

BILL ANALYSIS

Senate Research Center

S.B. 1707
By: Lucio
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the threat of violent incidents on campus has come to the forefront, many schools choose to utilize one of several types of security personnel to keep their students safe. Current law provides school districts the ability to commission their own peace officers, enter a memorandum of understanding with local law enforcement to place officers in schools, or hire other security personnel. However, there is little clarity about what these officers are required to do outside of emergency situations, and they often wind up participating in routine disciplinary procedures, a practice which tends to escalate such encounters unnecessarily. This practice is especially dangerous for students of color and students with special needs, who are most likely to be targeted for an intervention by a school law enforcement officer. As security personnel become more prevalent in schools and continue to lack specific guidance on their duties, more and more students will face unnecessary contact with these officers and with the justice system for minor disciplinary infractions.

S.B. 1707 clarifies the duties of on-campus law enforcement, which do not include routine discipline enforcement, by requiring each district that employs such personnel to develop a policy outlining the duties and expectations of district peace officers, resource officers, and other security personnel. To ensure such duties complement existing student discipline practices, the bill requires the policy to be adopted with the input from the campus behavior coordinator and any other relevant district employees who deal with student behavioral issues. By developing and propagating well-considered policies and expectations for campus law enforcement officers and other security personnel under S.B. 1707, districts will increase the effectiveness of their on-campus law enforcement and reduce unnecessary use of personnel to deal with incidents better handled by other employees. (Original Author's/Sponsor's Statement of Intent)

S.B. 1707 amends current law relating to the duties of school district peace officers, school resource officers, and security personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.052(1), Education Code, as follows:

(1) Authorizes the governing board of the Texas School for the Deaf to employ security personnel, enter in a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers in the same manner as a board of trustees of a school district under Section 37.081. Makes a nonsubstantive change.

SECTION 2. Amends the heading to Section 37.081, Education Code, to read as follows:

Sec. 37.081. SCHOOL DISTRICT PEACE OFFICERS, SCHOOL RESOURCE OFFICERS, AND SECURITY PERSONNEL.

SECTION 3. Amends Section 37.081, Education Code, by amending Subsections (a) and (d) and adding Subsections (d-1), (d-2), (d-3), and (d-4), as follows:

(a) Authorizes the board of trustees of any school district to employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers to carry out this subchapter (Law and Order). Requires the jurisdiction of a peace officer, a school resource officer, or security personnel under this section to be determined by the board of trustees and authorizes that jurisdiction to include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer. Makes a nonsubstantive change.

(d) Requires the board of trustees of the school district to determine the law enforcement duties of peace officers, school resource officers, and security personnel, rather than requiring a school district peace officer to perform law enforcement duties for the school district as determined by the board of trustees of the school district. Requires the duties to be included in:

(1) the district improvement plan under Section 11.252 (District-Level Planning and Decision-Making);

(2) the student code of conduct adopted under Section 37.001 (Student Code of Conduct);

(3) any memorandum of understanding providing for a school resource officer; and

(4) any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

(d-1) Requires a school district peace officer, a school resource officer, and security personnel to perform law enforcement duties for the school district that are required to include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel and protecting the property of the school district. Makes a nonsubstantive change.

(d-2) Prohibits a school district from assigning or requiring as duties of a school district peace officer, a school resource officer, or security personnel routine student discipline or school administrative tasks or contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.

(d-3) Provides that this section does not prohibit a school district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to the assigned duties of the officer or security personnel or an incident involving student behavior or law enforcement.

(d-4) Requires the board of trustees of the school district, in determining the law enforcement duties under Subsection (d), to coordinate with district campus behavior coordinators and other district employees to ensure that school district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

SECTION 4. Effective date: upon passage or September 1, 2019.