to:

(i) searches;  
(ii) questioning; and  
(iii) information privacy;  
(f) a detailed description of:  
(i) job duties;  
(ii) training requirements; and  
(iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;

(g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702; and

(h) if the contract is between an LEA and a law enforcement agency, that:  
(i) both parties agree to jointly discuss SRO applicants; and  
(ii) the law enforcement agency will accept feedback from an LEA about an SRO's performance.

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