

HOUSE BILL REPORT

2SSB 5141

As Reported by House Committee On: Education

Title: An act relating to school resource officer mandatory training and policies.

Brief Description: Concerning school resource officer mandatory training and policies.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Kuderer, Nguyen, Hunt, Das, Palumbo, Billig, Liias, Darneille, Frockt, Hasegawa and Wilson, C.).

Brief History:

Committee Activity:

Education: 3/14/19, 3/28/19 [DPA].

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

- Establishes a statutory definition of "school resource officer" ("SRO").
- Establishes requirements for school district SRO programs, including training requirements for SROs and minimum content and review requirements for SRO agreements between school districts and local law enforcement agencies.
- Directs the Office of the Superintendent of Public Instruction, subject to funding requirements, to establish and implement a grant program for SRO training, and to provide a report to the Legislature and the Governor each year the program is funded.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 10 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist, Callan, Kilduff, Ortiz-Self, Stonier, Thai and Valdez.

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.

Minority Report: Do not pass. Signed by 6 members: Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier, Corry and Kraft.

Minority Report: Without recommendation. Signed by 2 members: Representatives Harris and Rude.

Staff: Ethan Moreno (786-7386).

Background:

The position of school resource officer (SRO) is not established or defined in Washington law, but the Office of the Superintendent of Public Instruction (OSPI) indicates that an SRO is:

- a commissioned law enforcement officer in the state with sworn authority to make arrests;
- deployed in community-oriented policing; and
- assigned by the employing police department or sheriff's office to work in schools to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary schools.

A model policy of the Washington State School Directors' Association, the state agency that provides advice and assistance to local school boards, specifies that if a district engages with a SRO, the district should, in a written memorandum of understanding, clarify its relationship with the SRO, including the SRO's purpose, role, supervisory structure, and limitations on access to student information.

Summary of Amended Bill:

Establishing a Definition for School Resource Officer.

An SRO is defined as a commissioned law enforcement officer in the State of Washington that: has sworn authority to make arrests; is deployed in community-oriented policing; and is assigned by the employing police department or sheriff's office to work in schools to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around kindergarten through grade 12 schools. The definition also provides that SROs should focus on keeping students out of the criminal justice system when possible, and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

Requirements for School Resource Officer Programs in School Districts.

If a school district chooses to have an SRO program, the district must confirm that every SRO in the district has received training on 12 specified topics, examples of which include:

- constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;
- recognizing and responding to youth mental health issues;

- educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
- resources available in the community that serve as alternatives to arrest and prosecution, and pathways for youth to access services without court or criminal justice involvement;
- bias free policing and cultural competency; and
- requirements under the federal Family Educational Rights and Privacy Act.

Two deadlines are established for compliance with the training requirements. Any SROs who are assigned to work in a school on or before July 28, 2019, must satisfy the training requirements by July 28, 2023. If an SRO is assigned to work in a school after July 28, 2019, he or she must satisfy the training requirements prior to working in a school.

Agreements Between School Districts and Local Law Enforcement Agencies.

School districts with an SRO program must annually review and adopt an agreement with the local law enforcement agency. The agreement review and adoption process must involve parents, students, and community members. At a minimum, the agreement must include:

- a clear statement that SROs may not be involved in student discipline or enforcing school rules, and a clear description of the types of incidents that do not warrant SRO action;
- a school district policy and procedure for teachers that clarify the circumstances under which teachers and school administrators may ask an SRO to intervene with a student;
- annual collection and reporting of data regarding calls for law enforcement service and the outcome of each call, including student arrest and referral for prosecution. This data must meet specified disaggregation requirements;
- a process for families to file complaints with the school and local law enforcement agency related to SROs, and a process for investigating and responding to complaints; and
- confirmation that the SROs have received the required training on the 12 specified topics.

School Resource Officer Grant Program.

The OSPI, subject to specific legislative funding provisions, must establish and implement a grant program to fund training for SROs on the 12 specified topics. The training may be:

- developed by schools in partnership with local law enforcement and organizations that have expertise in delineated topics; and
- provided by the Washington State Criminal Justice Training Commission.

The OSPI must submit a report on the grant program to the Governor and appropriate committees of the Legislature each year the grant program is funded. The report is due each December 1.

Amended Bill Compared to Second Substitute Bill:

The amended bill makes the following changes to the original bill:

- establishes that SROs who are assigned to work in a school on or before July 28, 2019, must satisfy specified training requirements by July 28, 2023; and

- establishes that SROs who are assigned to work in a school after July 28, 2019, must satisfy specified training requirements before working in a school.

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 bill resulted from visiting nine educational service districts and more than 40 school districts during the interim. The officials at these locations identified school safety as a key concern. Rather than sponsoring an omnibus bill, the school safety issues were divided into separate bills. When schools have SROs, they are beloved members of the school team. The SROs need to have the proper and specific training. The bill establishes a training program for SROs with a list of required components, and a grant program for training costs.

The American Civil Liberties Union generally oppose the regular presence of police in schools due to the potential for significant, unintended consequences, particularly for students of color and students with disabilities, and this can lead to diminished connections between students and adults. A number of schools in Washington already have SROs in schools and those officers do not always have the training and guidance they need. Schools are lacking training requirements, data collection requirements, and policies that delineate the appropriate duties of SROs. This bill establishes training and data collection requirements to determine if the SROs are furthering unintended consequences that harm educational outcomes and school safety.

This bill will help students and may lessen the number of referrals to the juvenile justice system. If SROs are going to be in schools, they need more training to: understand the collateral consequences related to referring students to the juvenile justice system; and handle the needs of children with disabilities.

The training proposed in the bill is critical to the success of the SROs. The SROs, with proper training, can help to create a positive climate and prevent tragedies. The legislation makes it clear that the SROs are not at schools to administer daily discipline and enforce school rules, as those responsibilities are reserved for school personnel. The grant program in the bill is supported, as neither the SROs nor the school districts should pay for training for the SROs.

An SRO that is well-trained and appropriately placed can play an important role in school and community safety. This bill establishes a definition of the SROs, and allows school districts to retain the choice to have the SROs.

(Opposed) None.

(Other) There are concerns about provisions in the bill that prohibit SROs from being involved in discipline issues with students. The SROs need to work with students and administrators on student actions. Additionally, most crimes conducted on school campuses are also violations of school policies, and SROs need to collaborate with school officials to address these matters. The SROs engage in supportive and mentoring relationships with students. Less restrictive language is preferred—the SROs do not need to be involved in dispersing discipline, but school administrators need to understand how to use SROs, and that information is provided in training.

Persons Testifying: (In support) Senator Wellman, prime sponsor; Vanessa Hernandez, American Civil Liberties Union of Washington; Tarra Simmons, Civil Survival; Lucinda Young, Washington Education Association; and Stella Lugalía, Office of Superintendent of Public Instruction.

(Opposed) None.

(Other) Karen Davy, School Resource Officer.

Persons Signed In To Testify But Not Testifying: None.