

HOUSE BILL REPORT

ESHB 1214

As Passed House:

March 2, 2021

Title: An act relating to the provision of K-12 public school safety and security services by classified staff or contractors.

Brief Description: Providing K-12 public school safety and security services by classified staff or contractors.

Sponsors: House Committee on Education (originally sponsored by Representatives Senn, Johnson, J., Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame).

Brief History:

Committee Activity:

Education: 1/29/21, 2/12/21 [DPS].

Floor Activity:

Passed House: 3/2/21, 67-30.

Brief Summary of Engrossed Substitute Bill

- Creates the category of safety and security staff for kindergarten through grade 12 public schools.
- Provides requirements for safety and security staff agreements, data collection, and training, for educational service districts, school districts, and charter schools.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, Ortiz-Self, Rude, Steele and Stonier.

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

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; McEntire.

Staff: Megan Wargacki (786-7194) and Theiline Cramer (786-7291).

Background:

School Resource Officer. A school resource officer (SRO) is statutorily defined as a commissioned law enforcement officer who works in community-oriented policing and has the authority to make arrests. An SRO 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 schools. The SROs have a mandated focus on keeping students out of the criminal justice system when possible. The SROs may not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

School Resource Officer Program Requirements. Beginning in the 2020-21 school year, if a school district chooses to have an SRO program, the school district must confirm that every SRO has received training on 12 mandated topics, for example, federal and state laws, best practices on working with youth, de-escalation techniques, and alternatives to arrest and prosecution. School districts must annually review and adopt an agreement with the local law enforcement agency that incorporates specified elements, such as defining the duties of an SRO, confirmation that the SROs are trained, and a complaint process. Subject to state funding, the State School Safety Center must identify and make publicly available SRO training materials. The Office of the Superintendent of Public Instruction must establish and implement, subject to state funding, a grant program to fund training for the SROs.

Security Guard License Requirements. The Department of Licensing licenses security guards and security companies. A licensed security guard is an individual that is principally employed as a security officer or guard. A licensed security company is a person or entity licensed to provide the services of security guards. All security guards must complete at least eight hours of preassignment training and at least eight hours of initial post assignment training. Once these two components are completed, security guards must complete at least four hours of annual refresher training each year. Private security companies must maintain records regarding these training hours completed by each security guard.

Educational Service Districts. Washington has nine regionally-based educational service districts (ESDs) that provide cooperative and informational services to local school districts. The ESDs have been tasked with providing teachers' institutes, workshops for staff preparation, in-service training, and other trainings on a variety of topics, including school safety.

Summary of Engrossed Substitute Bill:

New requirements are placed on educational service districts (ESDs), school districts, and charter schools related to safety and security staff. Safety and security staff refers to school resource officers (SROs), school security officers, campus security officers, and any other commissioned or noncommissioned employee or contractors, whose primary job duty is to provide safety or security services for a public school. The definition of "school resource officers" is revised to specify that, in addition to working in schools to address crime and disorder problems, SROs work to build positive relationships with students.

Policy and Procedure Requirements. At the beginning of the 2021-22 school year, school districts with safety and security staff working on school property when students are expected to be present, must adopt and periodically update a policy and procedure concerning safety and security staff. The required elements of the policy and procedure consist of certain existing SRO agreement requirements that are extended to the policy and procedure, for example: (1) a clear statement regarding safety and security staff duties and responsibilities; (2) the recognition that trained safety and security staff know when to informally interact with students; and (3) the description of the complaint process related to safety and security staff.

The adopted policy and procedure must also include: (1) an explanation of how safety and security staff will engage in creating a positive school climate and positive relationships with students; (2) the inclusion of a description of the complaint process for companies that provides safety and security staff on contract; and (3) prescribed communication methods with students and students' families about the role and responsibilities of safety and security staff at the beginning of the school year.

Agreement Requirements. School districts and charter schools must also establish, when applicable, an annual agreement with a law enforcement agency or security guard company, that contains:

- a jointly determined hiring and placement process, and performance evaluation process for safety and security staff;
- the confirmation that safety and security staff have training series documentation provided by an ESD or the description of a plan to provide safety and security staff the necessary training series; and
- the involvement of parents, students, and community members in this agreement review and adoption.

