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Summary: School Safety

**HISTORY OF LEGISLATIVE ACTIONS**

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 11/30/2022 Senate Referred to Committee on **Education**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 121)

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 2/8/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/237_20221201.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/237_20230208.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “SCHOOL Guardian ACT” BY ADDING ARTICLE 3 TO CHAPTER 66, TITLE 59 SO AS TO PROVIDE THAT BEGINNING WITH THE 2024‑2025 SCHOOL YEAR, THE GOVERNING BOARDS OF PUBLIC K‑12 SCHOOLS MAY DESIGNATE EMPLOYEES AS SCHOOL Guardians TO PROVIDE ARMED PROTECTION AND OTHER RELATED PUBLIC SAFETY FUNCTIONS ON THEIR CAMPUSES, TO DEFINE RELATED TERMINOLOGY, AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 23‑23‑112 SO AS TO PROVIDE THE LAW ENFORCEMENT COUNCIL MUST DEVELOP GUIDELINES FOR SCHOOL Guardians THAT MUST BE OFFERED BY THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE SPECIFIC REQUIREMENTS FOR THIS TRAINING, AND TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16‑23‑420, RELATING TO THE EXEMPTIONS FROM THE PROHIBITION OF POSSESSING FIREARMS ON PUBLIC SCHOOL PROPERTY, SO AS TO EXEMPT SCHOOL Guardians; AND TO REDESIGNATE CHAPTER 66, TITLE 59 AS “SCHOOL SAFETY”, AND TO REDESIGNATE SECTIONS 59‑66‑20, 59‑66‑30, AND 59‑66‑40 AS “GENERAL PROVISIONS”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Guardians of our Schools Act”.

SECTION 2. Chapter 66, Title 59 of the S.C. Code is amended by adding:

Article 3

Guardians of our Schools Act

 Section 59‑66‑310. For the purposes of this article:

 (1) “Firearm safe” means a protective storage container secured to the floor or wall for firearms and firearm ammunition and to which access is restricted by use of combination lock, key, digital lock, or fingerprint identification. A firearm safe must be certified by Underwriters Laboratories or its successor organization. The school administrators shall designate the locations of firearm safes in each applicable school which should be easily accessible and in close proximity to each designated school guardian.

 (2) “Public school” has the same meaning as Section 59‑1‑120 and includes kindergarten, elementary school, middle school, secondary school, junior high school, or high school as defined in Section 59‑1‑150.

 (3) “Public school employee” means a person employed by a school district, as defined in Section 59‑1‑160.

 (4) “School” means a K‑12 public school.

 (5) “School guardian” means a person certified as having successfully completed a training course offered by the Law Enforcement Training Council and Criminal Justice Academy pursuant to Section 23‑23‑112 and intended to provide armed protection and other specific public safety and first responder functions to public school children and employees during an active assailant situation. A school guardian has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on a school premises.

 Section 59‑66‑320. (A) Beginning with the 2024‑2025 School Year, a school board may designate public school employees as school guardians to provide armed protection and other specific public safety and first responder functions to attendees and employees of each public school during an active assailant situation, with specialized training from the Criminal Justice Academy as required by the Law Enforcement Training Council. The responsibilities and duties of a school guardian are voluntary and are in addition to his normal responsibilities and duties. Compensation, if any, for additional duties relating to service as a school guardian must be funded by the employing school, which is prohibited from using state funds to provide this compensation.

 (B) The school board shall also designate a list of acceptable firearms and ammunition for use by each school guardian.

 Section 59‑66‑330. (A) A person designated as a school guardian may possess a firearm on the school premises if he:

 (1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23;

 (2) successfully completes school guardian training pursuant to Section 23‑23‑112;

 (3) keeps the weapon locked in the school firearm safe until confronted by an active assailant situation;

 (4) and has no history of violence or unmanaged anger, mental health or substance abuse issues documented by his employer.

 (B) A public school employee who seeks designation as a school guardian shall apply for the designation in writing to the school by whom he is employed, using forms created by the state Department of Education, in conjunction with the SLED and furnished by the school in its administrative offices and on its internet website. An applicant also shall submit with the application proof that he holds the permit and certification required in subsection (A).

 (C) A school board shall hold a public hearing to decide whether to designate any of its employees as school guardians before the school board may designate an employee to serve as a school guardian. Notice of the hearing must be published, but the name of any specific employee under consideration for receiving the designation may not be made public. The board’s discussion of the qualifications of a specific, individual public school employee to be designated as a school guardian must occur in executive session.

 Section 59‑66‑340. (A) A school board that designates an employee as a school guardian shall, within thirty days after making the designation, provide written notification of the designation to the director of SLED and the designated Sheriff in the county the school is physical situated. This notification must include the:

 (1) full name, date of birth, and address of the school guardian;

 (2) name of the public school that made the designation; and

 (3) date on which the district made the designation.

 (B) A school guardian must complete all training requirements under this Article prior to having access to any firearms on school premises. The school board shall maintain and confirm all training requirements of this Article have been successfully completed and provide written notification to the director of SLED.

 (C) The director of SLED shall maintain a listing of all persons designated by school districts as school guardians and shall make this list available to all law enforcement agencies.

 (D) Notwithstanding another provision of law, identifying information collected under the authority of this section is not subject to disclosure under the South Carolina Freedom of Information Act.

 Section 59‑66‑350. (A) A school guardian who fails to keep his firearm secure in the school firearm safe while that the firearm is on school property in violation of Section 59‑66‑330(A)(3) immediately must be removed from the classroom, have his designation as a school guardian revoked, and be subject to employment termination proceedings by the board.

 (B) A school board may revoke the designation of a person as a school guardian for any reason and immediately shall notify the designated school guardian, in writing, of the revocation, except when revocation is made pursuant to subsection (A). The school board also shall within thirty days after the revocation notify the director of SLED in writing of the revocation. A person whose designation as a school guardian is revoked has no right to appeal the revocation decision or other means of redress.

 Section 59‑66‑360. A school guardian must complete continuing education training as considered appropriate by the Law Enforcement Training Council, which must include annual firearm qualification. Failure to comply with this requirement shall result in the immediate suspension of the guardian’s designation until he completes the requirements and pays a reinstatement fee to the school.

 Section 59‑66‑370. The designation of guardian expires at the end of his contract period, but may be extended by the board of an additional year annually if he continues to satisfy the requirements of this section.

 Section 59‑66‑380. A school guardian has an affirmative duty to notify the school board if he is charged with any criminal acts except for minor traffic violations. The school board shall suspend his certification until it determines whether the charges are violent in motive, in which case it shall revoke the designation.

 Section 59‑66‑390. A school guardian is immune from any liability that may arise, from his failure to act or fully respond to an active assailant situation.

SECTION 3. Section 16‑23‑420(F) of the S.C. Code is amended to read:

 (F) This section does not apply to a person who is:

 (1) authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of, Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility; or

 (2) designated as a school guardian pursuant to Article 3, Chapter 66, Title 59.

SECTION 4.A. Chapter 66, Title 59 of the S.C. Code is redesignated “School Safety”.

B. Sections 59‑66‑20, 59‑66‑30, and 59‑66‑40 are redesignated “General Provisions”.

SECTION 5. This act takes effect upon approval by the Governor.

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