

LEGISLATIVE COMMITTEE MINUTES

SB108

Bill as Introduced

SB 108 - AS INTRODUCED

2021 SESSION

21-0867
06/08

SENATE BILL **108**

AN ACT relative to school resource officers.

SPONSORS: Sen. Whitley, Dist 15; Sen. Perkins Kwoka, Dist 21; Rep. Cornell, Hills. 18; Rep. Mullen, Hills. 7

COMMITTEE: Education

ANALYSIS

This bill clarifies the duties and responsibilities of school resource officers.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to school resource officers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Purpose Statement. It is the intent of the legislature to enhance school safety and
2 performance by increasing transparency around the responsibilities and performance of school
3 resource officers, distinguishing the role of teachers, staff, and school administrator from that of
4 resource officers, and continuing the state's commitment to the behavioral health needs of students,
5 including the system of care under RSA 135:F.

6 2 School Resource Officers. Amend RSA 186:11, XXXVIII to read as follows:

7 XXXVIII. School Resource Officers.

8 (a) Require each school district in the state to which a school resource officer is assigned
9 to develop and implement a policy which shall include, at a minimum, a requirement for a signed
10 memorandum of understanding (*MOU*) between the school district and the law enforcement agency
11 from which the school resource officer is deployed *and a requirement that a copy of the MOU be*
12 *provided to the commissioner of the department of education and be made publicly*
13 *available on the school district's website.*

14 (b) *Require any MOU between a school district and a law enforcement agency to*
15 *include, but not be limited to, the following:*

16 (1) *The purpose of the school resource officer program.*

17 (2) *Restrictions on the school resource officer's involvement in student*
18 *discipline in response to criminal and non-criminal student misconduct.*

19 (3) *The division of authority between school officials and school resource*
20 *officers in emergency and non-emergency situations,*

21 (4) *A plan for supervising the school resource officer's performance.*

22 (5) *A process for filing complaints by students, parents, teachers, and other*
23 *school officials concerning misconduct by a school resource officer.*

24 (6) *The type and extent to which information may be shared between the*
25 *school district and the law enforcement agency.*

26 (7) *Guidelines for the student resource officer's conduct regarding student*
27 *searches and seizures.*

28 (8) *Procedures for interviewing or questioning a student, arrest of a student,*
29 *and reading Miranda rights to students in certain circumstances.*

30 (9) *Restrictions on the school resource officer's use of physical force or*
31 *restraints on a student.*

1 (10) *A requirement that school resource officer be certified as such by the*
2 *New Hampshire police standards and training council and maintain such certification by*
3 *completing in-service training each year.*

4 3 New Chapter; School Resource Officers. Amend RSA by inserting after chapter 189-A the
5 following new chapter:

6 CHAPTER 189-B

7 SCHOOL RESOURCE OFFICERS

8 189-B:1 School Resource Officer Programs.

9 I. A school resource officer program shall promote school safety and school-based
10 disciplinary consequences as the principal response to problem behaviors by students, except when
11 immediate police involvement is necessary to address a substantial and imminent risk of serious
12 bodily harm to students, school staff, or the public.

13 II. Absent a substantial and imminent risk of serious bodily harm to students, teachers, or
14 school safety, and absent the situations where formal law enforcement intervention is appropriate,
15 school administrators shall have final authority over the handling and resolution of incidents
16 involving students at a school, including incidents involving disorderly conduct, disruption of schools
17 or public assembly, trespass, loitering, profanity, and fighting that does not involve physical injury
18 or a weapon.

19 III. Schools shall use behavioral health services to respond to the needs of students,
20 including the system of care under RSA 135-F and services under RSA 167:3-1.

21 IV. No student shall be arrested at school, except where the student poses a substantial and
22 imminent threat to students, teachers, or public safety; or a judicial warrant specifically directs the
23 arrest of the student in a school; in all other instances the execution of an arrest warrant shall be
24 undertaken at a location other than a school. In the event that an arrest is executed on school
25 grounds, the school principal or most senior administrator shall be consulted prior to the arrest
26 where possible and the student's parent or guardian shall be notified of the child's arrest as soon
27 as possible.

28 V. Absent a substantial and imminent risk of serious bodily harm to students, teachers, or
29 school safety, an school resource officer may not conduct or participate in a search of a student's
30 person, possessions, or locker unless there is probable cause to believe that the search will result in
31 evidence that the child has committed or is committing a criminal offense.

32 (a) An school resource officer shall consult the school principal or most senior
33 administrator at the school prior to conducting a probable cause search.

34 (b) A school resource officer shall not ask school officials or other students to search a
35 student's person, possessions, or locker. Any evidence obtained in violation of this provision shall be
36 inadmissible in any subsequent court proceeding.

1 (c) A school resource officer shall not be present when a school official conducts a search
2 of a student's person, possessions, or locker in the absence of probable cause that the search will turn
3 up evidence that the child has committed or is committing a criminal offense.

4 VI. Absent a substantial and imminent risk of serious bodily harm to students, teachers, or
5 school safety, any questioning by a student resource officer of a student that the student resource
6 officer knew or should have known would elicit criminal information shall comply with the following:

7 (a) A school resource office shall consult the school principal or most senior school
8 administrator prior to any questioning of a student that the school resource officer knew or should
9 have known would elicit criminal information.

10 (b) A student resource officer shall not ask a school official to question a student in an
11 effort to circumvent these protections.

12 (c) A school resource officer shall not be present or participate in the questioning of a
13 student by a school administrator.

14 (d) A student's parent or guardian shall be contacted prior to the student being
15 questioned by a school resource officer as part of any criminal investigation.

16 VII. School resource officers shall not conduct strip searches of children. Absent a
17 substantial and imminent risk of serious bodily harm to students, teachers, or school safety, other
18 physically invasive searches of children shall not be conducted by a school resource officer.

19 VIII. Absent a substantial and imminent risk of serious bodily harm to students, teachers,
20 or school safety, an school resource officer shall not use physical force or restraints, including
21 handcuffs, tasers, mace, or other physical or chemical restraints, on a child.

22 189-B:2 Submission of Complaints. Any school district with a school resource officer program
23 shall establish a process for any student, parent, teacher, or school administrator to submit a
24 complaint, orally or in writing, of alleged abuses or misconduct by a school resource officer. The
25 process for submitting a complaint shall be publicly available on the school district's website. Such
26 process shall comply with the following requirements:

27 (a) Parents may submit a complaint in their native language.

28 (b) The complaint shall be confidential and protect the identity of the complainant to the
29 extent consistent with the student resource officer's due process rights.

30 (c) The process shall provide for an independent investigation of the allegations in the
31 complaint.

32 (d) The school district shall investigate and resolve all complaints and furnish the
33 complainant with a written explanation of the investigation and resolution, within 30 days.

34 (e) Where serious allegations of abuse or misconduct are raised, the school district shall
35 remove the school resource officer from contact with students pending resolution of the investigation.

36 (f) Where allegations of abuse or misconduct are substantiated, the student resource
37 officer shall be suspended or permanently removed from school assignments.

1 (g) Every student, parent, and guardian in the school system shall be informed of the
2 complaint process.

3 (h) Students, parents, and guardians shall be given an opportunity to review any
4 proposed changes to the complaint process prior to its adoption.

5 (i) No action shall be taken against a student, teacher, or administrator for filing a
6 complaint unless the complainant knowingly files a false complaint.

7 189-B:3 Data Collection.

8 I. Any school district employing a student resource officer shall collect and make publicly
9 available, without disclosing personally identifiable information, the following data:

10 (a) The number of incidents resulting in a student's arrest for conduct on school grounds
11 or at a school-sponsored event, broken down by school, offense, student's age, grade level, race,
12 ethnicity, sex, gender identity, and disability status; and disposition of the case.

13 (b) The number of incidents resulting in other forms of law enforcement intervention,
14 including searches and seizures by school resource officers, questioning by school resource officers,
15 issuance of a citation, ticket, or summons, filing of a delinquency petition, or referral to a probation
16 officer for juvenile conduct on school grounds or at a school-sponsored event, broken down by school,
17 offense or reason, type of law enforcement intervention, student's age, grade level, race, ethnicity,
18 sex, gender identity, and disability status; and disposition of the case.

19 (c) The number of suspensions or other disciplinary consequences imposed on students
20 for conduct that a student resource officer responded to, broken down by school, offense or infraction,
21 student's age, grade level, race, ethnicity, sex, gender identity, and disability status; and disciplinary
22 consequence imposed.

23 (d) The number and types of complaints lodged against school resource officers,
24 including any action taken by the school district in response to the complaint.

25 II. The school district shall update the data required under paragraph I and make such data
26 publicly available no less than on a quarterly basis.

27 4 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: February 4, 2021

HEARINGS

Tuesday	02/09/2021	
(Day)	(Date)	
Education	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 108	relative to school resource officers.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/96888965888>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799, 96888965888# or 19292056099, 96888965888#
4. Webinar ID: [968 8896 5888](https://www.zoom.us/j/96888965888)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603) 271-6931.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 108

Sen. Whitley

Sen. Perkins Kwoka

Rep. Cornell

Rep. Mullen

Ava Hawkes 271-4151

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-4151

SB 108, relative to school resource officers.

Hearing Date: February 9, 2021

Time Opened: 9:00 a.m.

Time Closed: 11:00 a.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

Bill Analysis: This bill clarifies the duties and responsibilities of school resource officers.

Sponsors:

Sen. Whitley

Sen. Perkins Kwoka

Rep. Cornell

Rep. Mullen

Who supports the bill: Please refer to sign-in sheet.

Who opposes the bill: Barrett Christina, Allen Aldenberg, Peter Llewellyn, Brian Trefry, Elizabeth Sargent, Alexandra Mennella, Richard Bergeron, Shawn Pelletier, John Bryfonski, Gary Hoffman, Anne Segal

Who is neutral on the bill: Elizabeth Lahy, Mark Morrison

Summary of testimony presented in support:

Senator Rebecca Whitley - Senate District 15

- Senator Whitley introduces SB 108.
- The goal of this bill is to more precisely define the role of resource officers in schools to enhance school safety.
- Brain science tells us that children's brains are still developing well into their 20s.
- Students with disabilities and children of color are disproportionately represented in the juvenile justice system.
- This bill puts guardrails in place to prevent exposure to the juvenile justice system.
- This bill provides transparency around the performance and responsibilities of school resource officers. Additionally, this bill distinguishes the roles and responsibilities of teachers, staff, and administrators with school resource officers (SROs).
- This bill continues the work of our state in addressing student's behavioral health needs.
- This bill is consistent with the recommendations of Governor Sununu's LEACT Commission and the 2018 School Safety Task Force.

- Senator Ricciardi asked if/why this legislation differs from the model memorandum of understanding (MOU) put forth. Senator Whitley said that the work of the stakeholders on the model MOU is appreciated, however, those guardrails need to be put in statute. The continued work on this bill will look at the model MOU.
- Senator Ricciardi asked if Senator Whitley believes that this bill removes local control and these decisions are better left to local school districts and police departments. Senator Ricciardi expressed apprehension to some parts of this bill. Senator Whitley said this bill builds upon work done last session. Local control is important as is protecting children in NH. This bill strikes a balance.
- Senator Kahn asked if the Police Standards and Training Commission developed the model MOU. Senator Whitley said she was not a part of that work and plans to defer that question to Chief Scippa or ACLU-NH.
- Senator Prentiss asked if there are two different MOU efforts in question. Senator Whitley said work on model MOUs are in place, the parties previously mentioned may have a better sense of the status on the model MOU. This bill simply puts those guardrails into statute.
- Senator Ward asked if there is a difference between a school resource officer and a student resource officer, as it is referenced differently throughout the bill. Senator Whitley said she believes that was a drafting error and the language should be consistent.
- Senator Ward asked who Senator Whitley worked with in drafting this legislation. Senator Whitley said she worked with a number of organizations whose focus is on reforming the criminal justice system, such as ACLU-NH, the Disability Rights Center and NH Legal Assistance.
- Senator Ward asked if Senator Whitley worked with NHDOE in drafting this legislation. Senator Whitley said she did not.

