SYNOPSIS: This bill would authorize the formation of volunteer emergency security forces at public K-12 schools in the state consisting of current and retired school employees and local citizens.

This bill would provide for the role of the sheriff and the chief of police in the training and supervision of emergency security forces.

This bill would provide for implementation of the act by the State Department of Education and each local board of education.

This bill would also provide for indemnification.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote.
unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 education; to authorize the formation of volunteer emergency security forces at public schools in the state consisting of current and retired school employees and local citizens; to provide for the role of the sheriff and the chief of police in the training and supervision of emergency security forces; to provide for implementation of the act by the State Department of Education and local boards of education; to provide for indemnification; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local
funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Upon a determination by the principal of a public K-12 school, or the local superintendent of education, that the safety of the students at a school is not adequately protected or that additional security is necessary to ensure the safety of the students or employees, the principal or local superintendent of education may request volunteers to serve on an emergency security force for the school.

(b) Once a list of volunteers has been compiled, the principal or the local superintendent of education shall submit the list to the local sheriff or chief of police, as applicable. The sheriff or chief of police shall review the list to determine whether the list contains a sufficient number of suitable volunteers to staff an emergency security force at the school. If the sheriff or chief of police determines the number of suitable volunteers is sufficient, he or she may initiate an emergency security force program for the school. To the extent possible, the identity of volunteers selected to serve on an emergency security force shall be protected.

(c) Upon formation of an emergency security force, the sheriff or the chief of police, in conjunction with
administrative school personnel, shall prepare a detailed crisis plan for the school that includes a comprehensive plan of action for the emergency security force to follow in the event the security of the school is compromised or the safety of students or employees is threatened. The plan shall also specify how and where weapons may be stored and carried by emergency security force members and circumstances under which certain weapons may be used. All weapons and equipment used shall be approved by the sheriff or the chief of police, as applicable.

(d) A volunteer emergency security force member shall be classified as a reserve deputy sheriff or reserve police officer and shall serve in that position at the pleasure of the sheriff or chief of police. Service as a reserve deputy sheriff or reserve police officer under this section shall not include the power of arrest. As a member of an emergency security force, a volunteer shall receive any training deemed necessary by the sheriff or the chief of police and, when fulfilling his or her duties as a member of the emergency security force, shall be under the supervision and direction of the sheriff or chief of police. The sheriff or chief of police may offer self defense or other training to those school employees who are not selected to serve on an emergency security force.

(e) An emergency security force member shall receive no compensation for his or her service on an emergency security force, but may be reimbursed for actual necessary
expenses incurred in the discharge of his or her duties on behalf of the emergency security force from funds otherwise appropriated by the local board of education. Nothing in this subsection shall prohibit a local board of education from providing a salary supplement to the members of an emergency security force.

(f) Expenses related to the training of emergency security force members and the purchase of any equipment and weapons deemed necessary by the sheriff or chief of police shall be administered by the local board of education and paid from funds appropriated for that purpose.

(g) The state shall indemnify and hold the members of an emergency security force, the members of the local board of education, the local superintendents of education, the members of the State Board of Education, the local sheriff, the local chief of police, the county, or any municipality within the county harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of service, employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of service, employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

(h) The State Department of Education shall promulgate rules as necessary to provide for the
implementation of this section and each local board of
education shall oversee and provide for local implementation
of this section within the schools under its jurisdiction.

Section 2. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended, because the
bill requires expenditures only by a school board.

Section 3. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.