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SENATE BILL DRS15081-MTa-19

Short Title: School Security Act of 2019.

(Public)

Sponsors: Senators Daniel, Hise, and Tillman (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE POSITION OF TEACHER RESOURCE OFFICER, TO PERMIT
3 LAW ENFORCEMENT AGENCIES TO OBTAIN CERTIFICATION FOR CANDIDATE
4 TEACHER RESOURCE OFFICERS, TO ESTABLISH THE CANDIDATE TEACHER
5 RESOURCE OFFICER GRANT PROGRAM, TO PROVIDE SUPPLEMENTAL PAY TO
6 TEACHER RESOURCE OFFICERS, TO ENCOURAGE PRIVATE SCHOOLS TO
7 COORDINATE WITH LOCAL LAW ENFORCEMENT AGENCIES TO ADOPT
8 SCHOOL RISK MANAGEMENT PLANS, TO PROVIDE THAT CERTAIN
9 EMPLOYEES AND VOLUNTEERS AT PRIVATE SCHOOLS MAY CARRY CERTAIN
10 WEAPONS ON EDUCATIONAL PROPERTY WHEN AUTHORIZED BY THE SCHOOL
11 BOARD OF TRUSTEES OR SCHOOL ADMINISTRATIVE DIRECTOR, AND TO
12 PROVIDE THAT A PERSON WHO HAS A CONCEALED HANDGUN PERMIT MAY
13 CARRY CERTAIN WEAPONS ON EDUCATIONAL PROPERTY THAT IS THE
14 LOCATION OF BOTH A SCHOOL AND A PLACE OF RELIGIOUS WORSHIP WHEN
15 THE PERSON IS ATTENDING WORSHIP SERVICES AND OTHER SACERDOTAL
16 FUNCTIONS AT THE PLACE OF RELIGIOUS WORSHIP AS LONG AS STUDENTS
17 ARE NOT ATTENDING CLASS.

18 The General Assembly of North Carolina enacts:

19
20 **PART I. TITLE OF ACT**

21 **SECTION 1.** This act shall be known as the "School Security Act of 2019" and may
22 be cited by that name.
23

24 **PART II. CREATE POSITION OF TEACHER RESOURCE OFFICER**

25 **SECTION 2.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
26 adding a new section to read:

27 **"§ 115C-105.50. Teacher resource officers.**

28 (a) State Policy; Ratio. – It is the goal of the State to protect students, teachers, and school
29 personnel. To attain that goal, to the extent funds are made available for this purpose, the State
30 shall support the efforts of teachers to protect the school community by paying a significant salary
31 differential to selected teachers who complete Basic Law Enforcement Training and become
32 sworn law enforcement officers certified under Chapter 17C or Chapter 17E of the General
33 Statutes.

34 (b) Definitions. – As used in this section, the following definitions shall apply unless the
35 context requires otherwise:



- (1) Candidate teacher resource officer. – A teacher who was selected by his or her employing public education entity as qualified to pursue certification under either Chapter 17C or Chapter 17E of the General Statutes.
- (2) Educational property. – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by a public education entity.
- (3) Employing public education entity. – The public education entity that employs a particular teacher resource officer.
- (4) Entity educational property. – Educational property owned, used, or operated by the employing public education entity.
- (5) Prospective teacher resource officer. – A teacher who has applied with his or her employing public education entity to become a teacher resource officer.
- (6) Public education entity. – The governing body of any of the following:
- a. A local school administrative unit.
 - b. A charter school.
 - c. A regional school.
 - d. A school providing elementary or secondary instruction operated by one of the following:
 1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.
 2. The University of North Carolina, including schools operated under Articles 4, 29, and 29A of Chapter 116 of the General Statutes.
- (7) Teacher. – A person who meets all of the following criteria:
- a. Is employed by a public education entity.
 - b. Spends at least seventy percent (70%) of his or her work time providing classroom instruction.
 - c. Is not a sworn law enforcement officer.
- (8) Teacher resource officer. – A person who meets all of the following criteria:
- a. Is employed by a public education entity.
 - b. Spends at least seventy percent (70%) of his or her work time providing classroom instruction.
 - c. Is a sworn law enforcement officer certified under either Chapter 17C or Chapter 17E of the General Statutes.
 - d. Was selected by the employing public education entity pursuant to subdivision (1) of this section.
 - e. Has not received a notice pursuant to subsection (m) of this section in the past 30 or more days.
- (c) Selection for Candidacy. – A teacher may apply with his or her employing public education entity to become a teacher resource officer. The employing public education entity shall, in its discretion, determine whether the prospective teacher resource officer qualifies to pursue certification under either Chapter 17C or Chapter 17E of the General Statutes. The employing public education entity shall consult with a local law enforcement agency having jurisdiction over the prospective teacher resource officer's school before qualifying the prospective teacher resource officer for certification.
- (d) Certification; Oath of Office. – A candidate teacher resource officer shall pursue certification as a sworn law enforcement officer under Chapter 17C or Chapter 17E of the General Statutes, as follows:
- (1) A candidate teacher resource officer shall apply for certification with the city or county police department or the sheriff's office that has jurisdiction over his or her school in accordance with G.S. 160A-288.5 or G.S. 162-27.