Moira O'Neill – Director of the Office of the Child Advocate

- The Office of the Child Advocate is an independent state oversight agency still in its infancy. Recently, the jurisdiction of the office has been expanded to include all children services provided for or arranged by the state.
- They support this bill in concept.
- If school districts are going to have SRO programs, there should be carefully crafted job descriptions, training, oversight and regulation.
- There is a growing body of evidence that indicates that law enforcement in schools often negates their intention which is to decrease criminal and disruptive behavior.
- With increases of SRO presence in schools, there is an associated increase in recorded crime and disorder.
- After SROs are introduced in school settings, the number of recorded crimes and disorder does not decrease, it increases.
- A 2019 study looked at the results of introducing SROs in 7th grade and how it correlated with lower graduation rates and college enrollment.
- A great deal of research indicates SRO presence in schools disproportionately impacts minority youth and youth with disabilities.
- Research has also found that SROs endorse more punitive approaches to discipline due to their backgrounds than school administrators. Not bad people, just different philosophies in responding to what is perceived as bad behavior.
- One study compared philosophies of SROs and school administrators and found that 83% of school administrators were more preventative oriented than SROs stationed in their schools.
- The presence of SROs increases the number of incidents reported to law enforcement.
- Any encounter with law enforcement is a risk factor for delinquency and a path to poor outcomes. The associated expulsions and removals from school lead to poor school performance and outcomes, i.e. the school to prison pipeline.

- All of this information is complex.
- Not a single SRO intends to disrupt a student's success.
- We need more research to determine the benefits or harm of their presence in schools.
- The data collection required of this bill will help clarify what is happening in NH schools.
- Based on the data and information the OCA has now, there is a need for clearly defined policy around the expectations of SROs. Until now, NH has neglected to adopt universal expectations.
- This bill would establish clear expectations and codify MOU language, similar to the model MOU, in statute.
- More disruptive students typically have deep trauma experiences.
- The OCA has a few suggestions for language in the bill.
 - Page 2, line 1: Section two, item 10 where a recommendation for specific training content could be referenced to include neuroscience, the developmental differences of children from social to emotional differences, mental health content as it relates to anxiety, depression, psychosis, etc., content about trauma, content on demographic/gender/cultural differences, information about juvenile law around the likelihood of peer pressure and false confessions of young people.
 - Next, the complaint process be inserted where all reports of complaints and investigations be sent to the OCA in efforts to monitor trends with what is happening with SROs in the state. Information should be collected in schools with *and* without SROs to cross reference. The OCA hopes to receive that data as well.
- Senator Hennessey shared with Director O'Neill that she is concerned with the data being collected and made public. Specifically, smaller schools, similar to ones in the North Country, where if a student's identifying factors were to be exposed, such as sex, race, gender, ethnicity, religion, etc., in some cases, it would be easy to identify what student that is. Senator Hennessey asked for Director O'Neill's comment.
 - Director O'Neill said this is an important question. She suspects making this identifiable data public may prove problematic under federal law as well. When adjustments to this bill are made, this is something that should be taken into consideration. The data collection is still important, and should be shared with the OCA for oversight, however, privacy needs to be protected.

Jonathan Weinberg

- In support of the bill and speaking on behalf of himself.
- He is 21 years old and a recent elected member of the Concord School Board.
- As he grew up, he witnessed the ambiguity of the role of an SRO. Students don't always understand what the SROs position is.
- By continuing with the status quo with limited oversight and standards, we will not be working to combat the school to prison pipeline.
- While there should be more added to this bill, this bill is an important step for improving transparency.

Jeanne Hruska – Political Director of ACLU-NH

- In support of this legislation.
- This bill would implement recommendations from the LEACT Commission, of which ACLU-NH was a member.
- SROs should be certified. Also, MOUs with law enforcement agencies and school districts should be public.
- They support the Office of the Child Advocate's suggestions on what training should look like for SROs.

- This bill would promote transparency and accountability by ensuring that MOUs are public and they include a minimum set of considerations, including restrictions on SROs involvement in student discipline.
- Parents should know what a police officer is doing at their child's school or what they are permitted to do.
- They have concerns about the content of the model MOU in reference. There is too much latitude of SROs in student discipline.
- As a reminder, this is a model MOU, not a mandate. It is still important to enshrine guardrails in statute.
- They share concerns expressed by the Office of the Child Advocate on the impact of SROs on school performance, as they can influence how students respond to certain behaviors. Having a police officer at school can trigger anxiety, fear, trauma, etc., particularly in students of color, impacting their health and education.
- In the absence of clear guidelines, the role of SROs can easily expand over time.
- They believe there should be minimum guardrails in statute. Data collection around SROs is very important as well.
- They are willing to work with the committee on data collection language that does not violate student privacy.

Jake Berry – Vice President of Policy, New Futures

- In strong support of this legislation.
- State has worked hard to increase access to behavioral health services for students in need.
- By better clarifying the role of SROs, this will help keep students with behavioral needs out of the juvenile justice system and get them the support they need.
- SROs have the ability to be a tremendous asset to protect school safety while connecting students to behavioral health support.
- This bill will enhance the health and safety of the entire school community.
- Senator Ricciardi expressed her appreciation in Mr. Berry acknowledging that school administrators request the presence of SROs in parent/student meetings and rely on SROs to support the efforts of school administration. Senator Ricciardi asked if Mr. Berry believes this bill discounts that fact. Mr. Berry said they appreciate that this bill further delineates and clarifies the role of SROs in regards to discipline.
- Senator Kahn asked if New Futures had any contact or role in the development of the model MOU. Mr. Berry said New Futures has worked with partners regarding advocacy but not directly with the development of the model MOU.

Michelle Wangerin – Youth Law Project Director, NH Legal Assistance

- In support of this legislation.
- This bill is important as it dovetails with bipartisan reforms passed in recent years.
- There is quite a lot of misunderstanding about what this bill does and does not do.
- Eight years ago, the General Court recognized the fine line between developmentally appropriate youth misbehavior and delinquent conduct.
- While youth misbehavior may result in a technical violation of the law, it should not always be treated as criminal misconduct.
- In 2013, the legislature implemented RSA 169-D:6, paragraphs III and IV, which mandated juvenile delinquency action be taken only as a result of a true threat to school safety.
- Last year, the legislature passed reform that recognized that children do their best when they're connected with their schools instead of disconnected, i.e. through exclusion and isolation.

- Research consistently demonstrates that exclusion and isolation only leads to riskier and often lifetime criminal behavior.
- The state has developed student resources through the implementation of the system of care under RSA 135-F. Through increased implementation of the multi-tiered system of supports, students respond better without punishment and shame.
- Section two of this bill is good practice.
- This bill is only designed to establish guardrails between schools and law enforcement, not stand in the way of developing a model MOU.
- Section three of the bill simply codifies the role of SROs.
- This bill simply says students should not be arrested or taken out of school in handcuffs unless there is a true threat to school safety as outlined in statute.
- The responsibility of removing a child from school should lie with school administration and parents.
- This bill does not prohibit court-based accountability in those instances.
- This bill does not prevent direct intervention by SROs. The only limitation is the formal arrest of a student by law enforcement.
- Senator Kahn asked how the multi-tiered system of wellness dovetails with the role of SROs. Ms. Wangerin noted when kids act out in school, there should be an appropriate response for them. With the increased use of mobile crisis units, schools will be able to respond in a way that is developmentally appropriate and better for students. Relying on crisis supports to work with youth as opposed to law enforcement response is more effective.
- When law enforcement is present in schools, kids are more likely to drop out of school.
- Kids do ridiculous things, our job as parents, educators, clinicians, etc. are to help guide them into a better path.
- Law enforcement should keep kids safe, we do not want to limit their ability to do so, especially if they are the only adult in the room.

Michael Skibbie – Policy Director, Disability Rights Center of NH

- In support of this bill.
- His focus is on students with disabilities and the effect of SRO presence.
- The challenge is how to respond to a variety of types of student behavior in a way that does better than harm.
- The actions of school authorities and law enforcement in one setting can be a challenge.
- Research shows that when law enforcement are in schools, the response to misbehaving changes.
- What was previously handled as a disciplinary matter, may now be handled through delinquency charges.
- Some studies have shown increases in court involvement in minor matters regarding disorderly conduct with the addition of SROs in schools.
- This bill would keep the principal response to behavior in the hands of school officials, where it belongs, to address school safety.
- Court involvement for minor misconduct can have severe consequences for disabled children by increasing recidivism, not reducing it. There is also an increase in homelessness and a strain on public resources.
- Kids with disabilities have limited social skills and may experience higher rates of school failure leading to alienation from the school and negative associations with school structure.
- Harsher responses are often given for the same misconduct to kids with disabilities as opposed to children without.
- Disabled children are especially vulnerable to court involvement for minor misconduct.
- This bill would put modest regulations in place that will likely limit those negative effects on disabled youth without jeopardizing school safety.

- Senator Ward asked if current SRO training requirements include knowledge about disabled youth and students suffering from mental illness. Director Skibbie said he does not have much familiarity with a training requirement; however, he hopes there are as it would be helpful. However, such training does not address the need for a clear role definition for police officers so they do not become involved with what otherwise might be a school disciplinary matter.

Asma Elhuni

- In support of this bill.
- Member of Rights in Democracy.
- Speaking as a citizen of NH and resident of Lebanon.
- Police do not belong in schools in general. While this bill does not go far enough, it does restrict police powers in schools.
- Using the term SRO versus police is problematic and misleading. If we don't call SROs what they are, it is likely because police and schools don't sound like they belong together.
- These decisions should not be left to local towns/local control as relationships between school boards and local police departments could become tense. Work being done at the state level removes burden and tension.
- This bill is a bare minimum for students.
- Police stopping fights between children is terrifying. Even though SROs can continue this practice under this bill, school administrators and counselors should be the ones to get to the root of the problem, not police.
- Based on the experiences she has witnessed, police involvement in breaking apart fights is chilling.
- We need to stop and think about the nature of encouraging police presence in schools and the idea that coordination is occurring between the Dept. of Homeland Security.
- Police are not trained to deal with mental illness, not their expertise.
- Research conducted in 2020 reports, while there is no conclusive evidence that SROs reduce crime or prevent mass shootings, the costs associated with SROs presence are real.
- Research also suggests there is a greater likelihood with youth involvement in the juvenile justice system with SRO presence.
- Schools with SROs tend to have higher rates of exclusionary school discipline than do other schools. Youth of color are more likely to experience harm by these practices than white youth.
- In the case of Lebanon, according to data from 2017, black students made up 3% of Lebanon's school district but 7.8% in-school suspensions, 4.7% of out-of-school suspensions and 6.2% of referrals to law enforcement.
- In Lebanon, students have walked out to demand the removal of police in schools.
- During a recent school board meeting, Lebanon's high school principal said SROs are not used to discipline students. A student at their school was charged with indecent exposure for peeing on school property.
- Children make mistakes and schools are supposed to be safe environments for learning.

John DeJoie – Waypoint (formerly known as Child and Family Services)

- Since 2013, they have been working on juvenile justice modifications and improvements. SROs have been looked at since early in their tenure.
- In 2014, they introduced a bill that required an MOU and a number of standards for police officers. This bill is consistent with that bill.
- This bill sets minimum standards to identify roles, who does what and who does what when, nothing nefarious.

- Without standards, it can result in SROs becoming involved in situations they should not be involved in.
- Police officers are certified, teachers are certified, as where SROs are not certified.
- Police officers in roles with no clear understanding of what training needs to happen as it pertains to being an SRO.
- The training officers are currently receiving is ad-hoc and dependent on the individual department.
- He confirmed Senator Hennessey made a good point regarding the need of private information of students remaining confidential in efforts to not embarrass or make students uncomfortable. He also used the same analogy to describe a student being brought out of school in handcuffs.
- The National School Resource Officers organization does not set standards or offer certification. However, they publish what they perceive as essential elements of a school resource officer: three years of experience, 40 hours of basic course training, 24 hours of additional training, 160 hours of specialized police training.
- This bill calls for none of that, however, we should be looking to that organization.
- He said Waypoint is always willing to speak with stakeholders, they have not heard from them until very recently.
- Senator Ward shared that she believes “mandatory annual in-service training” requirements of SROs to maintain their certification is already in place per a handout provided by Director Scippa.

Dr. Carl Ladd – Executive Director, NH School Administrators Association

- They are in support of the concept of this bill.
- As mentioned, MOUs are inconsistent across the state. The implementation is inconsistent as well.
- We know more about the causes of student behavior now, than we did when SROs were first introduced as a result of school shootings in the 1990s.
- We know more now based on mental health and brain development as well.
- Training and guardrails are very important as all school personnel who interact or intervene with students are trained.
- Continued education for recertification is required of educators.
- While sections of this bill could be more refined, there should be statewide expectations and guidelines for anyone working in our schools and working with our students.

