

Education Administration & Planning 1

Amendment No. 2 to HB2129

Brooks H
Signature of Sponsor

AMEND Senate Bill No. 2059*

House Bill No. 2129

by deleting all language after the caption and substituting instead the following:

WHEREAS, the safety of our children is paramount; and

WHEREAS, reducing the armed response time of law enforcement officers for reports of armed intruders on school premises is vital to ensuring the safety of children, teachers, and school personnel; and

WHEREAS, increasing the presence of properly trained, armed, and certified officials on school premises will aid in protecting our children, teachers, and school personnel; and

WHEREAS, the presence of armed school security officers will help to comfort parents, children, and citizens of this State concerned for the safety of those present on school premises; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "School Safety Act of 2018."

SECTION 2. Tennessee Code Annotated, Section 39-17-1309(e)(10), is amended by deleting the language "pursuant to § 49-6-815 or § 49-6-816" and substituting instead the language "pursuant to § 49-6-809, § 49-6-815, or § 49-6-816".

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-809.

(a) For purposes of this section, "law enforcement officer" means the sheriff, sheriff's deputies, or any police officer employed by the state, a municipality, county, or

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political subdivision of the state certified by the peace officer standards and training (POST) commission or certified in a manner substantially equivalent to the requirements of the POST commission; any commissioned member of the Tennessee highway patrol; and any Tennessee county constable authorized to carry a firearm and who has been certified by the POST commission.

(b)

(1) To increase the protection and safety of students and school personnel, local boards of education may adopt a policy authorizing off-duty law enforcement officers to serve as armed school security officers during regular school hours when children are present on the school's premises, as well as during school-sponsored events.

(2) A school that employs armed school security officers pursuant to this section shall not employ more than two (2) armed school security officers per school day to work during the hours that children are present on school premises, and shall not employ more than two (2) armed school security officers per school day to work during school-sponsored events occurring outside of regular school hours that are conducted on the premises of a school within the LEA.

(3) Each LEA utilizing armed school security officers pursuant to this section shall maintain a record of the hours served by an armed school security officer for a school within the LEA during regular school hours when children are present on the school's premises, as well as a record of the hours served by an armed school security officer during school-sponsored events occurring outside

of regular school hours that are conducted on the premises of a school within the LEA.

(c)

(1) If a local board of education adopts a policy authorizing off-duty law enforcement officers to serve as armed school security officers, the LEA shall enter into a memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers selected by the chief law enforcement officer of the law enforcement agency to serve as armed school security officers.

(2) Any MOU entered into pursuant to subdivision (c)(1) shall contain the following:

(A) A provision that prescribes the types of firearms that may be carried by an armed school security officer on school premises and the manner in which the armed school security officer's firearm may be carried; provided, that the MOU shall not prohibit an off-duty law enforcement officer who is serving as an armed school security officer from carrying a loaded handgun on school premises;

(B) A provision limiting the role of armed school security officers to that of maintaining safety in the school and prohibiting armed school security officers from addressing routine school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or staff of the school;

(C) Procedures for communication among the LEA, armed school security officers, school resource officers, and local law enforcement agencies;

(D) A description of any policies, procedures, or other requirements that the armed school security officers must follow when responding to an emergency on school grounds;

(E) A statement requiring that armed school security officers comply with all state and federal laws regarding the confidentiality of personally identifiable student information;

(F) Procedures for addressing complaints against armed school security officers;

(G) A provision detailing how liability will be provided for any acts or omissions of the armed school security officer within the scope of the armed school security officer's duties, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain;

(H) A provision detailing how scheduling will be determined; and

(I) The hours and wages of each armed school security officer assigned to a school in the LEA. Notwithstanding the federal Fair Labor Standards Act, the hourly wage for armed school security officers shall not be less than ten dollars (\$10) per hour.

(3) Any MOU entered into pursuant to subdivision (c)(1) may prescribe whether an armed school security officer is required to be uniformed on school premises.

(4)

(A) If an MOU entered into pursuant to this subsection (c) would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU shall not take effect until approved by

the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school.

(B) Notwithstanding title 6, chapter 54, part 3, or any other law to the contrary, a law enforcement officer who is employed as an armed school security officer pursuant to this section at a school located outside of the jurisdictional boundaries of the officer's employing agency shall, while acting within the scope of the officer's employment as an armed school security officer, have the jurisdiction and authority to enforce all laws of this state and of the county or municipality in which the school at which the officer is serving as an armed school security officer is located.

(d) Nothing in this section requires a local board of education to adopt a policy permitting an off-duty law enforcement officer to serve as an armed school security officer on school premises.

(e)

(1) The chief law enforcement officer of each law enforcement agency in this state shall prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this section to each LEA located within the law enforcement agency's jurisdictional boundaries and to each LEA located within the jurisdictional boundaries of another law enforcement agency with which the law enforcement agency has a mutual aid agreement for purposes of furnishing assistance in law enforcement. The chief law enforcement officer shall consider the federal Fair Labor Standards Act when considering an officer's qualification to serve as an armed school security officer. The list provided by the chief law enforcement officer must provide each officer's name and current contact information.

(2) The chief law enforcement officer of a law enforcement agency may prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction if the law enforcement officer has received a disciplinary action within the last five (5) years that resulted in, at a minimum, a written reprimand, by sending a written notice of the prohibition to the law enforcement officer, the law enforcement officer's employing agency, and the LEA. The law enforcement officer is entitled to compensation pursuant to this section for any service as an armed school security officer performed by the officer prior to receipt of the written notice by the earliest of the law enforcement officer, the law enforcement officer's employing agency, or the LEA.

(f)

(1) Payments to armed school security officers shall be made from the general fund, subject to the availability of moneys within the general fund.

(2) Funding for armed school security officers may come from the Tennessee school safety center grant under § 49-6-4302. Nothing in this section prohibits an LEA from compensating, from other appropriate state, local, or federal funds received by the LEA, an armed school security officer in excess of any Tennessee school safety center grant funds received.

(g) Any funds received by an LEA for an armed school security officer shall not be used to replace a school resource officer or any other school security measure in place in a school or LEA. Each LEA that authorizes the use of armed school security officers shall continue to fund school resource officers and any other school security measures for schools within the LEA at or above the level that is in place during the 2017-2018 school year for each subsequent school year. Any law enforcement agency that provides funding for school resource officers or other school security measures according to a memorandum of understanding in place during the 2017-2018 school

year shall continue to fund school resource officers and other school security measures at or above the level established by that memorandum of understanding for each subsequent school year.

(h) Following the conclusion of the 2020-2021 school year, the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that has utilized armed school security officers pursuant to this section shall submit a report to the governor, the chair of the education administration and planning committee of the house of representatives, the chair of the education committee of the senate, and the commissioner of education on or before September 1, 2021, that details any school security deficiencies and provides recommendations for security improvements for each such school. If the report requirement of this subsection (h) affects more than one (1) law enforcement agency within any one (1) county, then the affected chief law enforcement officers shall submit a single, consolidated report covering all schools within the county that have utilized armed school security officers pursuant to this section.

SECTION 4. Tennessee Code Annotated, Section 49-6-4302(c)(1), is amended by deleting the subdivision and substituting instead the following:

(c)

(1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of improved school security, including school resource officers and armed school security officers, innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence.

SECTION 5. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. All rules must be promulgated in accordance with title 4, chapter 5.

SECTION 6. This act is repealed effective July 1, 2022.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring

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