(2) If the police department or sheriff's office declines to pursue certification for the candidate teacher resource officer, the employing public education entity shall pursue certification pursuant to Chapter 17C of the General Statutes. Following certification, the candidate teacher resource officer shall take and subscribe the oath of office required of a law enforcement officer of the employing public education entity by Section 7 of Article VI of the North Carolina Constitution and G.S. 11-11 before some person authorized by law to administer oaths. The oath shall be filed with the clerk to the board of commissioners of the county in which the school is located.

Pursuant to subsection (j) of this section, a teacher resource officer's certification records and oath are not public records within the meaning of G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(e) Jurisdiction. – A teacher resource officer, while in the performance of his or her duties of employment, shall have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:

(1) Entity educational property.

(2) Any portion of any public road or highway passing through the real property described in subdivision (1) of this subsection or immediately adjoining it, wherever located.

(3) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in subdivision (1) or (2) of this subsection.

In exercising the powers conferred by this subsection, teacher resource officers shall apply the standards established by the law of this State and the United States.

(f) Extraterritorial Agreements. – The employing public education entity may, as follows, enter into joint agreements with any of the below entities:

(1) The governing board of any municipality to extend the law enforcement authority of one or more teacher resource officers into any or all of the municipality's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

(2) With the consent of the sheriff, the governing board of any county to extend the law enforcement authority of one or more teacher resource officers into any or all of the county's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

(3) Any other public education entity to extend the law enforcement authority of one or more teacher resource officers into any or all of the other public education entity's jurisdiction and to determine the circumstances as to which its extension of authority may be granted.

(g) Identification. – While on entity educational property, a teacher resource officer shall:

(1) Not be required to wear a uniform.

(2) Carry a badge, photograph, and written documentation provided by the entity where he or she is a sworn law enforcement officer that identifies him or her as a teacher resource officer with that entity.

(h) Firearms. – The entity that maintains the teacher resource officer's certification, in consultation with the employing public education entity, shall determine the following on an individual basis with respect to firearms on entity educational property:

(1) The extent to which each individual teacher resource officer is required to carry his or her handgun in an open or concealed manner.

(2) Whether each individual teacher resource officer is required to carry a handgun on his or her person at all times or is permitted to sometimes stow the handgun in a locked gun safe.

(i) Training. – A teacher resource officer shall complete the following training:

(1) All applicable in-service training required of a law enforcement officer pursuant to Chapter 17C or Chapter 17E of the General Statutes.

(2) At least once every five years, training established by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission, as appropriate, to respond to an active shooter situation.

(j) Identity Not a Public Record. – The identity of a teacher as a teacher resource officer, a teacher resource officer's certification records, and a teacher resource officer's oath of office are confidential and not public records within the meaning of G.S. 132-1. Data and information identifying a teacher as a teacher resource officer, a teacher resource officer's certification records, and a teacher resource officer's oath of office shall not be subject to inspection and examination under G.S. 132-6.

(k) Liability. – There shall be no liability on the part of and no cause of action shall arise against a teacher resource officer, the entity that maintains the teacher resource officer's certification, the employees of the entity who supervise the teacher resource officer as a law enforcement officer, or the public school system or its employees for any good-faith action taken by the teacher resource officer in the performance of his or her duties as a teacher resource officer on entity educational property or other property within his or her jurisdiction pursuant to subsection (e) or (f) of this section.

(l) Exemption From Certain Statutes. – Notwithstanding Article 3 of Chapter 128 of the General Statutes, Articles 12C, 12D, 12E, and 12F of Chapter 143 of the General Statutes, and Chapter 135 of the General Statutes, a teacher resource officer is not a law enforcement officer within the meaning of those statutes.

(m) Elimination of Duty. – In the event a teacher resource officer is not fulfilling the duties of a teacher resource officer, the following procedure shall be followed:

(1) If the teacher resource officer's certification is maintained by the employing public education entity, the entity may, in its discretion, eliminate the teacher's special duty as a teacher resource officer and stop payment of any accompanying salary supplement. The employing education entity shall provide 30 days' notice to the teacher resource officer before eliminating the duty and stopping payment.