Summary of testimony presented in opposition:

Chief Allen Aldenberg – Police Chief, Manchester Police Department

- In opposition to this bill.
- The language of this bill sets a dangerous and unreasonable precedent.
- This bill would govern when SROs could get involved in incidents where serious bodily harm/injury occurs. Passing this bill would make it unlawful for SROs to immediately intervene.
- It is irresponsible to cause a delay for an SRO to get involved in these kinds of situations.
- For instance, a pushing match between two students could easily result in something serious. This bill would require intervention by school administration prior to an SRO getting involved, SROs would be mandated to not intervene.
- Section 5 of this bill indicates that an SRO should not be present during a search that is in absence of probable cause that would turn up evidence that a child has committed/committing a criminal offense. This enables a potentially dangerous situation.
- SROs use of force is already outlined in current statute. SROs should not be limited in using any tool deemed necessary at the time of an incident.

- The misuse of power by SROs is far from the truth. The relationships built between SROs and students in NH is more cooperative; the focus needs to shift that the SROs only purpose is to enforce laws, but more on what they accomplish in our schools and communities.
- The language of this bill would create a more unsafe environment in our schools by limiting SROs.
- The intent of this bill can all be accomplished at the local level. It is impossible to compare school districts and police department relationships in completely different districts.
- Manchester has nine SROs between high schools and middle schools. They enforce laws and investigate crimes that may occur in or around the schools. They also assist school administration in ensuring the safety of the student body.
- Manchester SROs take pride in being a part of their school's family.
- SROs participate in programs with the school and develop relationships with the students and staff.
- Senator Kahn asked if the Manchester Police Department has an MOU for being present in elementary schools as well. Chief Aldenberg said SROs at the middle school level have a secondary responsibility of assisting elementary schools when requested. Community outreach programs are typically spearheaded at the elementary school level.
- Senator Kahn asked if SROs are available to or present at elementary schools. Chief Aldenberg said they are available.
- Chief Aldenberg said he was one of the chiefs involved in forming the model MOU. That is the best path forward as every school district is different. Manchester Police Department has met with their local school district no less than seven times to discuss their respective MOU.
- Senator Kahn asked if the Manchester Police Department had an MOU with the school district previously. Chief Aldenberg said yes, it just needed to be updated and given a lot more thought. The LEACT Commission ignited that work.
- Senator Kahn asked if the Manchester Police Department has put their MOU on their website to make it accessible to the public. Chief Aldenberg said once the model MOU is agreed upon and signed by all parties, they have no issue in posting it to their website.

Lieutenant Brian Trefry – Special Investigations Division, Nashua Police Department

- In opposition to this bill.
- He supervises the three SROs in Nashua. Two SROs work in the high schools and one works in the middle schools and elementary schools, similarly set up like Manchester's SRO assignments.
- An MOU already exists with the school district which caters to the needs and demands of the community.
- Agrees there should be established norms and expectations of SROs.
- As written, the bill is far too restrictive for the day-to-day.
- Significant deficiencies in this bill.
- Section two of the bill has no indication as to how sexual based offenses will be addressed. For instance, sexual relations between students during school hours and the role of senior and freshman interactions. Parents should have some say if criminal prosecution should result from that.
- The language around SROs having to consult with their principals can create tension as some students seek out their SROs directly and confidentially.
- The language in the bill that states parents or guardians shall be contacted does not take into account children experiencing abuse at home. The bill would prevent SROs from intervening and getting the child in contact with the child advocacy center.
- The bill language also does not differentiate between victims, witnesses, or offenders.

Barrett Christina – Executive Director, NH School Boards Association

- Opposed to this bill.

- They agree with the concerns shared by the Nashua Police Department regarding the confidential conversations that occur with SROs and students.
- There is already a MOU requirement in statute to date under RSA 193-D:4, paragraph I (c). This RSA, however, does not speak to the requirements of SROs.
- They do not have any specific objections to what needs to be included in an MOU, as referenced in part one and two of the bill.
- The section in the bill that addresses RSA 189-B results in a lot of concerns from NHSBA.
- Things trying to be accomplished in part two of the bill should probably be in the MOU itself.
- The MOU is best developed locally.
- Agrees that the needs in larger cities, such as Manchester, will be different than the needs of students from smaller towns.

Peter Llewellyn

- In opposition to this legislation.
- He is representing the NH Juvenile Police Officers Association as he serves on the Board of Directors. The NHJPOA was established in 2019 as a result of Governor Sununu wanting an organization to provide guidance and support to SROs.
 - They are affiliated with the National Association of School Resource Officers who encompasses similar values of their organization.
- The President of NHJPOA, Richard Bergeron of Hollis, submitted written testimony that details the issues they have found with this bill.
- He is a lifelong resident of NH and lives in Wolfeboro.
- He served as a police officer for over 21 years and was a SRO for 5 years.
- He serves on boards regarding child advocacy and coached/mentored youth during that time.
- In October 2020, the director of NH's Police Training and Standards, Director Scippa, led efforts to gather stakeholders to establish the SAU/SRO/MOU Committee as a result of a LEACT Commission recommendation. This committee was made up of SROS, members from the NHDOE, school administrators, NH Dept. of Homeland Security, etc.
- This bill wants to limit police powers within schools. The duties and responsibilities proposed in this bill are already addressed in state laws.
- Senator Kahn asked if Mr. Llewellyn knew how many school districts in our state employ SROs. Mr. Llewellyn said NHHPOA was tasked with finding this data. They are still working with NH's Homeland Security to ascertain how many SROs are in schools throughout state. He can say they had at least 47 people with membership in their organization.
- Senator Kahn said he has questions about the process of developing the MOU. Senator Kahn asked if advocacy rights groups, from developmental rights to racial equity groups, were represented on the development of the model MOU. Mr. Llewellyn said he does not know, that question would be better suited for Director Scippa.

Lieutenant Mark Morrison – Londonderry Police Department/NH Police Association

- Opposed to this legislation and testifying on behalf of the NH Police Association as their President.
- Law enforcement officer for the last 22 years.
- He was a member of the Governor's LEACT Commission which developed recommendations dealing with law enforcement reform.
- Drafting guiding principles for SROs was a requirement of the LEACT Commission.
- This bill goes too far and includes other restrictions that were not part of the LEACT recommendations.
- He signed in having no position, because they support having MOUs but this bill would require numerous amendments and large redactions to be workable. He cannot support this bill without changes.

- NH enjoys high professionalism and service from their police departments.
- Officers enjoy and take pride in the opportunity to interact with members of their community that do not involve making arrests or addressing crime.
- Enjoy getting to know their community's youth and keeping them safe.
- They are in favor of MOUs in general and believe they can serve an important role. State law already requires that they exist.
- All communities are different, and that variety demands flexibility.
- The extra restrictions in this bill may be difficult to capture in an MOU or they should not even be in an MOU to begin with.
- Senator Hennessey asked if Lieutenant Morrison could elaborate on concerns surrounding the use of the term student being used to reference children, while students can be 18 or older. Lieutenant Morrison said he would defer that question to the folks who worked in the workgroup on this model MOU. The ability to respond in a situation is what should govern, not an MOU crafted by someone from outside the community.

Neutral Information Presented:

Attorney Elizabeth Lahey – Former Civil Rights Director, NH Attorney General's Office

- She is neutral on this legislation and is speaking as parent and Concord resident.
- She agrees with the testimony of Ms. Elhuni.
- She heard from a lot of students during her time in the Attorney General's office regarding negative interactions with law enforcement. She has seen the effects of early and persistent criminalization of children in schools.
- Ample data suggests contact with police results in increased risk of negative outcomes for students, including three times the risk of dropping out of school.
- Black students and students with disabilities are on the receiving end of disproportionate exclusionary discipline when SROs are in schools.
- Police officers should be removed from schools and replaced with professionals who are able to meet students social, emotional and behavioral health needs. However, she understands this effort would need to be taken at a district level.
- It is prudent to have rigid guidelines to protect the safety and wellbeing of students.
- There is no safe or healthy way to police students while in schools. The best practice would be to remove them.
- These are minimum requirements, not a mechanism to improve or reform role of SROs.
- Concord has been very up front about the fact that the SRO is used in discipline and serves in a tri-add role: law enforcement, educator and counselor.
- She hopes the committee will consider a prohibition of SROs acting as educators or counselors.
- NH has licensing requirements for that. Police officers fall well below standards of educators and counselors.
- Concord data is consistent with the data from Lebanon.
- In 2017, black students in Concord were 9% of the population, but they accounted for 20.2% of out-of-school suspensions, and 19% of referrals to law enforcement. The disparity was also true in the 2011, 2013, and 2015 data.
- During that period in Concord, 282 students were referred to law enforcement and 142 were arrested based on conduct in school.
- None of the officers who testified on this bill addressed these disparities among black students and students with disabilities.
- Children are legally required to be in school and we should not be policing them while they are there.

Senator Kahn asked Senator Ward if there was anyone present from NHDOE to elaborate on the data collection that is done by the department annually. He hopes to better understand how thorough this data collection is.

Attorney Diana Fenton – Chief of the Office of Governance, NH Department of Education

- They don't collect data on how many incidences involve SROs.
- They collect data under school safety reports.
- They do not break it down by category.
- NHDOE's role is limited with SROs. They have done training and teaching in the past, however, still limited role.
- Senator Kahn asked if NHDOE played any role in the development of the model MOU in reference. Attorney Fenton said they were included on the task force and in the discussion, however, the department did not weigh in heavily. There is a fine line in the drafting of an MOU through law enforcement and their respective school districts, but the department is happy to be included on those discussions as a resource.

amh

Date Hearing Report completed: February 12, 2021

Speakers

Name	Representing	Position	Testifying
Howard Mattison	Myself	Support	Yes
Thompson Laura	Myself	Support	No
Lister Charlotte	Myself	Support	No
Fordey Nicole	Myself	Support	No
Hruska Jeanne	ACLU-NH	Support	Yes
Weinberg Jonathan	Myself	Support	Yes
Berry Jake	New Futures	Support	Yes
Christina Barrett	NH School Boards Association	Oppose	Yes
Aldenber Chief Allen	Manchester Police Department	Oppose	Yes
Llewellyn Peter	NH Juvenile Police Officers Association	Oppose	Yes
Lahey Elizabeth	Myself	Neutral	Yes
Morrison Mark	NHPA	Neutral	Yes
Trefry Brian	Nashua Police Department	Oppose	Yes
Elhuni Asma	Rights and Democracy	Support	Yes
skibbie michael	Disability Rights Center - NH	Support	Yes
Bernardin Melissa	Myself	Support	No
Frrew Jerry	NHSAA	Support	No
Sargent Elizabeth	NH Association of Chiefs of Police	Oppose	No
Perkins Kwoka Senator Rebecca	Myself (SD 21)	Support	No
Cornell Patricia	Myself	Support	No
Istel Claudia	Myself	Support	No
Platt Elizabeth-Anne	Myself	Support	No
Mennella Alexandra	Myself	Oppose	No
Petrucelli Maxine	Myself	Support	No
M Sandra	Myself	Support	No
Petrucelli Charles	Myself	Support	No
Spielman Kathy	Myself	Support	No
Spielman James	Myself	Support	No
Garland Ann	Myself	Support	No
Brennan Nancy	Myself	Support	No
Reed Judith	Myself	Support	No
Bergeron richard	Myself	Oppose	No
Carter Lilian	Myself	Support	No
Mott-Smith Wiltrud	Myself	Support	No
Cote Lois	Myself	Support	No
Pelletier Shawn	School Resource Officers/Police	Oppose	No
Perencevich Ruth	Myself	Support	No
Corell Elizabeth	Myself	Support	No
Hackmann Kent	Myself	Support	No
Rettew Annie	Myself	Support	No
Richman Susan	Myself	Support	No
Aronson Laura	Myself	Support	No
Reed Barbara	Myself	Support	No
mattlage Linda	Myself	Support	No
Anderson Keryn	Myself	Support	No
Davis Christie	Myself	Support	No

Bryfonski John	NH Association Chiefs of Police	Oppose	No
Hincks Juli	Myself	Support	No
Norris Deborah	Myself	Support	No
Hoffman Gary	Myself	Oppose	No
DeMark Richard	Myself	Support	No
Podlipny Ann	Myself	Support	No
Oxenham Evan	Myself	Support	No
Toko-Ross Lisa	Myself	Support	No
Fogarty Maggie	American Friends Service Committee - NH	Support	No
Manning Talia	Myself	Support	No
Koch Laurie	Myself	Support	No
Koch Helmut	Myself	Support	No
Webb David	Myself	Support	No
Torpey Jeanne	Myself	Support	No
Long Julian	Myself	Support	No
olson alix	Myself	Support	No
Lamb Ashley	Myself	Support	No
Gordon Carolyn	Myself	Support	No
Neville Betsey	Myself	Support	No
hatch sally	Myself	Support	No
blakeney gordon	Myself	Support	No
Wilke Mary	Myself	Support	No
Ellermann Maureen	Myself	Support	No
Blanchard Sandra	Myself	Support	No
Damon Claudia	Myself	Support	No
Larson Ruth	Myself	Support	No
Farley Teresa	Myself	Support	No
Garen June	Myself	Support	No
Solomon Dina	Myself	Support	No
Harris Cole	Myself	Support	No
Frost Sherry	Myself	Support	No
Harris Anna	Myself	Support	No
Landsman Margaret	Myself	Support	No
Straiton Marie	Myself	Support	No
McLaughlin Barbara	Myself	Support	No
Lundberg Cynthia	Myself	Support	No
Spillers Jessica	Myself	Support	No
Lionel Steven	Myself	Support	No
Harris Pamela	Myself	Support	No
Harris Jeffrey	Myself	Support	No
Davis Melissa	Myself	Support	No
Feder Marsha	Myself	Support	No
Feder Robert	Myself	Support	No
Hatcher Phil	Myself	Support	No
Hinebauch Melissa	Myself	Support	No
Spencer Louise	Myself	Support	No
Spencer Rob	Myself	Support	No

