

SENATE BILL REPORT

2SSB 5197

As Amended by House, April 15, 2013

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: Early Learning & K-12 Education: 2/01/13, 2/04/13 [DPS-WM, w/oRec].

Ways & Means: 2/06/13, 2/07/13 [DP2S].

Passed Senate: 2/11/13, 47-0.

Passed House: 4/15/13, 95-0.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill and Rivers.

Minority Report: That it be referred without recommendation.

Signed by Senator Mullet.

Staff: Katherine Taylor (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5197 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

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.

Staff: Elise Greef (786-7708)

Background: Currently, every school board of directors, unless otherwise specifically provided by law, must:

- cause all school buildings to be properly heated, lighted, ventilated, and maintained in a clean and sanitary condition; and
- maintain, repair, furnish, and insure school buildings.

Summary of Second Substitute Bill: School districts must implement a panic alarm system by December 1, 2014.

The Superintendent of Public Instruction must create a model policy regarding panic alarm systems by June 1, 2014.

School boards of directors must strongly consider installing a perimeter security control mechanism or system on all school campuses.

School boards of directors must give preference to all school building plans and designs for new school construction and remodeling of more than 40 percent of an existing school building that promote:

- an optimal level of security for the specific school site that incorporates evolving 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
- the public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

Specific school designs and construction started before the effective date of this bill are not subject to the provisions regarding building plans and designs.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee (Early Learning & K-12 Education): PRO: We are aggrieved by what happened at Sandy Hook. We have become so insensitive. We have had five more shootings at schools since Sandy Hook. We average one shooting per month at a school. We want to make schools safer. Law enforcement will gladly deal with active shooters. We need school safety officers. We are very excited about and supportive of this bill. We need to protect kids. Banks are better protected than schools. The silent alarm part of the bill would help when moments count. Silent alarms combined with mapping are essential. Changes should be made when schools are remodeled or constructed. We need to provide funding more than one time. We appreciate the intent of this bill.

CON: Puyallup schools are very proactive on these sorts of safety matters. We do not want a school locked down all the time. How do I get 2000 people to safety through the offices designed for basketball games? You could have multiple strong access points not just through the office. Even with a lot of money, we cannot do this. If we change the language of the bill, we may be able to do this. Buildings may only be remodeled every 30 years. Police want more information and dialogue than just a panic button.

OTHER: We need to change the statute dealing with safety drills. We need a minimum of nine drills. Specifically, we need four fire drills, four lock down drills, and a local choice for the last drill. We have the Washington Safety Core in place, but it needs to be tweaked. We should use the infrastructure in place to make our kids safe. We review safety plans. We need more tools. We are worried about implementation of the bill. What triggers when the school has to remodel or add doors? What do we do about campuses with multiple buildings or portables or campuses with hundreds of doors? How do we fund this? Five million dollars is only a starting point for alarms. We need help with identifying design features when constructing new schools and remodeling. There is not enough money to do this. This bill could change construction costs and stop construction from proceeding. Construction and remodeling does not happen very often. The intent is good but there are concerns with design. Not everything or everyone can go through the administration doors. The state school construction formula does not work with this bill. The formula discourages this sort of design construction. We would need a complete redesign. We would need a totally new campus not just modernizing our current campus. This will create further strain on local budgets. We need to think about what kind of panic button to use. We need a button capable of transferring real-time information, which is not very expensive. We need an escape door. We need to think about what issue we are addressing and if they apply to regular school hours or after school hours.

Persons Testifying (Early Learning & K-12 Education): PRO: Steve Myers, Educational School District (ESD) 105; Kurt Hilyard, Union Gap School District; Brian Winter, Yakima County Sheriff's Office; Lucinda Young, WA Education Assn., Jay Garthwaite, ESD 112, Construction Services Group; Jerry Bender, Assn. of WA School Principals.

CON: Rudolph Fyles, Puyallup School District 3.

OTHER: Dr. Frank Hewins, Franklin Pierce School District No. 402; Jennifer Priddy, Olympia School District No. 11; Eric Meng, Meng Analysis.

Staff Summary of Public Testimony on Proposed Second Substitute as Heard in Committee (Ways & Means): PRO: Thank you for the early action on the K-12 capital budget; this will be important for schools. School officials have been attentive to school safety and threats and have been meeting with local law enforcement for weeks. This bill is an important step in beginning the work of hardening our schools. The proposed language is something we can live with and there is enough flexibility in it to construct something that will work for us. Details should be left for school officials to have long conversations about, but the principles of controlled entry and communications systems set out in the bill are good. We also need to start thinking about what training is needed, especially in regard to active-shooter protocol. Our district's high school was constructed in 2005 and incorporates

advice provided from law enforcement and the Federal Bureau of Investigation. We designed the high school to be safe and to incorporate many safety features such as visible corridors, 16 cameras, and other features. We have seen a large decrease in the occurrence of theft, fights, and other problems that occurred in other high schools. This sort of planning, combined with the funding, does make schools safer. Students are very well-trained regarding fire and we have never lost a student's life to a fire emergency. Students need the same kind of training to deal with intruders or a hostage situation. The panic alarm systems will provide closer communications between law enforcement and schools, and will shorten response time in the event of an emergency. One recommendation would be to add the school safety advisory committee to the group working to design the model policy.

OTHER: The end goals of this bill are very good. The debate and dialog the bill has raised has been healthy. One suggestion would be to consider putting school resource officers in schools. These positions have been cut because of lack of funding but can deal not only with security but other safety issues such as bullying. Many are retired law enforcement officers or retired military personnel. This would give a better bang for your buck. The second suggestion is to allow these decisions to be made at the local level. Districts are different and all have different security needs. Secretaries appreciate the panic buttons and we appreciate the funding attached to the policy. Any resources we can get to make our schools safer is a good investment.

Persons Testifying (Ways & Means): PRO: Kevin Chase, Superintendent, Grandview School District; Paul Farris, Superintendent, Ellensburg School District; Jerry Bender, Assn. of WA Principals.

OTHER: Jim Kowalkowski, Superintendent of Davenport School District, Rural Education Center Director.

House Amendment(s): Rather than requiring districts either to develop a panic alarm system or use a model policy for a panic alarm system, requires districts to work 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. Encourages districts to use model policies developed by the School Safety Advisory Committee (SSAC) for this purpose. Requires districts to submit a progress report to OSPI by December 1, 2014.

Requires school districts to consider, rather than strongly consider or give preference to, installing perimeter security control and using building designs with certain safety features. States that the purpose of the provisions requiring school districts to consider installing perimeter security control on all campuses and consider certain safety features in the design of new construction or major remodeling of school facilities is to promote safety.

States that nothing in these provisions creates civil liability, a new cause of action, or a new theory of negligence against a school board, school district, or the state.

Directs SSAC to develop model policies regarding emergency response appropriate for a range of scenarios. Also directs SSAC to develop recommendations for incorporating specified school safety features in the planning and design of new or remodeled facilities. Requires a report by December 1, 2013, with related information and recommendations to be posted on the website.

Directs OSPI to allocate grants on a competitive basis, if funds are appropriated, for districts to implement emergency response systems.