(2) If the teacher resource officer's certification is maintained by a local law enforcement agency having jurisdiction over the teacher's school, the law enforcement agency, after consultation with the employing public education entity, may, in its discretion, eliminate the teacher's special duty as a teacher resource officer. The employing public education entity shall simultaneously stop payment of any accompanying salary supplement. The law enforcement agency that has jurisdiction over the school and the employing public education entity shall provide 30 days' notice to the teacher resource officer before eliminating the duty and stopping payment."

SECTION 2.(b) G.S. 115C-325(a)(4) reads as rewritten:

"(4) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom teacher. The word "demote" does not include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or coach, a choral director, director, or a teacher resource officer."

SECTION 2.(c) G.S. 115C-325.1(2) reads as rewritten:

"(2) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom teacher or as a school administrator during the time of the contract. The word "demote" does not include the following:

...

c. Any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic ~~coach or coach~~, a choral ~~director~~, director, or a teacher resource officer.

...."

SECTION 2.(d) G.S. 17C-6(a) is amended by adding a new subdivision to read:

"(21) Establish active shooter training for teacher resource officers pursuant to G.S. 115C-105.50(i)(2)."

SECTION 2.(e) G.S. 17E-4(a) is amended by adding a new subdivision to read:

"(17) Establish active shooter training for teacher resource officers pursuant to G.S. 115C-105.50(i)(2)."

PART III. PERMIT LAW ENFORCEMENT AGENCIES TO OBTAIN CERTIFICATION FOR CANDIDATE TEACHER RESOURCE OFFICERS

SECTION 3.(a) G.S. 160A-288(d) is amended by adding a new subdivision to read:

"(6) An employing public education entity as defined in G.S. 115C-105.50(b)(3)."

SECTION 3.(b) Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-288.5. Teacher resource officers.

(a) The chief of police of a local police department or of a county police department may obtain certification of a candidate teacher resource officer, as defined in G.S. 115C-105.50(b)(1), to become a law enforcement officer of the police department. In that instance, the candidate teacher resource officer shall take and subscribe the oath of office required of an officer of the police department by Section 7 of Article VI of the North Carolina Constitution and G.S. 11-11 before some person authorized by law to administer oaths. The oath shall be filed with the city clerk. Pursuant to G.S. 115C-105.50(j), the oath is not a public record within the meaning of G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(b) A teacher resource officer who is a law enforcement officer of the police department pursuant to subsection (a) of this section shall report to the chief of police and shall work under the direction and supervision of the chief of police or the chief's designee when carrying out duties related to his or her role as a law enforcement officer. In all other aspects, the teacher resource officer shall remain an employee of the employing public education entity, as defined in G.S. 115C-105.50(b)(3)."

SECTION 3.(c) G.S. 17C-2 reads as rewritten:

"§ 17C-2. Definitions.

Unless the context clearly otherwise requires, the following definitions apply in this Chapter:

...

(2) Criminal justice agencies. – The State and local law-enforcement agencies, the State correctional agencies, other correctional agencies maintained by local governments, ~~and the juvenile justice agencies,~~ and the employing public education entities, as defined in G.S. 115C-105.50(b)(3), but shall not include deputy sheriffs, special deputy sheriffs, sheriffs' jailers, or other sheriffs' department personnel governed by the provisions of Chapter 17E of these General Statutes.

(3) Criminal justice officers. – The administrative and subordinate personnel of all the departments, agencies, ~~units~~, or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local,

with the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.

...."

SECTION 3.(d) Article 3 of Chapter 162 of the General Statutes is amended by adding a new section to read:

"§ 162-27. Teacher resource officers.

(a) The sheriff may obtain certification for a candidate teacher resource officer, as defined in G.S. 115C-105.50(b)(1), to become a deputy sheriff of the office of the sheriff. In that instance, the candidate teacher resource officer shall take and subscribe the oath of office required of a law enforcement officer of the office of the sheriff by Section 7 of Article VI of the North Carolina Constitution and G.S. 11-11 before some person authorized by law to administer oaths. The oath shall be filed with the clerk to the board of commissioners. Pursuant to G.S. 115C-105.50(j), the oath is not a public record within the meaning of G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(b) A teacher resource officer who is a deputy sheriff of the office of the sheriff pursuant to subsection (a) of this section shall report to the sheriff and shall work under the direction and supervision of the sheriff or the sheriff's designee when carrying out duties related to his or her role as a deputy sheriff. In all other aspects, the teacher resource officer shall remain an employee of the employing public education entity, as defined in G.S. 115C-105.50(b)(3)."