Collman Karen	Myself	Support	No
Phillips margery	Myself	Support	No
Segal Anne	Myself	Oppose	No
haagen mary ann	Myself	Support	No
Lynch Chrisinda	Myself	Support	No
Lamb Albert	Myself	Support	No
Blair David	Myself	Support	No
Edelson Rachel	Myself	Support	No
Whitley Becky	Senate District 15	Support	Yes
Wangerin Michelle	New Hampshire Legal Assistance	Support	Yes
O'Neill Moira	Office of the Child Advocate	Support	Yes
Kraus Melissa	ADL New England	Support	No
Taylor Edward	Myself	Support	No
Taylor Gale	Myself	Support	No
Pugh Barbara	Myself	Support	No
Billingham Carla	Myself	Support	No
Babladelis Ashley	Myself	Support	No

Testimony

Ava Hawkes

From: Rick Bergeron <rbergeron@hollisnh.org>
Sent: Monday, February 8, 2021 3:49 PM
To: Ava Hawkes
Subject: SB 108
Attachments: SB108BergeronTestimony.pdf; res-officer-mou.docx

Ava Hawkes,

My name is Richard Bergeron with the Hollis Police Department and also serve as the New Hampshire Juvenile Police Officers Association President.

Please see the attached testimony and MOU template. I am unfortunately unable to speak tomorrow however, should someone on the committee wish to speak to me, my contact information is below.

Peter Llewellyn is the Vice President of the New Hampshire Juvenile Police Officer's Association and has registered to speak tomorrow. He will have a copy of my testimony if there are any questions regarding my testimony .

Thank you in advance for you time, understanding, and consideration.

***Officer Rick Bergeron
School Resource Officer
Hollis Police Department
9 Silver Lake Road
Hollis, New Hampshire 03049
Business: (603) 465-7637
Fax: (603) 465-7808***

This email communication (including any attachments) is covered by the Electronic Communications Privacy Act, 18 USC 2510 et seq. This communication is CONFIDENTIAL. The advice and work product contained herein are PRIVILEGED and intended only for disclosure to or use by the person(s) listed above. If you are neither the intended recipient(s), nor a person responsible for the delivery of this communication to the intended recipient(s), you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by using the "reply" feature or by calling me at (603) 465-7637, and then immediately delete this message and all attachments from your computer.

Senate Education Committee

Testimony

SB 108 – Relative to school resource officers

February 9, 2021

Dear Senator Ward and Members of the Committee:

My name is Richard Bergeron. My Law Enforcement career began in 1999 in New Hampshire, and I have been the School Resource Officer for the Hollis Police Department and SAU-41 since the 2011/2012 school year.

In addition, I currently serve as the President of the New Hampshire Juvenile Police Officer Association which supports training, guidance, and mentorship to SROs.

I write this testimony in **opposition** to SB 108 on behalf of myself, my department, and the New Hampshire Juvenile Police Officers Association.

The current RSA that addresses MOUs and SROs is RSA 186:11 XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

In October 2020, the Director of the New Hampshire Police Standards and Training Council gathered a group of stakeholders together to form The SAU/SRO MOU Committee. Director John Scippa formed this committee as a result of a LEACT recommendation.

The Governor's order stated:

13) The Director of PSTC shall:

C) *Work with stakeholders and the State Board of Education and oversee the development of a model SRO Memorandum of Understanding (MOU) to be used by police departments and School Administrative Units (SAUs) that clearly defines the roles, exceptions and prohibitions of the SRO's role in the school setting and specifically with regard to the SRO's role in student discipline for non-criminal matters.*

I served on this committee which was made up of stakeholders from the Department of Education, SAU level Administrators, School Principals, NH HSEM School Readiness, and the Director of PSTC. The committee also had representation from small towns and cities.

I have attached the MOU template which was completed in December 2020 and can also be found on the PSTC website <https://www.pstc.nh.gov/publications/> .

In looking at the recommendations of this Bill for what an MOU should have in it, you will find that many are addressed in the attached MOU template.

In reviewing SB 108, I have several concerns with the proposed language in Section 2 (b) as follows:

- (7) - Guidelines for search and seizure.
SROs are police officers and have to work within the parameters already established by law for search and seizure. This bill seems to vaguely restrict aspects of a police officer's job due to their title of an SRO and location of the patrol area. To change that because the location of that officer's patrol area is a school does not make sense. For an easy resource on search and seizure, you can refer to the 2020 Attorney General's Law Enforcement Manual. You will find the information specifically on school searches starting on page 108.
<https://www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf>
- (8) - Procedures for interviewing juveniles, arresting a student, and reading Benoit Rights.
There is already law and case law governing how a police officer does these things.
(State v Benoit, <https://www.gencourt.state.nh.us/rsa/html/LIX/594/594-mrg.htm> See AG Manual, starting on page 207).
- (9) - Restrictions of use of force on a student.
RSA 627:5 Physical Force in Law Enforcement covers the use of force by police officers. Restrictions on an officer's use of force or the use of restraints in schools does not make sense.

In reviewing Section 3, Chapter 189-B, School Resource Officers, this portion of this bill is not clear regarding the terms that are used.

If the bill is using the current definition to serious bodily injury in NH RSA 625:11 General Definitions VI. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body. What does substantial and imminent risk or threat mean? What does threat to school safety mean? The current definition for "Serious threats to school safety" (NH RSA 169 B:2 XIV) means acts involving weapons; acts involving the possession, sale, or distribution of controlled substances; acts that cause serious bodily injury to other students or school employees; threats to cause bodily injury to students or school employees, where there is a

reasonable probability that such threats will be carried out; acts that constitute felonious sexual assault or aggravated felonious sexual assault under RSA 632-A; arson under RSA 634:1; robbery under RSA 636:1; and criminal mischief under RSA 634:2, II and RSA 634:2, II-a.

In Section I, this is problematic as many assaults will not have serious bodily injury as defined by current state statute.

In Section II it states that school administrators have final authority over the handling and resolution of fighting that does not involve physical injury or a weapon. Is this only in mutual combat situations? I disagree that a victim in what is called a fight in school, which often is an assault (one kid started the fight and the other student defended themselves), that the victim and their parents would not have a say in pursuing criminal charges.

In Section IV, this bill states that no arrest shall be made at school. Students charged for crimes committed at school are overwhelmingly never handcuffed, never transported to the police station, are picked up by their parent at school, and are served with a juvenile petition at a later date. In the rare cases in my career that students were handcuffed and moved off of school grounds, they have included students that needed to be removed either for their safety or they continued to be a disruption to the orderly business of the school. The Principal had also asked that they be removed from the school.

Regarding Section V, there is already state law that governs search and seizure in Law Enforcement. See <https://www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf>.

In Section V (c), this bill proposes that the SRO cannot be present when a school official conducts a search of a student unless there is probable cause that the search will turn up evidence that the child has committed or is committing a criminal offense. Sometimes an SRO is brought in to be present when an administrator is searching a student to prevent the student from escalating. Other times, the student is suspected to have a weapon in violation of the student handbook but not a violation of law, an example of this is a box cutter. In my opinion, as long as the school administrator is not acting as an agent of the police, and the officer is just observing (not directing) and keeping the peace, it should be allowed.

In Section VI (d), this bill proposes that a student's parents or guardian **shall** be contacted prior to the student being questioned by a school resource officer as part of **any** criminal investigation. Does this include when that criminal investigation is against the parents, and the student is the victim? Furthermore, is this section just for juveniles and not 18-year-old students when applied to the student being the suspect in a crime?

In Section VIII, it again lacks definitions as to the terms serious bodily injury and school safety. Also, as stated above, the use of force by a police officer is already spelled out in RSA 627:5. The location or title of that police officer should not change the law.

In Chapter 189 B-2, Submission of Complaints, there needs to be definitions as to the terms misconduct and abuses.

In Section VIII (c), who is paying for the independent investigation? Is it independent of the School? the Police Department? Are there standards for whom can conduct the independent investigation?

In Section VIII (d), it states that the school is to investigate and resolve all complaints and furnish the complainant with a written explanation of the investigation to and its resolution within 30 days. What are the expectations here for the school? The school is not the SRO's employer; the school contracts an SRO from the police department. In my experience, the School is usually part of the SRO selection process. Is there an extension process to extend past the 30 days?

In Section VIII (e), what is the definition of serious allegations of abuse or misconduct. Is it if the SRO is using profanity? Committing a violation of law that has no possibility of incarceration? Committing a crime that is punishable by jail or prison?

Section RSA 189-B:3 Data Collection

I see some potential issues and possible FERPA concerns. In small towns some of the information that SB 108 is looking to collect will identify a student simply by their race or disability. If I am reading this correctly, it looks like the data wanted would absolutely identify students based on the totality of information the bill is suggesting that it collects and makes public. I would recommend that the Department of Education and several SAUs be made aware of the possible issues.

To summarize, SB108 is an attempt to limit police powers within schools. The concerns in this proposed bill are already addressed in state law or case law.

The bill's language appears to have been copied and pasted from different states as the bill is inconsistent in what an SRO is called- School Resource Officer and Student Resource Officer. The bill does not reference definitions for key terms, and it is riddled with vagueness.

The bill also uses lots of absolute terms like **shall** for areas where shall would not be appropriate. The bill also appears to be SRO specific, meaning that if the SRO is not on duty and an on-duty, non-SRO has to respond to the school for an issue, would they be bound by SB 108?

SRO programs are contracted services from a school or school district from a police department. The needs of those services vary from city to city and town to town which makes it difficult to state and define absolutes. If a school or school district did not want an SRO program, they could simply remove it per the conditions laid out in the MOU. I agree that there should be standards in the content of an MOU to included SRO training and responsibilities.

As I stated earlier, as a result of our work the last several months, the MOU template was completed in December 2020. This template MOU addresses a majority of this bill's concerns.


SRO Certification through PSTC

In addition, as part of the LEACT recommendations, New Hampshire has already started to create an SRO certification through PSTC.

In closing, I ask that you find this bill Inexpedient to Legislate.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to be a stylized name, possibly "K. O.", written in a cursive style.

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

1.0. Goals and Objectives

It is understood and agreed that <BLANK> School District and the <BLANK> Police Department officials share the following goals and objectives regarding the School Resource Officer (SRO) program in the schools.

1.1. To deter acts of violence, address threats to safety and promote an atmosphere of safety and order for students and faculty members through the use of school discipline and enforcement of local, state and federal laws, and town ordinances.

1.2. To provide opportunities for educational programs and prevention activities found beneficial to promoting good citizenship, health, and welfare, that will increase student knowledge of the criminal justice system and respect for the law and the function of law enforcement agencies and other related topics.

1.3. Establish and maintain collaborative and open communications among key school personnel, i.e. administration, staff, central office.

1.4. To support the SRO's efforts as a positive role model in cultivating positive relationships and strengthening each student's understanding of good citizenship and accountability for their actions.

1.5. To foster and promote a positive understanding, attitude and approach toward the rule of law, a healthy lifestyle, and law enforcement.

1.6. To immediately respond to, mitigate and resolve active and imminent threats to the safety and security of the school by maintaining a visible police presence on campus, assessing threats to school security, reducing and eliminating such threats, and swiftly responding to any immediate threats or breaches of security.

1.7. To recognize the school district as primarily responsible for the administration of discipline and maintaining order within the schools.

1.8. To prevent, deter, and investigate crime or attempted crime on the school campus including the possession and/or use of weapons on campus, the illegal possession, sale and/or distribution of controlled substances, alcohol, contraband and other crimes and/or violations of law.

1.9. To address criminal activity and violations of law by students through the collaborative administration of school discipline and/or referral to the criminal justice system.

2.0. Cooperative Efforts

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

2.1. The presence of the SRO at the school is not intended to usurp the rights and responsibilities of the principal or designee to enforce the rules of the student conduct code and/or to administer discipline in the school.

