

## **Department of Planning and Budget**

### **2019 Fiscal Impact Statement**

**1. Bill Number:** SB1551

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Surovell

**3. Committee:** Education and Health

**4. Title:** School resource officers; memorandums of understanding.

**5. Summary:** Requires the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the respective roles and responsibilities of the school board and the law-enforcement agency and the roles and responsibilities of such school resource officers. The bill requires that the memorandum of understanding be consistent with the model memorandum of understanding developed by the Virginia Center for School and Campus Safety. The bill requires that the model memorandum contain provisions that prohibit school resource officers from (i) conducting a search of a student's person or property while on school property unless such resource officer has probable cause to conduct such a search and either has a judicial warrant authorizing the search or has identified exigent circumstances necessitating a warrantless search; (ii) participating in any request for assistance from a federal agency without a subpoena or warrant; (iii) inquiring as to whether a student was born in a country other than the United States or is a citizen of a country other than the United States, unless such inquiry is in connection with an kidnapping or extortion investigation; and (iv) absent exigent circumstances, questioning any student without prior notification to the parent or guardian of such student's right to refuse to be questioned or searched. The bill also provides that the model memorandum of understanding shall contain provisions regarding the use of translators or appropriate guardians to assist students in responding to questions from a school resource officer. The bill requires each such school board and local law-enforcement agency to review the memorandum of understanding every four years or at any time upon request of either party and provides that the memorandum of understanding may be revised as agreed to by the parties. The bill provides that such memorandum shall be made available for public review and comment at least 30 days prior to its adoption. The bill also redefines school resource officer to specifically prohibit a school resource officer from investigating or enforcing violations of school board policies, including student conduct codes.

**6. Budget Amendment Necessary:** Yes, Item 392.

**7. Fiscal Impact Estimates:** Preliminary. See item 8, below.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019	-	-	-
2020	\$89,000	-	General Fund
2021	\$64,000	-	General Fund
2022	\$64,000	-	General Fund
2023	\$64,000	-	General Fund
2024	\$64,000	-	General Fund
2025	\$64,000	-	General Fund

**8. Fiscal Implications:** Any impact to localities is indeterminate.

The Virginia Center for School and Campus Safety (VCSCS), which is a component of the Department of Criminal Justice Services (DCJS), currently has a model memorandum of understanding (MOU) as well as a “School – Law Enforcement Partnership Guide.” Updates to the existing model MOU can be absorbed within current resources.

The bill would require DCJS and VCSCS to provide training to all school resource officers (SRO) subsequent to employment or within 12 months of assignment as a school resource officer, on: implicit bias, disability awareness, crisis intervention, restorative justice, and cultural competency. Training is currently provided by DCJS only to SROs that are supported by state funding. The Governor’s Introduced Budget Bill (HB1700/SB1100) provides one position and \$427,630 to enable the agency to provide basic training to every SRO. While DCJS provides training in a number of topic areas to some SROs, the topics required by this bill are not part of the existing curriculum. As a result, DCJS believes it will cost the agency at least \$89,000 to provide training on the expanded training topics. This includes: (i) a one-time cost of \$25,000 to create and develop curricula for the four required additional topics; and (ii) \$64,000 annually to contract with appropriate subject matter experts to conduct ongoing training on the required topics.

**9. Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services; local school districts; local law-enforcement agencies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** SB1563, SB1214, and HB1733 also address MOUs between local law-enforcement agencies and local school division. SB1130 and SB1299 address the use of MOUs and additional training requirements for SROs by DCJS.