PART IV. PERMIT TEACHER RESOURCE OFFICERS OF AN EMPLOYING PUBLIC EDUCATION ENTITY TO CARRY CONCEALED WEAPONS

SECTION 4. G.S. 14-269(b)(4) reads as rewritten:

"(4) Officers of the State, or of any county, city, town, or company police agency, or employing public education entity, as defined in G.S. 115C-105.50(b)(3), who are charged with the execution of the laws of the State, when acting in the discharge of their official duties;"

PART V. ESTABLISH CANDIDATE TEACHER RESOURCE OFFICER GRANT PROGRAM

SECTION 5.(a) Program; Purpose. – The Department of Public Instruction, in collaboration with the Board of Governors of The University of North Carolina, shall establish the Candidate Teacher Resource Officer Grant Program (program). The purpose of the program is to support the efforts of candidate teacher resource officers, as defined in G.S. 115C-105.50(b)(1), who seek to increase school safety by becoming teacher resource officers, as defined in G.S. 115C-105.50(b)(8).

SECTION 5.(b) Program Eligibility and Selection. – Any candidate teacher resource officer is eligible to apply for grant funds under the program. The Department of Public Instruction, in collaboration with the Board of Governors of The University of North Carolina, shall select recipients for the funds from among eligible applicants according to the following procedure:

- (1) The Department shall first select persons for receipt of the grant funds from among candidate teacher resource officer applicants with at least two years of prior experience as either of the following:
 - a. A sworn law enforcement officer.
 - b. A member of the Armed Forces of the United States, provided that the person was honorably discharged.
- (2) In the event funds remain after selecting recipients pursuant to subdivision (1) of this subsection, the Department shall select persons for receipt of grant

funds from among the remaining candidate teacher resource officer applicants, in its discretion, taking into account the value of law enforcement and military experience and the advisability of ensuring grant funds are distributed fairly and evenly throughout the State.

SECTION 5.(c) Timeline. – By August 1, 2019, the Department, in collaboration with the Board of Governors of The University of North Carolina, shall establish the criteria and guidelines for the grant application process for the upcoming school year, including any documentation required to be submitted with the application. The Department shall accept applications until November 1, 2019. The Department shall award grant funds under the program to the selected recipients no later than December 31, 2019.

SECTION 5.(d) Leave. – The State shall provide up to two weeks of additional paid leave to all candidate teacher resource officers participating in the program. Candidate teacher resource officers participating in the program shall take paid leave only with the approval of their supervisors.

SECTION 5.(e) Amount of Funds. – Funds shall cover the full costs of attending Basic Law Enforcement Training, as determined by the Department of Public Instruction, including the costs of any tuition, books, or uniforms needed. The Department shall award the appropriate amount, in its discretion, based on individual applications and supporting documentation.

SECTION 5.(f) There is appropriated from the General Fund to the Department of Public Instruction the sum of four million seven hundred seventy thousand dollars (\$4,770,000) in nonrecurring funds for the 2019-2020 fiscal year to fund the Candidate Teacher Resource Officer Grant Program for up to 3,000 candidate teacher resource officers.

PART VI. PROVIDE SUPPLEMENTAL PAY TO TEACHER RESOURCE OFFICERS

SECTION 6.(a) For the 2019-2020 fiscal year, the funded ratio of teacher resource officers to students, per school, is up to one teacher resource officer for every 500 students, not to exceed a total statewide funded cap of 3,000 teacher resource officers. A teacher, upon meeting the criteria to become a teacher resource officer, as defined in G.S. 115C-105.50(b)(8), shall submit to the Department of Public Instruction a one-time application to receive a salary supplement each month of five percent (5%) of his or her monthly salary on the "A" salary schedule. The Department shall provide salary supplements to teacher resource officers pursuant to this section on a first-come, first-served basis until the per school funded ratio or total statewide funded cap, as appropriate, is reached.

SECTION 6.(b) There is appropriated from the General Fund to the Department of Public Instruction the sum of four million five hundred thousand dollars (\$4,500,000) in recurring funds for the 2019-2020 fiscal year to provide a salary supplement of five percent (5%) to teacher resource officers as provided in subsection (a) of this section. It is the intent of the General Assembly to appropriate an additional four million five hundred thousand dollars (\$4,500,000) in recurring funds for the 2020-2021 fiscal year to continue to provide a salary supplement of five percent (5%) to teacher resource officers as provided in subsection (a) of this section.

PART VII. SCHOOL SAFETY CHANGES FOR NONPUBLIC SCHOOLS

SECTION 7.(a) Part 1 of Article 39 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-548.5. School safety management.

