

HOUSE BILL REPORT

2SSB 5197

As Reported by House Committee On:
Education
Capital Budget

Title: An act relating to safe school buildings.

Brief Description: Taking measures to promote safe school buildings.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Mullet, Becker, Hill, Hargrove, Braun, Honeyford, Roach and Hewitt).

Brief History:

Committee Activity:

Education: 3/14/13, 4/2/13 [DPA];

Capital Budget: 4/8/13 [DPA(CB w/o ED)].

**Brief Summary of Second Substitute Bill
(As Amended by Committee)**

- Requires school districts to work with law enforcement to implement emergency response systems, and requires a status report by December 1, 2014.
- Requires districts to consider installing a perimeter security control mechanism on all school campuses and consider building plans with certain safety features in future school construction projects.
- Directs the School Safety Advisory Committee to adopt model policies and make recommendations on these topics by December 1, 2013.
- Directs the Office of the Superintendent of Public Instruction to award grants to districts, if funds are appropriated, to implement emergency response systems.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Klippert, Maxwell, McCoy, Orwall, Parker, Pike, Pollet and Warnick.

Minority Report: Do not pass. Signed by 3 members: Representatives Hunt, Lytton and Seaquist.

Staff: Barbara McLain (786-7383).

Background:

School districts are required to adopt comprehensive safe school plans. At a minimum, the plans must address school safety policies and procedures; emergency preparedness and response; school mapping for emergency first responders; and communication with parents. The Office of the Superintendent of Public Instruction (OSPI) has developed a model safe school plan that school districts are encouraged to consider when developing their own plans. There is a School Safety Advisory Committee (SSAC) and a School Safety Center within the OSPI to provide updated information and serve as a resource for school districts. In addition, all building principals are required to be trained in the Federal Emergency Management Agency Incident Command System, which is a standard set of principles and actions appropriate for responding to any type of hazard or emergency.

Summary of Amended Bill:

School districts must work collaboratively with local law enforcement to develop an emergency response system to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. Districts are encouraged to use model policies developed by the SSAC for this purpose. Each district must submit a progress report to the OSPI by December 1, 2014.

Each school district must consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus. For new school construction or remodeling projects of more than 40 percent of an existing building that are initiated after the bill takes effect, districts must consider building plans and designs that promote the following:

- an optimal level of security for the school site that incorporates technology and best practices to protect students and staff in the event of a threat during school hours;
- direct control and observation of the public entering school grounds; and
- having the public enter school grounds through as few entrances as possible.

The SSAC must develop model policies and strategies for school districts and local law enforcement agencies to develop an emergency response system. The strategies must be appropriate for a range of different threat or emergency scenarios.

The SSAC must also develop recommendations related to incorporating school safety features into the planning and design of new or remodeled facilities, taking into consideration a number of factors. The SSAC must submit a report to the Education Committees of the

Legislature by December 1, 2013, and post the report, model policies, and other resource information on the School Safety Center website.

If funds are appropriated for this purpose, the OSPI must allocate grants to school districts on a competitive basis to implement emergency response systems.

Amended Bill Compared to Second Substitute Bill:

Rather than requiring districts either to develop a panic alarm system or use a model policy for a panic alarm system by December 1, 2014, districts are required to work with local law enforcement to develop an emergency response system to expedite the response and arrival of law enforcement. Districts must submit a progress report by December 1, 2014. Districts are required to consider, rather than strongly consider or give preference to, installing perimeter security control and using building designs with certain safety features. The SSAC must develop model policies regarding emergency response appropriate for a range of scenarios, and develop recommendations for incorporating specified school safety features in the planning and design of new or remodeled facilities. A report is required by December 1, 2013. The OSPI allocates grants on a competitive basis, if funds are appropriated, for districts to implement emergency response systems.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a simple and straightforward proposal. It stems from the tragedy in Sandy Hook. Many policymakers looked at that situation and tried to think of how to make our schools safer. There are two key strategies: keep the bad guys away from our kids; and help law enforcement get there more quickly. This bill is designed to have local schools get together with local law enforcement to figure out how to make that happen. There will be funding in the capital budget to help schools make it more difficult for the bad guys to gain access, through such items as perimeter control, fencing, electronic locks, and hardened glass.

There is excitement about this bill and its encouragement for more safety in schools. School boards should give preference to building plans to optimize safety in schools, require a panic alarm system, and encourage perimeter security.

(With concerns) There is much appreciation of the goals of this bill. The SSAC has been wrestling with its implications, however. Schools would like to have more safety tools in the toolbox, but there are a number of issues not addressed. There is particular concern around the standard of care expected under this bill if school boards are expected to strongly

consider certain building plans and create a perimeter barrier. It is not clear what giving preference to certain building plans actually means, and what additional liability it might impose on the school district. On a school campus with more than 20 buildings over 29 acres, many of which were built in the 1950s, it is puzzling how this could possibly apply.

Schools already take controlled access and protection of students very seriously. There is staff and student training; there are door locks; and lockdown drills are conducted. However, schools also have to deal with access and egress under the fire code, and the fire code is not going to change.

(Opposed) None.

Persons Testifying: (In support) Senator Dammeier, prime sponsor; and Christian Dube, International Union of Operating Engineers Local 286.

(With concerns) Frank Hewins, Franklin Pierce School District; and Jim Hansen, Bethel School District.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: Do pass as amended by Committee on Capital Budget and without amendment by Committee on Education. Signed by 11 members: Representatives Dunshee, Chair; Stanford, Vice Chair; Warnick, Ranking Minority Member; Hawkins, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Appleton, Fey, Riccelli, Scott, Smith and Stonier.

Staff: Susan Howson (786-7142).

Summary of Recommendation of Committee On Capital Budget Compared to Recommendation of Committee On Education:

The purpose of the provisions requiring school districts to consider installing perimeter security controls on all campuses, and consider certain safety features in the design of new construction or major remodeling of school facilities, is to promote safety. Nothing in these provisions creates civil liability or creates a new cause of action or new theory of negligence against a school board, school district, or the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The genesis of this bill was the tragedy in Newtown, Connecticut. The focus of this bill is to make it more difficult for bad guys to get to kids and to allow law enforcement to respond more quickly and effectively. It also creates a broader, more active role for the School Safety Advisory Committee. Substitute Senate Bill 5445 includes \$10 million of capital funding for the initial outfitting of emergency response systems and for other improvements to make school campuses more secure.

(In support with amendment) This bill preserves the flexibility of local school districts to analyze and assess the unique needs of their school sites and local communities. There is concern that section 2 of the bill may inadvertently create civil liability, a new cause of action, or new theory of negligence against a school board, school district, or the state. An amendment is requested to clarify this issue.

(Opposed) None.

Persons Testifying: (In support) Senator Dammeier, prime sponsor; and Stan Bowman, American Institute of Architects Washington Council.

(In support with amendment) Sandi Swarthout, Puget Sound School Coalition.

Persons Signed In To Testify But Not Testifying: None.