



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 318

132nd General Assembly

(As Re-referred by H. Rules and Reference)

Reps. Patterson and LaTourette, Boggs, Lepore-Hagan, Carfagna, Slaby, Rogers, Scherer, K. Smith, Miller, Sheehy, Brenner, Fedor, Hambley, Henne

BILL SUMMARY

- Establishes qualifications and training requirements for school resource officers and permits those officers to provide a specified range of services to school districts and schools.
 - Requires a school resource officer to complete 40 hours of specialized training offered by either the National or Ohio Association for School Resource Officers and specifies the requirements for such training, including that it must be certified by the Ohio Peace Officer Training Commission.
 - Requires any school district that obtains school resource officer services and the appropriate law enforcement agency to enter into a memorandum of understanding clarifying the purpose of the district's school resource officer program.
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CONTENT AND OPERATION

Who can be a "school resource officer"

The bill establishes the qualifications and training requirements of school resource officers. A "school resource officer" under the bill is any peace officer (see "**Background – peace officers**" below) appointed through a memorandum of understanding between a law enforcement agency and a school district to provide certain prescribed services to a school district or its schools.¹

¹ R.C. 3313.951(A)(3).

In practice, school resource officers are peace officers whose duties are to preserve the peace, protect persons and property, and enforce the state criminal laws and municipal ordinances on school premises. They are typically employed as police officers of the municipal corporation, township, or other political subdivision within which jurisdiction they exercise their police authority. Generally, they work under a contract between the school district, community school, or chartered nonpublic school and the political subdivision as authorized under current law. One provision of law limits the officer's duties to assisting guidance counselors and teachers in working with students concerning the use of alcohol or drugs of abuse. Another provision, on the other hand, permits county sheriffs to contract with districts and schools for more comprehensive services.²

Peace officer basic training

Any school resource officer who provides services to a school district or its schools on or after the bill's effective date must complete a basic peace officer training program approved by the Ohio Peace Officer Training Commission.³

Specialized training

With one exception described directly below, the bill also requires each school resource officer, within one year after appointment, to complete at least 40 hours of specialized training through either the National or Ohio Association for School Resource Officers.⁴

The bill provides an exception from this requirement only, to any school resource officer appointed prior to the bill's effective date.⁵

Types of services provided by a school resource officer

A school resource officer who meets the requirements described above may carry out any responsibilities outlined in the officer's employment engagement, contract, or memorandum of understanding with a school or district, such as providing a safe learning environment, providing resources to school staff, fostering positive relationships, or developing problem resolution strategies.⁶

² R.C. 311.29 and 3313.95, neither in the bill.

³ R.C. 3313.951(B)(1)(a). See also R.C. 109.77, not in the bill.

⁴ R.C. 3313.951(B)(1)(b).

⁵ R.C. 3313.951(B)(2).

⁶ R.C. 3313.951(D)(1)(b).



The bill also specifically permits a school resource officer to provide assistance with adoption, implementation, and amendment of comprehensive school emergency management plans. When assisting with the development of an emergency management plan, the bill requires a school resource officer to consult with local law enforcement and first responders.⁷

The bill vests the school district or school administrator with final decision-making authority regarding all matters of school discipline.⁸

Provision of specialized training program

Under the bill, the National or Ohio Association for School Resource Officers must be approved by the Ohio Peace Officer Training Commission to provide specialized training to school resource officers.⁹ Further, the specialized training program itself must be certified by the Commission and include instruction regarding skills, tactics, and strategies necessary to address the specific nature of all of the following:

- (1) School campuses;
- (2) School building security needs and characteristics;
- (3) The nuances of law enforcement functions conducted inside a school environment (see below);
- (4) The mechanics of being a positive role model for youth, including appropriate communication techniques which enhance interactions between the school resource officer and students;
- (5) Providing assistance on topics such as classroom management tools to provide law-related education to students and methods for managing the behaviors sometimes associated with educating children with special needs;
- (6) The mechanics of Ohio's laws regarding compulsory attendance; and

⁷ R.C. 3313.951(D). See also R.C. 3313.536, not in the bill.

⁸ R.C. 3313.951(E).

⁹ R.C. 3313.951(B)(3).



(7) Identifying the trends in drug use, eliminating the instance of drug use, and encouraging a drug-free environment in schools.¹⁰

Nuances of law enforcement functions

With respect to the nuances of law enforcement functions component of a certified program, the bill requires instruction on understanding all of the following concepts:

(1) The psychological and physiological characteristics consistent with the ages of the students;

(2) The appropriate role of school resource officers regarding discipline and reducing the number of referrals to juvenile court; and

(3) The use of developmentally appropriate interview, interrogation, de-escalation, and behavior management strategies.¹¹

Rules for approving the National or Ohio School Resource Officer Association

The bill requires the Ohio Peace Officer Training Commission to adopt rules for the approval of the National or Ohio School Resource Officer Association to provide the specialized training.¹²

Memorandum of understanding

Under the bill, a school district that wishes to obtain school resource officer services must first enter into a memorandum of understanding with the appropriate law enforcement agency clarifying the purpose of the school resource officer program, and roles and expectations between the participating entities. If a school resource officer is already providing services to a district as of the bill's effective date, the memorandum must be entered into within one year after that date.¹³

Contents

Each memorandum of understanding entered into in accordance with the bill's provisions must address the following items:

¹⁰ R.C. 3313.951(B)(3).