2.2. By mutual agreement, the parties acknowledge that not every criminal act or violation of law will be handled through the criminal justice system. There will be times when the administration of typical school discipline will be sufficient to address behaviors that may constitute crimes/violations.

2.3. The existence of any school or school district policies, the student conduct code and any related disciplinary process is not intended to nor shall it usurp the mandates and responsibilities of the SRO as directed by the policies of the <BLANK> Police Department and/or the laws of the State of New Hampshire or Attorney General Guidelines.

2.4. In deciding when to resort to the criminal justice system in lieu of, or in addition to school discipline, the principal or their designee and the SRO shall collaborate about the best path forward in a particular situation.

3.0. Responsibilities and Duties of School Resource Officers

3.1. The <BLANK> Police Department will assign a full-time SRO to the <BLANK> School District. The SRO is a sworn <BLANK> Police Officer assigned to provide the law enforcement expertise and resources to assist school staff in maintaining safety, order, and discipline within their assigned schools. The SRO will be considered an active member of the School community. The SRO will serve by mutual agreement of the school district and the police department.

3.2. The SRO's schedule will be determined by the SRO's supervisor, but will generally be during the school day including peak arrival and departure times before and after school. Whenever possible, the SRO will be visible patrolling the interior and exterior of the school grounds, particularly during the opening and closing of School and during the lunch periods.

3.3. The police department will notify the principal or their designee of the SRO's assigned school when they will be absent from the campus. The SRO should also notify the police department when they leave the school campus.

3.4. The SRO will wear a standard uniform and carry all related authorized and issued police equipment and operate a marked police cruiser while on duty unless otherwise authorized by a police supervisor for a specific purpose. The SRO and cruiser provides a visible deterrent for criminal activities and provide reassurance to students and staff.

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

3.5. The SRO will assist with training the school administrators in law enforcement related matters. They will also share information about crime trends and changes in laws relevant to schools. Information may be disseminated to the school administration to assist them in effectively establishing and maintaining a safe school environment. The SRO will be incorporated into each applicable school committee and team, to include such committee or team that addresses threat assessment, Behavioral Intervention, safety and security and/or it's equal.

3.6. By mutual agreement between parties, SROs may provide law enforcement, criminal justice, substance use/health, harm reduction, personal safety/security and motor vehicle related instruction that will enhance the student's understanding of the police mission as well as student health, welfare, safety/security and promote good citizenship. During any classroom instruction time a teacher shall remain in the room. Responding to incidents or conducting investigations will always take precedence over instructing in the classroom.

3.7. Programs, classes, speaking engagements, and/or visitations conducted in schools by other members of the Police Department should be coordinated with the SRO to avoid redundant services and to ensure equitable distribution of such programs and services.

3.8. SROs are required to keep the school administration apprised of criminal, to the extent allowable under the law, and non-criminal situations encountered, current crime trends, problem areas, or other areas of concern, which have potential for disruption in the school or within the community. The SRO will work in conjunction with the school administration and/or other police departments and schools, if regional, in developing plans to prevent and counteract such activities at the school.

3.9. The SRO will not be primarily responsible for the enforcement of school and/or administrative rules or regulation violations. However, the SRO should maintain familiarity with the <BLANK> School District's Student Code of Conduct. Unless requested by a school administrator the SRO will not attend disciplinary meetings with students or parents.

3.10. The SRO will be responsible for maintaining custody of illegal substances and/or contraband pending proper disposal in accordance with police department regulations.

3.11. Illegal, illicit controlled substances/drugs or other illegal/illicit items such as but not limited to weapons, dangerous and or illegal devices, instruments articles, items or instruments of destruction or harm or that poses or may pose a threat to public health and safety including the fruits and or instrumentalities of a crime obtained or observed by school staff will be immediately surrendered to or brought to the attention of an SRO or other <BLANK> Police Department official.

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

3.12. Information of any nature obtained or observed by school staff in connection with their official school duties and responsibilities as employees of the <BLANK> School District including but not limited to digital information contained on a mobile device, displayed via any social media application or information obtained directly or indirectly from a student or other person that constitutes a crime under NH law or that may impact life safety shall be provided to an SRO or other appropriate <BLANK> Police Department official as soon as practical. School staff shall only obtain the minimal facts and information necessary to determine whether information regarding a crime or potential crime should be reported to an SRO or other <BLANK> Police Department official. School staff shall not conduct inquiries beyond minimal facts in cases that involve a crime or potential or alleged criminal acts. Once information is developed regarding a crime or possible crime or an allegation of a crime is developed by school staff no further inquiry shall be made by school staff pending an official investigation by the <BLANK> Police Department except in exigent circumstances when it is necessary to protect a person from imminent serious bodily injury.

4.0. Supervision of SRO

4.1. SRO's shall abide by the rules, regulations and policies of their respective police department and be familiar with any school handbook(s) pertaining to school policies. Should conflicts in these rules, regulations and policies occur the SRO will consult with a police supervisor. School administration should contact the SRO Supervisor to report commendable performance, discuss issues or report concerns involving SRO's.

4.2 SROs shall complete and file <BLANK> Police Department incident reports, offense reports, arrest reports and/or accident reports consistent with <BLANK> Police Department policy and procedure. When SROs complete an incident report it will be filed with their supervisor by the following business day.

4.3 SROs may be asked to cover regular duty shifts during times that school is closed and/or on days when students are not attending school.

4.4 The SRO Supervisor should encourage open lines of communication between the school(s) and the Police Department. The SRO Supervisor should meet with the school principal(s) at least three times during each school year. If possible, the initial SRO supervisor/principal meeting should be held prior to the start of the school year and be devoted to reviewing school/Police Department expectations and clarifying any policies/procedures that might be in question. The second meeting should occur mid-year and involve evaluating the SRO's performance as well as identifying and resolving of any concerns.

4.5 The principal and Police Department will collaborate while selecting a new SRO to discuss any special needs or concerns at their school. Principals should share

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

any relevant information they may have.

5.0 Responsibilities and Duties of School Principal

5.1 It is the responsibility of the principal to facilitate effective communications between the SRO and the school staff. The principal of the school shall meet on a regular basis with the assigned SRO.

5.2 The principal is responsible for immediately reporting to the SRO; acts of theft, destruction, or violence as defined in New Hampshire R.S.A. 193-D entitled "Safe School Zones." In addition to the requirements of 193-D, the principal shall immediately report the following conduct to the SRO; any conduct involving firebombs, explosive or incendiary materials or devices, hoax or otherwise, or chemical bombs on a school bus, on school property, or at a school sponsored activity; any threats or false threats to bomb made against school personnel or involving school property and/or school buses.

5.3 In an emergency situation, the school should notify the SRO or call the Police Department if the SRO is not available. Information that is not of an emergency nature may be held for action by the SRO upon his or her return to duty.

5.4 Any criminal enforcement action taken by the SRO which results in the charging of a student with a crime will be supported by the principal and/or school employees by their appearance in court when necessary to provide testimony relevant to the case.

5.5 The principal shall relinquish to a police representative all illegal substances and/or contraband as soon as discovered/seized.

5.6 The principal shall meet with the SRO Supervisor and the school shall provide information to the SRO Supervisor to assist in preparing for the annual evaluation of the SRO's performance.

5.7 Principals are encouraged to consult with the SRO Supervisor prior to the selection of a new SRO to share any relevant information on the needs or concerns of the school.

6.0. Investigation and Questioning of Students

6.1. When it becomes necessary for an SRO or any other law enforcement officer to interview a student on school premises, the principal (or designee) should be

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

contacted whenever practicable. The interview will be conducted pursuant to state law and attorney general guidelines.

7.0 Arrest Procedures

7.1 SROs are expected to be familiar with school rules and their application with the school. Routinely, rule infractions will not be handled as violations of law, but instead referred to the principal (or designee) for action. Any questions related to the enforcement of rules versus laws within the school should be discussed with the principal. This specifically applies to general standards of conduct.

7.2 The arrest of a student or employee of the school with a warrant or petition should be coordinated with the principal and accomplished after school hours, whenever practical. The <BLANK> Police Department will strive to avoid the arrest of any student or staff on school property when school is in session; however, both parties recognize situations may occur when the arrest of a student or school employee must occur on school property while school is in session.

8.0 Search and Seizure

8.1 School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for the search is reasonable suspicion.

8.2 The SRO should not become involved in administrative (school related) searches unless specifically requested by the school for security, protection, or handling of contraband. These searches must be at the direction and control of the school official. At no time shall the SRO request an administrative search be conducted for law enforcement purposes or have the administrator act as his/her agent.

9.0 Administrative Hearings

9.1 The SRO will attend suspension and/or expulsion hearings upon request of the school principal. He/she will be prepared to provide testimony on any actions that were taken by the officer and any personally observed conduct witnessed by the officer.

9.2 The SRO shall provide police department documents and juvenile records pursuant to department policy and state law.

9.3 When a subpoena for official records, reports, or documents for an

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

administrative school hearing, is received by the Police Department, any action will be coordinated by the office of the Police Chief, the County Attorney, and the School Board Attorney.

10.0 Sharing Information

10.1 Consistent with the basic tenets of the relationship between the school principal and the SRO described in this Memorandum of Understanding, open communication is essential to effectiveness. SROs should exchange information with the school principal regarding students' involvement in criminal activity when the safety of any students and/or staff is at risk in and around the school. This may be limited to that which relates to and contributes to the safety of the school and/or the community in which they serve.

10.2 The school should confer with the police department prior to their release of any shared police information.

10.3 The SRO shall provide police department documents and juvenile records pursuant to department policy and state law.

11.0 Equipment

11.1 Whenever practicable, the School should provide an office with adequate work and storage space for the SRO's materials and personal effects. The space should include an area which is sufficient for him/her to meet with students, parents, and/or school staff/administrators. Additionally, the School should provide a computer for the SRO to utilize in order to access school databases, security cameras, and the email system.

11.2 Whenever practicable, possible the <BLANK> School District should authorize access of video surveillance systems inside the school district to the <BLANK> Police Department and the <BLANK> Communications Center. The scope of access will be limited to emergency situations - if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

11.2.1 Whenever practicable, the School District should authorize access of video surveillance systems inside the school district to the Police Department. The access will allow the SRO to monitor activity within the school for security and investigative purposes. The SRO should be

Memorandum of Understanding

Between Town of <BLANK> and <BLANK> School District

allowed to make copies of any videos for security, investigative and for evidentiary purposes as allowed by law.

12.0 Conclusion

12.1 This policy represents mutually agreed upon goals and objectives of the <BLANK> Police Department and the <BLANK> School district for the School Resource Officer Program.

12.2 This endeavor is a partnership between education and law enforcement to support a collaborative multi-faceted approach to prevent crime and to intervene in the acts of such in schools as well as provide more security and safety to both students and staff. Regular meetings shall be conducted between the Police Department and School Officials to support this partnership.

12.3 This agreement may be terminated without cause by either party upon 30 days prior written notice to the other party. It shall be reviewed annually and amended as necessary to meet the needs of the signatory agencies.

12.4 This Memorandum of Understanding shall not be construed to create or substantiate any right or claim on the part of any person or entity, which is not party hereto.

12.5 The cost of the School Resource Officer will be as agreed upon by the School District and the Police Department.

Signed:

Chief of Police

Superintendent of Schools

Date

Date

Memorandum of Understanding
Between Town of <BLANK> and <BLANK> School District

Ava Hawkes

From: george may <outlook_713E3975D8E52763@outlook.com>
Sent: Sunday, February 7, 2021 2:53 PM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB108

I support this bill. There should be parameters for school resource officers. SROs can be valuable. I've seen that as a former teacher. But there should be limits to their help.

George May

Merrimack

Sent from Mail for Windows 10

Ava Hawkes

From: Rachel Edelson <redelson@hotmail.com>
Sent: Saturday, February 6, 2021 2:03 PM
To: Ava Hawkes
Subject: Writing to Support SB108

Hello. I am writing to urge the NH Senate to Pass SB 108. I am a Nashua resident and was a preschool teacher for over ten years. I feel passionately about the health and care of children in our school systems.

1.SB108 would implement recommendations related to SROs by the Governor's Commission on Law Enforcement Accountability, Community, and Transparency. These important recommendations will promote transparency and safety between schools, the police, and the public. In addition, and very crucially, SROs be certified as SROs.

2.Student discipline should be handled by teachers and school administrators and not by SROs when school safety is not threatened. The overreach of SROs risks sending more kids into the juvenile justice system and contributing to the school-to-prison pipeline.

3.This bill also builds off the bipartisan work in recent years to promote children's behavioral health and to provide behavioral health services to students, rather than relying on school discipline or worse, the juvenile justice system.