(a) Each private church school or school of religious charter, in coordination with local law enforcement and emergency management agencies, is encouraged to adopt a school risk management plan relating to incidents of school violence. Each private school is encouraged to provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies and may place school crisis kits in schools.

(b) At least once a year, each private church school or school of religious charter is encouraged to hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies as part of the school risk management plan.

(c) With the consent of the local sheriff, a school board of trustees or a school administrative director, as defined in G.S. 14-269.2(a), of a private church school or school of religious charter may authorize a person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24 to possess and carry a handgun on the educational property that is owned, used, or operated by the private school pursuant to G.S. 14-269.2(g). The private school is encouraged to coordinate with local law enforcement on the role and responsibilities in the school risk management plan of any person permitted to possess and carry a handgun on the educational property under this subsection."

SECTION 7.(b) Part 2 of Article 39 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-556.5. School safety management.

(a) Each qualified nonpublic school, in coordination with local law enforcement and emergency management agencies, is encouraged to adopt a school risk management plan relating to incidents of school violence. Each qualified nonpublic school is encouraged to provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies and may place school crisis kits in schools.

(b) At least once a year, each qualified nonpublic school is encouraged to hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies as part of the school risk management plan.

(c) With consent of the local sheriff, a school board of trustees or a school administrative director as defined in G.S. 14-269.2(a) of a qualified nonpublic school may authorize a person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24 to possess and carry a handgun on the educational property that is owned, used, or operated by the private school pursuant to G.S. 14-269.2(g). The private school is encouraged to coordinate with local law enforcement on the role and responsibilities in the school risk management plan of any person permitted to possess and carry a handgun on the educational property under this subsection."

SECTION 7.(c) G.S. 14-269.2(a) is amended by adding the following new subdivisions to read:

"(1c) School board of trustees. – The governing body of any private school. For purposes of parochial schools, the school board of trustees may be the board of deacons, the board of elders, or any other designated board which oversees the general affairs of the church, synagogue, temple, or other place of religious worship that is affiliated with the private school.

(1d) School administrative director. – Any individual authorized by the school board of trustees to act on behalf of the private school."

SECTION 7.(d) G.S. 14-269.2(g) is amended by adding the following new subdivisions to read:

"(8) An employee or volunteer of a private school who meets all of the following criteria:

- a. The person has written authorization from (i) the school board of trustees or the school administrative director and (ii) the local sheriff to possess and carry a handgun on the educational property that is owned, used, or operated by the private school.
- b. The weapon is a handgun.

- 1 c. The person has a concealed handgun permit issued in accordance with
2 Article 54B of this Chapter or is considered valid under
3 G.S. 14-415.24.
4 d. The person has successfully completed under the direct supervision of
5 a certified National Rifle Association instructor or the equivalent a
6 minimum of eight hours of courses on, or relating to, gun safety and
7 the appropriate use of firearms that is in addition to the firearms
8 training and safety course required for a concealed handgun permit
9 under G.S. 14-415.12(a)(4). This is an annual training requirement
10 that shall be performed in consultation with the law enforcement
11 agency having jurisdiction over the private school.
12 e. The private school adopts and maintains written standard operating
13 procedures regarding the possession and carrying of the weapons
14 listed in this subdivision on the educational property and distributes to
15 the parents of students attending the private school copies of the
16 written standard operating procedures on an annual basis.
17 f. The person is on the premises of the educational property that is
18 owned, used, or operated by the private school at which the person is
19 an employee or volunteer.
20 (9) A person who has a concealed handgun permit issued in accordance with
21 Article 54B of this Chapter or that is considered valid under G.S. 14-415.24
22 and who is in a place of religious worship when students are not attending
23 class that is located on educational property owned, used, or operated by the
24 membership of the place of religious worship may possess and carry a
25 handgun while the person is attending worship services, funeral services,
26 wedding ceremonies, christenings, religious fellowships, and any other
27 sacerdotal functions at the place of religious worship. For purposes of this
28 subdivision, the term "place of religious worship" includes any church, chapel,
29 meetinghouse, synagogue, temple, longhouse, mosque, or other building that
30 is regularly used and clearly identifiable as a place for religious worship. For
31 purposes of this subdivision, the term "attending" includes ingress and egress
32 between the place of religious worship and the designated parking area for the
33 place of religious worship."
34

35 **PART VIII. EFFECTIVE DATE**

36 **SECTION 8.** Section 7 of this act becomes effective December 1, 2019. Except as
37 otherwise provided, this act becomes effective July 1, 2019.