¹¹ R.C. 3313.951(B)(3)(c).

¹² R.C. 3313.951(B)(4).

¹³ R.C. 3313.951(C)(1).



- (1) Clearly defined set of goals for the school resource officer program;
- (2) Background requirements or suggested expertise for employing law enforcement in the school setting, including an understanding of child and adolescent development;
- (3) Professional development, including training requirements that focus on age-appropriate practices for conflict resolution and developmentally informed de-escalation and crisis intervention methods;
- (4) Clearly defined roles, responsibilities, and expectations of the parties involved, including school resource officers, law enforcement, school administrators, staff, and teachers;
- (5) A protocol for how suspected criminal activity versus school discipline is to be handled;
- (6) The requirement for coordinated crisis planning and updating of school crisis plans; and
- (7) Any other discretionary items determined by the parties to foster a school resource officer program that builds positive relationships between law enforcement, school staff, and the students, promotes a safe and positive learning environment, and decreases the number of youth formally referred to the juvenile justice system.¹⁴

Posting

The bill requires any school district that obtains school resource officer services to post the corresponding memorandum of understanding in a conspicuous place on the district's website, or other location customarily used to make documents available to the public.¹⁵

Student input

The bill permits a school district, through its school administration, to give students an opportunity to provide input during the drafting process of a memorandum of understanding.¹⁶

¹⁴ R.C. 3313.951(C)(2).

¹⁵ R.C. 3313.951(C)(3).

¹⁶ R.C. 3313.951(C)(4).

Background – peace officers

The Ohio Peace Officer Training Commission oversees training requirements and curriculum for peace officers, private security, local corrections, jail personnel, K-9 units, and humane agents, in addition to firearms programs for public defender investigators, bailiffs, probation officers, and parole officers. The Commission also oversees certification standards of peace officers.¹⁷

The bill uses the definition of "peace officer" contained in the Criminal Code.¹⁸ However, continuing law establishing the Ohio Peace Officer Training Commission and programs provides a different definition.¹⁹ As the bill deals primarily with programs and certifications approved and overseen by the Commission, the differences between the two definitions are described in the following table:

Who is a "peace officer"	Criminal law ²⁰	Peace Officer Training Commission law ²¹
Sheriff	Yes.	No.
Deputy Sheriff	Yes.	Yes, if primary duties are to preserve peace, protect life and property, and enforce laws, ordinances, resolutions, or regulations.
Marshal or Deputy Marshal	Yes.	Yes, if primary duties are to preserve peace, protect life and property, and enforce laws, ordinances, resolutions, or regulations.
Police officer of a municipal corporation, township, or joint police district	Yes, and includes certain departments in adjoining states.	Yes, if primary duties are to preserve peace, protect life and property, and enforce laws, ordinances, resolutions, or regulations.

¹⁷ See the website of the Ohio Attorney General at <http://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Ohio-Peace-Officer-Training-Commission>.

¹⁸ R.C. 3313.951(A)(2) and R.C. 2935.01, latter section not in the bill.

¹⁹ R.C. 109.71 to 109.801.

²⁰ R.C. 2935.01.

²¹ R.C. 109.71.



Who is a "peace officer"	Criminal law²⁰	Peace Officer Training Commission law²¹
Police for Metropolitan Housing Authority	Yes.	Yes, if primary duties are to preserve peace, protect life and property, and enforce laws, ordinances, resolutions, or regulations.
Police of a Regional Transit Authority	Yes.	Yes.
State University law enforcement officer	Yes.	Yes.
Department of Public Safety enforcement agent	Yes.	Yes.
Department of Taxation investigator	Yes.	Yes.
Department of Natural Resources law enforcement officer	Yes.	Yes.
Forest-fire investigator or wildlife officer	Yes.	Yes.
Designated park and conservancy district employees	Yes.	Yes.
Veterans' home police officer	Yes.	Yes.
Port authority special police officer	Yes.	Yes.
Municipal airport special police officer	Yes.	Yes, but officer must have completed approved peace officer basic training and be employed on a permanent basis.
House of Representatives Sergeant at Arms	Yes, if the Sergeant has arrest authority.	No.
Senate Sergeant at Arms	Yes.	No.
House and Senate Assistant Sergeant at Arms	Yes.	No.
Certain employees of Bureau of Criminal Identification and Investigation	Yes.	Yes.
State fire marshal law enforcement officer	Yes.	Yes.



Who is a "peace officer"	Criminal law²⁰	Peace Officer Training Commission law²¹
Certain members of the State Highway Patrol	Yes, the troopers and Superintendent for the purposes of arrests, filing of, and service of process within those areas or related to offenses witnessed by them.	Yes, a special police officer when exercising responsibilities on state land.
Undercover drug agent	No.	Yes.
Department of Mental Health and Addiction or Department of Developmental Disabilities special police officer	No.	Yes.
Private college or university campus police	No.	Yes.
Investigators appointed by the Auditor of State	No.	Yes.
Certain amusement park police officers	No.	Yes.
Certain bank police officers	No.	Yes.
Casino gaming agent	No.	Yes.
Certain hospital police officers	No.	Yes.

HISTORY

ACTION

DATE

Introduced	08-09-17
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