Last year, the legislature came together to pass comprehensive student discipline reform to reduce the disproportionate use of exclusionary discipline on students of color and students with disabilities. This bill continues the effort to support our schools and our students.

Sincerely,
Rachel Edelson
Nashua NH

Sent from [Mail](#) for Windows 10

February 9, 2021

The Honorable Ruth Ward, Chair
Senate Education Committee
Legislative Office Building, Room 103
33 North State Street
Concord, NH 03301

Re: New Futures' Support for SB 108 (relative to school resource officers),

Dear Senator Ward and Honorable Members of the Committee,

New Futures appreciates the opportunity to testify in support of Senate Bill 108, relative to school resource officers. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. We work extensively with policy makers, care providers and families to address behavioral health issues in our state, especially those facing children and families.

New Futures stands in strong support of SB 108, as it aims to further clarify the role of school resource officers, better ensuring access to behavioral health services for students in need. Since the passage of New Hampshire's System of Care law (RSA: 135-F) in 2015, the State has worked to expand school-based behavioral health services to meet the growing needs of students. This includes the expansion of the Multi-Tiered System of Supports for Behavioral Health and Wellness (MTSS-B), an evidence-based framework outlined in the System of Care to support students' social, emotional, and behavioral health needs. The MTSS-B model, which has been implemented in dozens of schools and school districts throughout the state, has been shown to lead to improved student attendance, reduced discipline referrals, increased family involvement, enhanced overall behavioral health and improved academic achievement, among other positive outcomes.

By better clarifying the role of school resource officers, SB 108 would go far to support New Hampshire's System of Care by keeping students with behavioral health needs out of the criminal justice system and in school, where they can access the behavioral health services they need. Trained and utilized appropriately, school resource officers can be a tremendous asset, working with school administrators to protect school safety, address disciplinary issues as necessary, while helping to connect students with needed behavioral health supports. This will not only better position school resource officers to help improve health and behavioral outcomes for individual students, but it will enhance the health and safety of the entire school community now and into the future.

For the sake of health and well-being of Granite State children and families, we respectfully request that the Committee recommend SB 108 Ought to Pass.

Please don't hesitate to contact me if you have further questions.

Respectfully submitted,



Jake Berry
Vice President of Policy
New Futures

Ava Hawkes

From: Michelle Wangerin <MWangerin@nhla.org>
Sent: Tuesday, February 9, 2021 10:50 AM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB 108 testimony

Good morning,

While I have not had the time to finalize my written testimony, which includes a response to testimony in opposition to SB 108, below please find my somewhat unpolished testimony and notes for your consideration. Please feel free to contact me with any questions.

My name is Michelle Wangerin and I am the Youth Law Project Director at New Hampshire Legal Assistance. I appreciate the opportunity to testify in support of SB 108.

I just want to emphasize the importance of this bill and highlight how it dovetails with bi-partisan reforms that were passed in recent years to bring New Hampshire schools into alignment with national best practices—practices that both increase the climate of our schools and make them safer for students and staff. I also want to express some concern that there seems to be quite a lot of misunderstanding about what this bill does and doesn't do that I would like to clarify.

Eight years ago, the General Court recognized that there is a fine line between developmentally appropriate youth misbehavior and delinquent conduct. It recognized that while youth misbehavior may often amount to a technical violation of the law, it should not always be treated as criminal misconduct. For instance, throwing a snowball at an unsuspecting classmate may technically be an assault, but I think we can all agree that not every wayward snowball should end in court involvement of the assailant.

Back in 2013 the general court implemented what is now RSA 169-B:6, paragraphs III and IV. Those provisions mandated that juvenile delinquency petitions are only appropriate for school-based misconduct that poses a true threat to school safety, or that the school could not remedy through appropriate general education or special education interventions.

Similarly, just last year the General Court passed comprehensive reform of school discipline, codified in RSA 193:13 and set to take effect this summer. That reform recognized that children do best when they are connected with their schools, rather than disengaged from them. It created a ladder system of school discipline that prioritizes the development of supports and interventions for at risk youth, rather than long term exclusion and isolation—a strategy research demonstrates time and time again only leads to riskier, and often lifelong criminal behavior.

What does all this have to do with SB 108? This state has put a great deal of effort into developing resources for children through implementation of the system of care under RSA 135-F. Through the increased implementation of the Multi-Tiered System of Supports for Behavior and Wellness. And through an overall increase in awareness that students respond better to supports, interventions, and natural consequences than to punishment and shame.

You have already heard a lot about Section 2 of this bill, so I'm going to be brief by saying that this section is simply good practice. Having the bounds of a relationship as important as law enforcement presence in schools set forth in a way that law enforcement, educators, parents, and students can understand is good for the community and even better for the parties involved who strive to make day to day decisions in a fair and equitable manner. I want to further emphasize that this bill is only designed to establish the guardrails of an MOU between schools and law enforcement. There is no reason why this would hinder the development of a model MOU as you have already heard is currently underway.

Section 3 of the bill simply codifies the role of School Resource Officers in a way that it has already decided is best for students and school districts. The law already says that juvenile petitions should be reserved for true threats to school safety. This bill simply says that a student should not be arrested and taken out in handcuffs unless that type of threat exists.

The law already sets the bounds of juvenile delinquency petitions for minor misbehavior that requires court intervention. This bill simply stands for the proposition that if law enforcement moves forward with such a petition, there is no need to also remove the child from school in handcuffs. In those cases, the responsibility for removal from school, if warranted, lies with school administration and the parents. This bill does not prohibit the use of court-based accountability in those instances. It just prohibits the added shame removal from the school in handcuffs would bring upon the child.

It helps nobody, least of all the child, to publicly brand that child a criminal in front of all of his classmates and teachers. And worse, it defeats the confidentiality and rehabilitative purpose of the delinquency code.

I would like to recognize the concerns expressed by Chief Aldenberg and others that this bill would constrain the ability of law enforcement to intervene in physical altercations in the school. I want to say unequivocally that this bill does not limit such direct intervention to break up a fight. The only limitation is on *formal* law enforcement intervention in the form of arrest of the student. Similarly, it does not limit the ability for SROs to conduct criminal investigations or question students. Questioning just must be done in consultation with administration and following notification of the parents. And searches just must be based on the probable cause standard that is applicable to all police searches. This bill simply limits the ability of SROs to bypass those basic due process safeguards.

I have worked with New Hampshire court involved youth for well over a decade. Many kids have experienced abuse or neglect by their parents, rejection by their teachers, and ridicule by

their peers. They do not start out this way, but there comes a time when they start believing that they are destined to be the bad kid they are constantly told they are. Self-image is extremely hard to overcome. This bill is necessary to reset the bounds of authority figures in our children's lives. We are so close to having a service system designed to support and educate them. I'm confident that with passage of this bill, we will forge a new path forward where children are educated and guided by those people who are trained to educate and guide, and protected by individuals who are trained to protect. This bill allows for both.

And with that, I ask you to vote ought to pass on SB 108.

Michelle Wangerin, Esq.
Youth Law Project Director
New Hampshire Legal Assistance
154 High Street
Portsmouth, NH 03801
603-206-2230 (Direct)
603-431-8025 (Fax)
www.nhla.org

Pronouns: she/her/hers

Connect with NHLA!



Follow us on Twitter



Like us on Facebook

Confidentiality Notice: This email transmission and any accompanying material may contain confidential or privileged information. The information is intended only for disclosure to and use by the addressee(s) named above. Distribution, publication, reproduction, or use of this transmission and materials, in whole or in part, by any person other than an intended recipient is prohibited. If you have received this e-mail in error, please notify me immediately by telephone at (603) 206-2230 or by reply to mwangerin@nhla.org, and destroy all copies of this electronic message and any attachments.



Regional Officers
Regional Chair
Joseph Berman

Vice Chairs
Allison Gordon
Jim Wallack

Past Chairs
Debbie Shalom
Harvey Wolkoff
David Grossman
Jeffrey S. Robbins
Michael N. Sheetz
Esta Gordon Epstein
James L. Rudolph
Dennis Kanin
Ginny MacDowell
Carl E. Axelrod
Harold W. Schwartz
Richard D. Glovsky
Judith A. Krupp
Steven B. Kay
William Sapers

Regional Staff
Vice President, Western Division
Regional Director, New England
Robert O. Trestan

Development
Director of Philanthropic Outreach, Northeast Division
Director of Development, New England
Daniel S. Hart

Education
Director of Education
Phil Fogelman

Interim Deputy Regional Director
Peggy Shukur

Assoc. Regional Director
Nora Cohen

Assoc. Regional Director
Melissa Kraus

Assoc. Director of Education
Danika Manso-Brown

Media & Communications Manager
Shellie Burgman

Regional Coordinator
Jennifer Burke

Administrative Assistant
Jacob Stuckey

Development Administrative Assistant
Casey Quinn

National Staff
Northeast Area Civil Rights Counsel
Amy Feinman

Director of Online Learning
Deborah Chad

Assoc. Director of Strategic Data Analysis
Assist. Director of Development, New England
Lia Mancuso

National Officers
National Chair
Esta Gordon Epstein

CEO and National Director
Jonathan Greenblatt

Deputy National Director
Kenneth Jacobson

February 9, 2021

The Honorable Ruth Ward
Chair, Senate Education Committee

The Honorable Erin Hennessey
Vice Chair, Senate Education Committee

Re: Testimony in Support of Senate Bill 108, An Act relative to school resource officers

Dear Chair Ward, Vice Chair Hennessey, and members of the Education Committee,

On behalf of ADL (the Anti-Defamation League) New England, I am pleased to submit this testimony in support of SB 108, An Act relative to school resource officers. This bill would enhance school safety, and assist in curbing the school-to-prison pipeline, by increasing transparency around the roles and responsibilities of school resource officers (SROs) in New Hampshire's K-12 schools.

As you may know, ADL is a civil rights and anti-hate organization committed to combating antisemitism and all forms of bigotry. ADL is also the leading non-governmental trainer of law enforcement, training more than 14,000 law enforcement officers on hate crimes, bias, extremism, and terrorism each year. Here in our region, ADL New England provides anti-bias training to students and educators in over 100 schools across Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. As such, ADL acutely understands the importance of imposing clear limitations on the role of SROs in schools.

Increased and unregulated police presence in schools has demonstrably harmed young people. Students of color and other historically marginalized students are often over-criminalized and disproportionately subjected to police violence when the roles of SROs are not clearly defined. Unchecked policing also leads to harsh punishment of normal adolescent behavior, which is counterproductive to cultivating a supportive school community. Furthermore, schools with SROs tend

to suspend and expel students, particularly Black students, more frequently, thus inhibiting their opportunities to succeed in school. Students of color then feel less safe at school, leading to anxiety, fear, and trauma.

By limiting SRO involvement in student discipline, this bill makes promising progress toward ensuring New Hampshire schools are productive and safe learning environments for all students. The bill also requires schools to collect data regarding student arrests and incidents resulting in law enforcement intervention, which will help ensure transparency and accountability. These provisions not only help protect New Hampshire youth, but they also benefit SROs and school officials by more clearly defining their responsibilities and limiting their role in disciplinary matters.

Every young person has a right to feel safe at school. We urge you to give SB 108 a favorable report.

Sincerely,



Robert Trestan
Regional Director

Ava Hawkes

From: gary hoffman <garyho02@yahoo.com>
Sent: Monday, February 8, 2021 3:25 PM
To: Ruth Ward; Ava Hawkes
Subject: Opposition to SB 108

Good Afternoon,

My name is Gary Hoffman and I've been teaching in Nashua, NH for over 18 years. I write to you today to urge you to oppose SB 108, which seeks to place unnecessary regulations on school resource officers (SROs) in New Hampshire's public schools.

In my view, the Nashua SRO program is a model for the country, which is why I urge you to protect it by voting against this bill. It seems clear to me that this bill is a solution in search of a problem. Here's why:

1) Student arrests in Nashua Public Schools are extremely rare and far less common than they were 20 years ago when I first started teaching. Police officers rarely use force, and when they do, it is done only as a last resort. Police in this state already receive training on the use of force, including the use of force against juveniles, so why add another provision? To me, to add further restrictions on when an officer can use force would create an unsafe situation.

2) Also, any member of the public can submit a complaint about an officer to the Chief of Police, so the provision in this bill that calls for complaints to be filed with the school seems unnecessary and pointless. It's not like a principal can discipline an officer.

3) As a union member, I find the provision to create a plan to "supervise an officer's performance" to potentially be a violation of their collective bargaining agreement. The supervisor of an SRO is the Chief of Police, not a school administrator. Officers are trained on why and when it is appropriate to arrest someone or to use force; school personnel are not, so why have people who are not experts in law enforcement supervise those who are experts in this field? Shall we have police officers supervising firefighters next? Or Public works personnel supervise teachers? Seems backwards to me.