Training Requirements. Before safety and security staff may work on school property when students are expected to be present, school districts, charter schools, and any contractors, must either:

- confirm that the safety and security staff have training series documentation provided by an ESD; or
- require the safety and security staff to complete the required training series.

The safety and security staff training program must be jointly developed by the ESDs,

however a training program may be administered by one or more ESD. These training series components require:

- all school safety and security staff complete classroom training on 13-mandated subjects within the first six months of working on school property when students are expected to be present. The ESDs must, identify or develop classroom training on the 13-mandated subjects. These subjects consist of the existing 12-mandated topics previously required for SRO training, along with the addition of the topic of "restorative justice principles and practices." The ESDs must provide, or arrange for the delivery of, classroom training on these 13-mandated subjects. The training should be self-supporting and may be provided on a fee-for-service basis. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously and by at least one ESD;
- all school safety and security staff complete two days of on-the-job training with experienced safety and security staff, at the school of the experienced staff, within the first year of working on school property during the school day; and
- safety and security staff who are not the SROs must complete at least six check-in trainings with experienced staff within the first year of working on school property during the school day. The ESDs must develop on-the-job training and check-in training guidelines that include specified topics.

The ESDs should engage with the State School Safety Center and the School Safety and Student Well-Being Advisory Committee in the development of the school safety and security staff training program.

School safety and security staff who complete the training series components, and staff with significant prior training and experience may request training series documentation from the ESD. Before providing training series documentation, the completion of each component of the training series must be verified by the ESD. However, in the case of safety and security staff with significant prior training and experience, the training series may be waived.

Licensed security guards that have completed safety and security staff classroom training hours may apply these hours to meet either their initial postassignment training requirement or their annual refresher training requirement.

Data Collection Requirements. School districts and charter schools must annually collect certain information on safety and security staff, for example: (1) the total number of safety and security staff working in each building; (2) a description of each incident where safety and security staff were involved that resulted in student discipline, use of force against a student, or a student arrest; (3) and the number of complaints filed against safety and security staff.

School districts and charter schools must annually submit the collected information and any safety and security agreements adopted at the time and in the manner required by the Office of the Superintendent of Public Instruction (OSPI). The OSPI must make the agreements

and information publicly available.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Youth have expressed they do not feel safe with school resource officers (SROs) present in their school. There is a lack of communication regarding the purpose, role, and responsibilities of SROs in schools. There is inconsistent and opaque data available regarding SROs. This bill satisfies the need to include other safety and security staff within the SRO training requirements. This bill will build skills and knowledge of safety and security staff, with the goal of reducing detrimental interactions with students of color. The educational service districts are committed to development and implementation of the training series with the goal of creating a safe space for students at school.

Critiques of the bill include: (1) despite support of the bill's policy, ultimately schools should not employ safety and security staff in schools, and instead employ social workers, psychologists, counselors, psychologists, and school nurses; and (2) the expansion of the definition of safety and security staff may increase costs to schools and it is necessary to secure funds for effective implementation.

Suggestions for changes to the bill include: (1) the clarification of the definition of "escalated involvement;" (2) the inclusion of safety and security staff after-hours activities; (3) the inclusion of references to other relevant statutory training requirements for safety and security staff; (4) the disaggregation of data on the basis of race; (5) the addition of language on the policies and procedures of how the school districts will implement the bill and interact with school communities; and (6) the inclusion of more concrete language and relevant examples of racism, and more focus on training on racism, institutional racism, and how it affects student outcomes.

(Opposed) None.

(Other) The data collected should be disaggregated on the basis of disability and race. The SRO trainings may not actually prevent school-based arrests, criminalization, or other challenges with students in schools.

Persons Testifying: (In support) Representative Senn, prime sponsor; Ivan Duran, Bellevue School District; Camille Goldy, Office of the Superintendent of Public Instruction; Aaron Fletcher, Association of Washington School Principals; Nancy Chamberlain,

Washington State PTA; Lucinda Young, Washington Education Association; Drayton Jackson and Brian Giannini-Upton, Washington State School Directors' Association; and Jessica Vavrus, Association of Educational Service Districts.

(Other) Andrea Kadlec, Disability Rights Washington; Karen Davy, King County Sheriff's Office; and Michael Transue, Pierce County Security Services.

Persons Signed In To Testify But Not Testifying: None.