

HOUSE BILL REPORT

HB 1703

As Reported by House Committee On: Education

Title: An act relating to comprehensive school safety planning for public and private K-12 schools.

Brief Description: Concerning comprehensive school safety planning for public and private K-12 schools.

Sponsors: Representatives Pollet, Frame, Dolan, Blake, Fitzgibbon, Chapman, Goodman, Ryu, Tarleton and Stanford.

Brief History:

Committee Activity:

Education: 1/16/18, 1/25/18 [DPS].

Brief Summary of Substitute Bill

- Requires a comprehensive engineering safety survey of public school buildings used by students, every four years.
- Requires reports to the Legislature with information related to the surveys and safety upgrades of school buildings, every four years.
- Specifies that state school construction assistance awards for renovations include the safety upgrades identified in the legislative reports.
- Requires private and public schools to meet new safe school plans requirements, including considering stakeholder input when updating plans, requiring an annual earthquake drill, and reporting conducted safety-related drills to the governing board and the Office of the Superintendent of Public Instruction.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member;

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.

Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter, Steele, Stokesbary, Valdez and Volz.

Minority Report: Without recommendation. Signed by 1 member: Representative McCaslin.

Staff: Megan Wargacki (786-7194).

Background:

State Building and Seismic Codes.

The State Building Code (SBC) provides a set of statewide standards and requirements related to building construction. The SBC is comprised of various international model codes, including building, residential, fire, and plumbing codes, which are incorporated into state law. The State Building Code Council (SBCC) is responsible for adopting, amending, and maintaining the SBC. The SBCC must regularly review updated versions of the model codes and adopt a process for reviewing proposed statewide and local amendments. Cities and counties may amend the SBC as applied within their jurisdiction, except that amendments may not be below minimum performance standards.

Since 1955 permanent school buildings have been required to be designed and constructed to resist probable earthquake intensities at the school's location.

Geological Survey.

The State Geologist conducts and maintains an assessment of seismic, landslide, and tsunami hazards in Washington, called the Geological Survey. In addition to using the best practicable technology to identify and map hazards, the survey must estimate potential hazard consequences and the likelihood of a hazard occurring. Technical assistance is available to state and local government agencies on the proper interpretation and application of the results of the geological hazards assessment.

School Construction Assistance Program.

The School Construction Assistance Program (SCAP), administered by the Office of the Superintendent of Public Instruction (OSPI), provides school districts with financial assistance to construct new, and remodel or replace existing, permanent school buildings. The SCAP is based on two principles: (1) state and local school districts share the responsibility for the provision of school facilities; and (2) there is an equalization of burden among school districts to provide school facilities regardless of the wealth of the districts. In the 2015-17 biennium, the SCAP was appropriated \$646 million through a combination of general obligation bonds and Common School Construction Fund revenues.

Safe School Plans and Safety Drills.

Schools and school districts are required by statute to develop comprehensive safe school plans. Specified components of the plans include:

- emergency mitigation, preparedness, response, and recovery;
- provisions for assisting and communicating with students and staff; and
- guidelines for requesting law enforcement and emergency response agencies to meet with school districts and participate in safety-related drills.

Schools must conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses: (1) shelter-in-place; (2) lockdown; and (3) evacuation. The required drills must incorporate the use of the school mapping information system and a pedestrian evacuation drill for schools in mapped tsunami hazard zones. The required drills may incorporate an earthquake drill using the state approved earthquake safety technique "drop, cover, and hold."

Summary of Substitute Bill:

Safety Surveys, Reports, and Renovation Assistance.

The Superintendent of Public Instruction (SPI), in consultation with the SBCC and the State Geologist, must publish guidelines and criteria for school districts, public schools that are not common schools, and educational service districts (ESDs) to conduct a comprehensive engineering safety of every public school building used by students. The criteria may include exempting buildings constructed to SBC standards in place at the time of the survey and applicable for the risk of geological hazard in the region. These guidelines and criteria must be updated every four years.

Every four years, beginning in the 2019-20 school year, school districts, public schools that are not common schools, and ESDs must be complete, or update to the degree necessary to respond to new hazard information, a comprehensive engineering survey of every public school building using the guidelines and criteria published by the SPI. If between September 1, 2009, and September 1, 2020, a school district, a public school that is not a common school, or an ESD completed a survey of permanent buildings built before 1998 that meets the SPI's guidelines and criteria, it may submit the results of this survey, rather than completing a survey in the 2019-20 school year. The comprehensive engineering survey results must be submitted to the SPI according to SPI deadlines, and the OSPI must maintain the inventory resulting from these surveys.

By December 1, 2020, and by September 1 every four years thereafter, the SPI must submit a report to the capital budget committees of the Legislature that:

- summarizes the safety engineering evaluation for every school building and ranks each school building according to safety and risk;
- describes the progress made in refurbishing school buildings since the prior report;
- includes a priority ranking of each school building for safety upgrades, and an engineering evaluation with an estimate of the costs to upgrade each building to meet the codes appropriate for the region in which the school building is located, according to the Geological Survey; and
- proposes a schedule of state school construction assistance and local funding for upgrading high-priority and high-risk school buildings to meet safety standards.