I'm afraid that if this passes and becomes law, we might lose our SROs in Nashua. If the SROs leave, the gangs and drug dealers will be less afraid to prey upon the young people at our schools. We need the police in the Nashua Public Schools. We all feel safer with their presence, so let's trust them to make decision regarding law enforcement issues; at least in Nashua, they've earned that trust. Please vote this bill down.

Sincerely,

Gary Hoffman
38 Perham Street
Nashua, NH 03064

Ava Hawkes

From: Shawn Pelletier <spelletier@milford.nh.gov>
Sent: Thursday, February 4, 2021 1:03 PM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB 108

Senate Education Committee, I am writing in regards to SB 108. As a supervisor of a School Resource Officer (SRO) in our agency I have some concerns in regards to the language in the bill. I also oversee internal investigations and compliance within my department and have investigated or had oversight on many internal investigations. I attended many hours of training on how to properly handle police misconduct and internal police investigations.

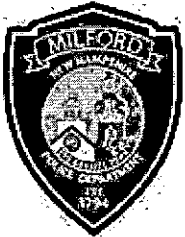
In the bill I noticed if any complaint of misconduct on the SRO is alleged it will be handled and investigated by school administration, including suspension or permanent removal from school assignments. School Resource Officers are employees of their police department and fall under the rights of police officers when it comes to complaints and investigations involving any possible discipline. I assume school administration members who will be involved in SRO investigations will be properly trained on officers Administrative Rights and Garrity Rights when it comes to questioning an SRO and when to properly read their rights prior to any inquiry. The SRO also has rights to union representation under most inquiries. If an SRO is suspended or is removed from school assignments than in most cases that officer would be terminated from their police department based on an investigation by school administration. I have concerns with this as far as how will due process rights be handled. Please think about this moving forward on the procedural aspect of the bill as it can be confusing to police staff on how to handle SRO misconduct and investigations.

Our SRO works closely with staff at the school and in my experience they like the security and protection the SRO provides where they would like the SRO present during any physical altercation or search of a student which is conducted by staff. From what I read in the bill there needs to be a "substantial and imminent risk of serious bodily harm to students, teachers, or school safety, a school resource officer shall not use physical force or restraints, including handcuffs, tasers, mace, or other physical or chemical restraints, on a child". What should an SRO or school staff members do when a violent student struck a teacher in the face and is non-compliant to any verbal communication? In these cases, which has happened, the staff calls the PD and SRO to assist handling the violent student. A teacher being struck in the face with a closed fist at times might not reach the definition of "serious bodily injury". At this point SB 108 states the SRO cannot touch the student. Using hands to touch or move a student or wrapping arms around a student could be considered "physical force" which is not allowed under SB 108. Please give some consideration on how that situation could be handled when reviewing this bill and the procedures in it.

Our school administration works close with our SRO and he assists many times in mitigating dangerous situations as well working with students in a positive manner. Our SRO also meets with school staff and is involved in working with students and parents for the best outcome on any discipline issue that best fits the individual student. I feel if this is taken away a great resource and positive relationship between students, the SRO and police department could be lost.

Please consider these concerns and I look forward in any response I receive. Thank you for your time.

Respectfully Submitted,
Captain Shawn Pelletier
19 Garden St.
Milford, NH 03055
603-249-0630



CONFIDENTIALITY NOTICE:

The information herein may contain confidential or proprietary information and is intended solely for the use of the person to whom it is addressed. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify me immediately at the telephone number listed above to arrange for the return of the documents and/or attachments and/or email contents.

NH ASSOCIATION OF CHIEFS OF POLICE
TESTIMONY IN OPPOSITION TO
SB 108-AN ACT RELATIVE TO SCHOOL RESOURCE OFFICERS

FEBRUARY 9, 2021

MEMBERS OF THE COMMITTEE:

I AM JOHN BRYFONSKI, THE CHIEF OF POLICE IN BEDFORD, AND I SERVE ON THE NH ASSOCIATION OF CHIEFS OF POLICE EXECUTIVE BOARD.

THE NH ASSOCIATION OF CHIEFS OF POLICE STAND IN OPPOSITION TO THIS BILL WHICH HAS BEEN EXTOLLED AS "PRO-POLICE" BUT IT IS ANYTHING BUT "PRO-POLICE" "PRO-ENFORCEMENT" OR "PRO-PUBLIC SAFETY".

MEMBERS OF THE COMMITTEE, THIS BILL WILL **ENDANGER** THE LIVES OF THE **STUDENTS** AND STAFF THAT SCHOOL RESOURCE OFFICERS (SROs) ARE SWORN TO PROTECT AND DIMINISH THE ABILITY OF OUR SROs TO RESPOND TO CRIMINAL ACTIVITY ON SCHOOL CAMPUSES ACROSS THE STATE.

IT ELIMINATES LOCAL CONTROL AND TAKES THE RELATIONSHIP BETWEEN A LOCAL SCHOOL DISTRICT AND ITS POLICE DEPARTMENT OUT OF THE HANDS OF THE COMMUNITY.

EVERYONE SHOULD KNOW THAT SRO PROGRAMS ARE 'NOT ONE-SIZE FITS ALL' THEY NECESSARILY VARY FROM TOWN TO TOWN, CITY TO CITY BASED UPON THE NEEDS AND DESIRES OF EACH IN THEIR OWN COMMUNITIES.

THIS BILL IF PASSED IMPERILS THE VERY EXISTENCE OF SRO PROGRAMS AND IF THAT IS THE UNDERLYING DESIRE OF THE BILL THEN IT "FITS THE BILL."

THROUGHOUT THE BILL IT REFERS TO THE REQUIREMENT THAT AN "IMMINENT RISK OF SERIOUS BODILY HARM" EXIST BEFORE AN SRO OR POLICE OFFICER CAN TAKE ACTION.

THIS LANGUAGE AS WRITTEN WILL PRECLUDE SROs FROM TAKING LEGITIMATE PUBLIC SAFETY ACTION WHEN CRIMES ARE COMMITTED IN THEIR PRESENCE OR TO INVESTIGATE AND RESOLVE CRIMES BROUGHT TO THEIR ATTENTION BY VICTIMS (STAFF AND STUDENTS).

THE LANGUAGE USED IN THIS BILL THAT REQUIRES THERE EXIST A "SUBSTANTIAL AND IMMINENT RISK OF SERIOUS BODILY HARM" REMOVES THE ABILITY OF OFFICERS TO EXERCISE THEIR LAWFUL AUTHORITY TO IMMEDIATELY ADDRESS MOST ASSAULTS AND OTHER CRIMES.

POLICE DEPARTMENTS ARE ALREADY REQUIRED BY LAW TO HAVE AN MOU WITH THEIR SCHOOL DISTRICT AND THOSE MOUs SHOULD HAVE LANGUAGE THAT CONFINES SROs TO TAKING ACTION ONLY IN CASES OF CRIMINAL ACTIVITY.

I ALONG WITH CHIEF ALDENBERG OF THE MANCHESTER POLICE DEPARTMENT AND THE DIRECTOR OF THE NH POLICE STANDARDS AND TRAINING ACADEMY PARTICIPATED ON A COMMITTEE THAT WAS AN EXTENSION OF THE GOVERNOR'S COMMISSION ON LAW ENFORCEMENT ACCOUNTABILITY AND COMMUNITY TRANSPARENCY THAT DEVELOPED A **MODEL SRO MOU** TO BE USED AS A GUIDE FOR SCHOOL DISTRICTS AND POLICE DEPARTMENTS TO CONFORM WITH EXISTING LAW.

PARTICIPATING ON THIS COMMITTEE WERE SCHOOL SUPERINTENDENTS AND ADMINISTRATORS ALONG WITH STAFF FROM THE NH DEPARTMENT OF SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT. THE MODEL SRO MOU ADDRESSES ALL THE ISSUES NECESSARY TO ENSURE SRO MOUs PROPERLY DEFINE THE ROLES DUTIES AND RESPONSIBILITIES OF SROS AND THE SCHOOL IN A MUTUALLY COLLABORATIVE RELATIONSHIP.

THIS BILL FAILS TO RECOGNIZE EXISTING STATE LAW REGARDING USE OF PHYSICAL FORCE, ARREST, SEARCH/SEIZURE, AND INTERVIEWING JUVENILES ALREADY EXISTS AND IS WELL GROUNDED IN CASE LAW AS WELL AS ATTORNEY GENERAL GUIDELINES POLICE MUST FOLLOW.

RESTRICTING THE ACTIONS OF SROs DURING SEARCHES CONDUCTED BY SCHOOL STAFF PLACES SCHOOL STAFF AND STUDENTS AT RISK. THIS BILL DISCOUNTS THE FACT THAT ON MANY OCCASIONS SCHOOL STAFF REQUESTS SROs STAND-BY WHILE A STUDENT OR H/HER PROPERTY IS SEARCHED FOR THE SAFETY OF THE STUDENT AND STAFF AND OTHER STUDENTS NEARBY.

THIS BILL DISCOUNTS THE FACT THAT STATE LAW AND CASE LAW IS WELL GROUNDED IN TERMS ENSURING SCHOOL STAFF DO NOT ACT AS AGENTS OF THE POLICE AND THAT POLICE DO NOT ACT AS AGENTS OF THE SCHOOL TO ENSURE ADHERENCE TO SEARCH AND SEIZURE LAW.

THIS BILL WILL RESTRICT SROs FROM CONDUCT CRIMINAL INVESTIGATIONS THAT THE SCHOOL, PARENT OR STUDENT REQUESTS AND POTENTIALLY MAKES SCHOOL STAFF WITNESSES AT TRIAL INASMUCH AS THIS BILL PLACES THE SCHOOL IN THE INVESTIGATORY ROLE.

THIS BILL DISCOUNTS THE FACT THAT ON MANY OCCASIONS SCHOOL ADMINISTRATORS REQUEST THE PRESENCE OF SROs DURING PARENT/STUDENT MEETINGS TO RELY ON THE SRO TO SUPPORT THE EFFORTS OF SCHOOL ADMINISTRATION TO RESOLVE AN ISSUE.

THERE ARE PROVISIONS IN THIS BILL THAT WILL INHIBIT AN SRO FROM PROTECTING H/HERSELF AND OTHERS PARTICULARLY IN THE SECTION THAT LIMITS USE OF PHYSICAL FORCE AND USE OF RESTRAINTS. THESE PROVISIONS WILL PLACE STAFF, STUDENTS AND SROs AT GREATER RISK AND ARE INCONSISTENT WITH ACCREDITED NATIONAL STANDARD POLICIES RULES AND REGULATIONS.

THIS BILL CREATES AN INDEPENDENT COMPLAINT AND INVESTIGATION PROCESS THAT IS INCONSISTENT WITH MANY COLLECTIVE BARGAINING AGREEMENTS BETWEEN POLICE UNIONS AND MUNICIPALITIES AND RESTRICTS PROPER DUE PROCESS AND CREATES THE PRESUMPTION OF GUILT WITHOUT THE BENEFIT OF DUE PROCESS.

THIS BILL IS A CLEAR AND UNVARNISHED ATTEMPT TO DILUTE THE ROLE DUTIES AND RESPONSIBILITIES OF AN SRO TO THE EXTENT THEY WOULD EASILY BE SUPPLANTED BY A CIVILIAN WITHOUT THE AUTHORITY TO MAKE ARRESTS, CONDUCT INVESTIGATIONS AND PROTECT OTHERS THROUGH THE LAWFUL APPLICATION OF PHYSICAL FORCE WHEN REQUIRED.

THE EFFICACY OF SROs IS WELL ESTABLISHED IN THOUSANDS OF SCHOOL DISTRICTS AROUND THE COUNTRY. THESE SROs SERVE AS ROLE MODELS FOR ALL STUDENTS; THEY FORM POSITIVE RELATIONSHIPS THAT OFTEN LEAD TO INFORMATION THAT ALLOWS LAW ENFORCEMENT TO TAKE ACTION BEFORE A STUDENT INFLECTS SELF-HARM OR ENGAGES IN RISKY IF NOT ILLEGAL BEHAVIOR. THEY OBTAIN INFORMATION THAT SOLVES CRIMES INCLUDING SEXUAL ASSAULTS AND MOST IMPORTANTLY IN A SOCIETY WHERE GUN AND PHYSICAL VIOLENCE IS PREVALENT IN ALL SCHOOLS; SROs SERVE AS THE FIRST LINE OF DEFENSE FOR STUDENTS AND STAFF FROM THREATS OF VIOLENCE AND HARM.

