

Document No. _____
STATE BOARD OF EDUCATION
CHAPTER 43

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

43-210 School Resource Officers

Preamble:

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.

Section-by-Section Discussion

New regulation.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on October 11, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed new regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://ed.sc.gov/scdoe/assets/File/policy/state-board/Regulations/RegReviewedbySBE16-17.pdf>.

Written comments should be submitted to Sabrina Moore, Director, Office of Student Intervention Services, Division of Federal, State, and Community Resources, 1429 Senate Street, Suite 805, Columbia, SC 29201 or by e-mail to smoore@ed.sc.gov on or before 5:00 pm on September 26, 2016.

Preliminary 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 Need and Reasonableness:

DESCRIPTION OF REGULATION: School Resource Officers

Purpose: At the recommendation of the Safe Schools Taskforce, established by the State Superintendent of Education, Molly M. Spearman, this regulation is designed to clarify the definition of “school resource officers,” along with expectations, roles, and procedures associated with these individuals.

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

Plan for Implementation: The proposed new regulation would be incorporated upon publication in the State Register as a final regulation.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

Currently, the role of and expectations associated with school resource officers vary among districts. This regulation is designed to improve the uniformity of the roles and expectations of school resource officers in schools statewide.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed new regulation result in any increased cost to the school districts. The proposed new regulation will benefit students, schools, districts, and the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

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

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Indicates New Matter

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 should act in accordance with police department policies and procedures to enforce federal and state laws, county and municipal ordinances, and district policies.

II. Resource Officers Defined

A school resource officer is a sworn law enforcement official, 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, who advises and/or instructs district representatives on law-related matters, if appropriate.

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 should 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 should 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 should 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 should support positive interactions between school resource officers and students on school campuses.

IV. Procedures

A. Student Behavior

As sworn law enforcement officials, the school resource officers should only be called when a student's behavior has exceeded the level of disruptive conduct, as determined by school administration, based on district policy, or the student is engaging or has engaged in criminal conduct (see Regulation 43-279 for levels of disruptive and criminal conduct). A school resource officer should 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, individual schools, local law enforcement agency, and school administration. The role of the school resource officer as a law enforcement official must clearly be defined pursuant to state law in the memorandum.

The school district will 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.