A SCAP award to renovate school buildings must include a requirement that the renovation meet the SBC requirements and include the safety upgrades identified in the legislative report described above. The requirement to meet the SBC requirements can be met using a

combination of state and local funding. When making the awards, the SPI may consider the following factors: (1) renovating school buildings with the highest safety risks; and (2) fulfilling state requirements for lowering class sizes in grades kindergarten through third, and reducing overcrowding in order to achieve class size reductions.

Safe School Plans and Safety Drills.

Public schools, private schools, and school districts must update their safe school plans no later than September 1, 2019, in order to meet the following requirements:

- plans must be reviewed and updated annually in collaboration with local emergency response agencies, considering input from families, school staff, and the community;
- when updating plans, districts in the hazard zone of a major rail line must consider input from emergency response agencies and the community for incorporating appropriate plan elements, including safety-related drills;
- an annual earthquake drill incorporating "drop, cover, and hold" is mandatory;
- a pedestrian evacuation drill is mandatory for schools located in mapped lahar hazard zones; and
- schools must submit, annually, documentation of safety-related drills to the governing board and the OSPI, noting whether any mandatory drills were not conducted.

Emergency procedures applicable to students and staff must be published on the applicable website, made available to staff in paper format, and made easily accessible at the school's main office and main entrance of each building. However, procedures related to terrorism and school violence need not be published on the website.

Substitute Bill Compared to Original Bill:

The substitute bill makes provisions related to seismic safety, applicable to safety more generally, including the comprehensive engineering survey requirements. It requires that the State Geologist be part of the group that publishes the comprehensive engineering survey guidelines and criteria for public school buildings. It specifies that the comprehensive engineering survey criteria may include exempting buildings constructed to SBC standards in place at the time of the survey and applicable for the risk of geologic hazard in the region where the building is located. The substitute bill specifies that comprehensive engineering surveys of permanent school buildings built before 1998 conducted between September 1, 2009 and September 1, 2020, that meet the survey guidelines and requirements, satisfy the submission requirements. It provides that the comprehensive engineering surveys of public school buildings conducted every four years need only be updated to the degree necessary to respond to new hazard information. In addition, it delays implementation of the comprehensive engineering surveys and reports by two years.

A reference to public schools that are not common schools is removed from provisions related to school construction assistance in the substitute bill. It changes the requirement that the SPI balance two priorities when making the school construction assistance awards to a permission to consider two factors and revises language describing the factors.

It specifies that when reviewing and updating safe school plans, school districts must consider input from families, school staff, and the community. The substitute bill requires that, when adopting and updating safe school plans, school districts in the explosion, fire,

chemical release, or other hazard zone of a major rail line must consider input from emergency response agencies and the community for incorporating appropriate plan elements, including safety-related drills. It makes changes to required school safety-drills to take into account legislative changes made in the 2017 Legislative Session, but maintains the requirement for hazard specific drills for schools in mapped hazard zones. It specifies that all districts, not just those in earthquake hazard zones, must have an annual earthquake drill using the state-approved earthquake safety technique, rather than making this technique permissive. The substitute bill also requires schools to submit documentation of safety-related drills to the governing board and SPI, noting whether any mandatory drills were not conducted.

Finally, the substitute bill removes two provisions: (1) a requirement for the SPI to establish a program to provide incentives to schools that demonstrate a commitment to emergency planning and preparedness beyond the safe school plan requirements; and (2) a requirement that school boards consider the requests of other schools to jointly buy emergency planning and disaster preparedness supplies, equipment, and services.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 25, 2018.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2, relating to comprehensive engineering survey and reporting requirements, which takes effect immediately.

Staff Summary of Public Testimony:

(In support) There is nothing more basic to basic education than providing students with safe buildings. Some people think that seismic safety is lacking in Washington schools. Many parents were concerned about their children when the Nisqually earthquake hit, but assumed their children were safe because they were in school at the time. Some other states and countries require seismic upgrades and structural surveys of at-risk schools, and dedicate funding for school seismic retrofits. Washington does not. Last year, the Legislature made the earthquake drill optional. The Governor's Seismic and Resilient Washington Advisory Committee made restoring an annual earthquake drill a top priority for those areas that have a high earthquake risk.

This bill builds on the OSPI's predisaster mitigation programs. Not all school buildings should be part of the survey; it is best to start with the oldest, most vulnerable school buildings. The proposed bill provides a great framework for a comprehensive predisaster mitigation program. Charter schools and private schools should be included in the safety planning process. The configuration of the safety drill requirements is a bit unclear. The school mapping system is not funded, so schools are confused about being required to include a safety drill related to school mapping. The program that OSPI is required to develop for incentives needs clarification.

(Opposed) None.

(Other) School directors support efforts to increase safety in schools and help them prepare for disasters. The comprehensive engineering survey is focused on a costly process that may result in concern for communities, and may not result in safer buildings. It does not make sense to focus on the safety of an old school and not pay attention to the buildings features that impair quality teaching and learning environments. The highest leverage approaches are to increase funding for modernizing or replacing old school buildings, and to include school safety in the task force included in the most recent version of the capital budget.

Persons Testifying: (In support) Representative Pollet, prime sponsor; and Randy Newman and Mike Donlin, Office of the Superintendent of Public Instruction.

(Other) Jessica Vavrus, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.