THERE IS NO DESIRE FOR SROs TO BECOME ENGAGED IN MATTERS THAT SHOULD BE THE RESPONSIBILITY OF THE SCHOOL TO ADDRESS UNDER THEIR OWN DISCIPLINARY SYSTEM. IN FACT, THERE ARE MANY CASES IN WHICH SROs WERE ASKED TO GET INVOLVED IN MATTERS BY THE SCHOOL THAT SHOULD HAVE BEEN PROPERLY HANDLED BY THE SCHOOL.

THIS BILL CREATES PROBLEMS WHERE THERE ARE NO PROBLEMS; IT TAKES THE ADMINISTRATION OF SRO PROGRAMS OUT OF THE HANDS OF THE VERY PEOPLE THEY SERVE AND WILL CREATE A GREATER RISK TO STUDENT AND STAFF SAFETY.

IF THIS BILL PASSES IT IS LIKELY THAT MANY SRO PROGRAMS WILL BE ABOLISHED DUE TO UNTENABLE SITUATION IT PLACES THE SRO AND POLICE AND THAT WILL BE A DISSERVICE TO THE COMMUNITY AND ESPECIALLY THE STUDENTS AND STAFF WHO ROUNDLY APPRECIATE SROs FOR WHAT THEY DO TO ENSURE THEIR SCHOOL IS SAFE AND SECURE EACH DAY.

IF YOU WISH TO ENHANCE THE SAFETY OF STUDENTS IN THE GRANITE STATE YOU WILL NOT VOTE FOR THIS BILL.

Ava Hawkes



From: Jeanne Hruska <jeanne@aclu-nh.org>
Sent: Tuesday, February 9, 2021 10:00 AM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: ACLU-NH testimony in support of SB108
Attachments: ACLU-NH testimony in support of SB108.pdf

Dear Senators,

Thank you for your time and consideration on SB108. I'm following up my spoken testimony with the attached written version. The ACLU-NH would be happy to work with members of this committee on any proposed amendment to the bill, including to address concerns about student privacy. We strongly support the bill's goal of creating statewide guardrails around the role of SROs and hope consensus can be reached on a version of this legislation.

Kindest regards,
Jeanne

Jeanne Hruska
Pronouns: she, hers

Political Director
American Civil Liberties Union of New Hampshire
18 Low Avenue, Concord, NH 03301
(c) 307-272-8727 | jeanne@aclu-nh.org
aclu-nh.org  

ACLU
NH

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.



Statement by Jeanne Hruska, ACLU-NH Political Director
Senate Education Committee
Senate Bill 108
February 9, 2021

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today in support of SB108, which would provide families and schools alike with clarity on the role of school resource officers (SROs) by establishing guardrails around SRO involvement.

Implementing Recommendations by the LEACT Commission

This bill would implement recommendations from Governor Sununu’s Commission on Law Enforcement Accountability, Community, and Transparency (LEACT), of which the ACLU-NH was a member. These include recommendations that SROs be certified specifically as SROs and that memoranda of understanding (MOU) between law enforcement agencies and SAUs be public.¹

The requirement that an MOU be public builds off HB527, which was enacted in 2016 and requires there be a signed MOU between a school district and the law enforcement agency from which an SRO is deployed.² This was an important bill at the time, but we believe it did not go far enough. It is not enough that there be an MOU, parents need to have access to it and know what has been agreed to between their child’s school and law enforcement. This bill promotes transparency and accountability by ensuring that MOUs are public and that they include a minimum set of considerations, including restrictions on an SRO’s involvement in student discipline and how an SRO will be supervised. Parents should know what a police officer at their child’s school will be doing – and specifically what they are not allowed to do.

The Police Standards and Training Council has developed a model MOU, per the recommendation of the LEACT Commission. We have concerns about the content of the MOU and would underscore that it is only a “model” MOU. Schools are not required to adopt it. We believe that even if there were an ideal model MOU, it is still important to enshrine certain guardrails in statute.

The LEACT Commission spent considerable time discussing the roles of SROs, but opted in the end to not take a position on whether schools should or should not have them. This bill follows that same approach by providing guardrails on the role of SROs while leaving it to individual SAUs on whether to employ an SRO or not.

SB108 complements previous bipartisan legislation on student behavioral health and discipline reform.

This legislature has worked extensively in recent years to promote behavioral health services to respond to the needs of students. This bill continues this work by underscoring that “schools

¹ Final report by the Commission on Law Enforcement Accountability, Community, and Transparency: [20200828-leact-draft-final-report.pdf \(nh.gov\)](#)

² HB527: [results \(state.nh.us\)](#)

shall use behavioral health services to respond to the needs of students, including the system of care under RSA 135-F and services under RSA 167:3-1.” The goal is to ensure that student behavior that does not pose an imminent threat is handled without the involvement of law enforcement and ideally with behavioral health services.

Last year, the legislature came together to pass bipartisan student discipline reform, aimed at addressing the disproportionate use of exclusionary discipline against students of color and students with disabilities.³ SB108 compliments that legislation by preserving the role of teachers and school administrators in handling student discipline in the absence of a substantial and imminent risk to school safety. The involvement of an SRO can risk escalating a situation and unnecessarily sending a student into the school-to-prison pipeline or into a diversion program that can carry stigma and long-term consequences.⁴ It is important to clearly distinguish what student behavior warrants an SRO’s involvement versus that which should be left to the school, and for this to be consistent across New Hampshire.

Guardrails ensure the role of SROs is consistent and does not expand unintentionally.

Research shows that SROs involve themselves in school discipline both directly and indirectly, and can influence how schools respond to student misbehavior, even impacting discipline outcomes. Related, teachers may defer to SROs on matters of student discipline in the absence of guidelines on when a discipline issue does and does not warrant SRO involvement. For instance, studies have shown that schools with SROs report more student arrests than schools without an SRO. This is in part because how an SRO views an incident can be different than how a teacher would view it, resulting in an arrest when there is an SRO and not when there isn’t.⁵

The U.S. Department of Justice (DOJ) acknowledged that SROs can exacerbate the school-to-prison pipeline if their role is not carefully circumscribed. In a statement of interest regarding a legal case involving an SRO, the DOJ wrote:

Best practices developed for implementing SRO programs demonstrate that, in efforts designed to help promote a safe learning environment in school, the role of SROs should be carefully circumscribed to ensure they do not become involved in routine disciplinary matters. SROs should use their law enforcement powers judiciously, to focus on safety, to avoid disability-based discrimination, and to avoid unnecessary criminalization of childhood behavior and perpetuation of the school-to-prison pipeline. These practices, if implemented, help ensure that schools and law enforcement agencies effectively protect school safety while avoiding violations of the federal rights of students.⁶

³ HB1558: gencourt.state.nh.us/bill_status/billText.aspx?sy=2020&id=1725&txtFormat=html

⁴ Reference to an SRO responding to a student urinating in a parking lot, which did not pose a threat to student or school safety. [Valley News - Jim Kenyon: Needed or not, police patrol the halls of some Upper Valley schools \(vnews.com\)](http://www.vnews.com)

⁵ [Study: Cops in CT schools increase arrests, no safety impact \(nhregister.com\)](http://www.nhregister.com); [Keep Police Out of Schools: Study | The Crime Report](http://www.the-crime-report.com)

⁶ Statement of Interest of the United States – S.R. & L.G. v. Kenton County et al. (2015). Case No: 2:15 – CV-143 [Two Minors vs Kenton County Statement of Interest \(justice.gov\)](http://www.justice.gov)

Moreover, an encounter with a police officer at school can trigger anxiety, trauma, and fear in students, particularly students of color, impacting student's health and academic performance.⁷ Multiple studies document how students of color experience encounters with SROs differently, even non-hostile encounters, experiencing higher levels of stress and fear about contact with law enforcement. Students of color are also disproportionately arrested by SROs, similar to how students of color and students with disabilities are disproportionately subjected to exclusionary discipline.⁸ A single arrest can significantly impact a student's future academic performance and eligibility for higher education. This is again reason to strive for consistency with SRO involvement to reduce any potential discrepancies in when SROs take action against different students.

In the absence of clear guidelines, the role of SROs can easily expand over time without the explicit request of schools or awareness by parents.⁹ This expansion risks unnecessarily treating a student behavioral issue as a criminal issue or resulting in discrepancies with regards to which students SROs take action against. The involvement of an SRO, including any resulting arrest or consequence, should be consistent and not vary depending on a student's race or disability. We believe SB108 would help prevent discrepancies and ensure consistency regarding when SROs get involved.

Protecting the rights of students

Research demonstrates that students under the age of 16 rarely understand their legal rights – or the risks that can come from confiding in law enforcement.¹⁰ The guardrails offered in SB108 would help ensure that students do not unintentionally and/or unknowingly open themselves to arrest. For instance, the bill provides specific steps that must be taken if an SRO is to question a student when the SRO should know that such questioning could elicit criminal information by the student. It forces a distinction between when a student is questioned by a teacher and when a student is questioned by an SRO.

The goal of this legislation is not to influence the decision by school districts on whether to employ an SRO or not. The goal is ensure that if a school does employ an SRO, parents, students, and school administrators can be assured of what the SRO's role will be and will not be. It promotes transparency and accountability on the part of SROs and schools.

For these reasons, the ACLU-NH respectfully urges the members of this committee to vote *ought to pass* on SB108.

⁷ Legewie, J. and Fagan, J. *Aggressive Policing and the Educational Performance of Minority Youth*. American Sociological Review (2019)

⁸ [Latest Data Shows Black Students Disproportionately Suspended, Expelled, Arrested \(eji.org\)](#)

⁹ "Although 79% of SROs initially report not being involved in discipline, we find that the majority involve themselves in nuanced ways that are shaped by relationships with school staff, official policies, and the characteristics of students served. Our results point to the need for clarity around SROs' involvement in discipline and ways that schools can shape contexts to ensure that SROs are not increasing the use of exclusionary practices." *Why and When Do School Resource Officers Engage in School Discipline? The Role of Context in Shaping Disciplinary Involvement*. American Journal of Education 126 (November 2019), the University of Chicago

¹⁰ Grisso, Thomas, Lawrence Steinberg, Jennifer Woolard, Elizabeth Cauffman, Elizabeth Scott, Sandra Graham Fran Lexcen, N. Dicon Repucci, and Robert Schwartz (2003) "Juveniles' Competence to Stand Trial: A comparison of adolescents' and adults' capacities as trial defendants," *Law & Human Behavior* 27: 333-363

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2020-2021 Session

Bill # SB 1090

Hearing date:

Executive Session date:

Motion of: Re refer Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Hennessey

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, February 17, 2021

THE COMMITTEE ON Education

to which was referred **SB 108**

AN ACT relative to school resource officers.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Erin Hennessey
For the Committee

This bill seeks to clarify the duties and responsibilities of school resource officers (SROs). Governor Sununu's LEACT Commission recommended the implementation of MOUs to assist in defining the role of SROs in schools. The committee unanimously recommended to rerefer this bill to committee to allow more time for stakeholders to provide input and continue their work.

Ava Hawkes 271-4151

FOR THE CONSENT CALENDAR

EDUCATION

SB 108, relative to school resource officers.

Re-refer to Committee, Vote 5-0.

Senator Erin Hennessey for the committee.

This bill seeks to clarify the duties and responsibilities of school resource officers (SROs). Governor Sununu's LEACT Commission recommended the implementation of MOUs to assist in defining the role of SROs in schools. The committee unanimously recommended to rerefer this bill to committee to allow more time for stakeholders to provide input and continue their work.

Docket of SB108

Bill Title: relative to school resource officers.

Official Docket of SB108.:

Date	Body	Description
1/29/2021	S	Introduced 01/06/2021 and Referred to Education; SJ 3
2/4/2021	S	Remote Hearing: 02/09/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 10
2/18/2021	S	Committee Report: Rereferred to Committee, 03/04/2021; Vote 5-0; CC; SC 12
3/4/2021	S	Sen. Bradley Moved to Remove SB108 from the Consent Calendar; 03/04/2021; SJ 6
3/4/2021	S	Rereferred to Committee, RC 12Y-12N , MF; 03/04/2021; SJ 6
3/4/2021	S	Sen. Bradley Moved Reconsideration on Rerefer, RC 24Y-0N , MA; 03/04/2021; SJ 6
3/4/2021	S	Rereferred to Committee, RC 11Y-13N , MF; 03/04/2021; SJ 6
3/4/2021	S	Sen. Bradley Moved Inexpedient to Legislate; 03/04/2021; SJ 6
3/4/2021	S	Inexpedient to Legislate, RC 14Y-10N , MA === BILL KILLED ===; 03/04/2021; SJ 6

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB1098

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 