

# HOUSE BILL REPORT

## 2SHB 1216

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### As Passed Legislature

**Title:** An act relating to nonfirearm measures to increase school safety and student well-being.

**Brief Description:** Concerning nonfirearm measures to increase school safety and student well-being.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Dolan, Harris, Lovick, Doglio, Stonier, Irwin, Senn, Appleton, Kirby, Vick, Bergquist, Riccelli, Fey, Orwall, Griffey, Gregerson, Peterson, Stanford, Frame, Kilduff, Ortiz-Self, Ryu, Valdez, Lekanoff, Sells, Slatter, Thai, Wylie, Callan, Jinkins, Macri, Goodman and Santos).

### Brief History:

#### Committee Activity:

Education: 2/4/19, 2/7/19 [DPS];

Appropriations: 2/25/19, 2/28/19 [DP2S(w/o sub ED)].

#### Floor Activity:

Passed House: 3/7/19, 83-14.

Senate Amended.

Passed Senate: 4/12/19, 47-0.

House Concurred.

Passed House: 4/23/19, 81-15.

Passed Legislature.

### Brief Summary of Second Substitute Bill

- Requires each educational service district to establish a Regional School Safety Center with certain duties, subject to state funding.
- Requires school districts to establish a School-Based Threat Assessment Program that meets certain requirements, by the beginning of the 2020-21 school year.
- Codifies the School Safety Center and the School Safety and Student Well-being Advisory Committee, and makes the duties subject to state funding.
- Requires the Office of the Superintendent of Public Instruction (OSPI) to monitor certain safety-related programs and plans, subject to state funding.
- Directs the Joint Legislative Audit and Review Committee to complete a study on the first responder mapping information system by January 31, 2020.

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*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.*

- Adds a representative of the OSPI to the Emergency Management Council (EMC) and directs the EMC to consult with certain organizations on issues that involve early learning, kindergarten through grade 12, or higher education.
- Adds safe school plan and school safety drill requirements.
- Establishes requirements for optional school district school resource officer (SRO) programs related to SRO training and law enforcement-school district agreements.
- Creates a grant program to fund training for SROs and makes SRO training materials available, both subject to state funding.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Kilduff, Kraft, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

**Staff:** Megan Wargacki (786-7194).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Staff:** Jordan Clarke (786-7123).

### **Background:**

School Safety Plans. School districts must adopt and implement "safe school plans" that include procedures for disaster prevention, intervention, all hazard/crisis response, and post-crisis recovery. To the extent funds are available, school districts must annually review and update these plans, and report certain information to the Washington Association of Sheriffs and Police Chiefs (WASPC).

School districts must adopt plans for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, youth suicide, and sexual abuse.

School Safety Drills. Schools must conduct at least one safety drill per month when school is in session. These drills must teach students three basic functional drill responses: shelter-in-place, lockdown, and evacuation. The drills must incorporate the use of the statewide first responder mapping information system (mapping system), described below, in at least one safety drill; and a pedestrian evacuation drill for schools in mapped tsunami hazard zones. The safety drills may incorporate an earthquake drill.

First Responder Mapping Information System. The WASPC must operate the mapping system when funded. The mapping system provides information to emergency first responders, such as emergency operating procedures, response plans, and known hazards. Schools and other government-owned buildings occupied by state or local government employees must be mapped when funding is provided by the WASPC or from other sources. Implementation of safe school plans must be consistent with the mapping system and use of the mapping system is required in at least one school safety drill each year.

School Safety Center and Advisory Committee. In the 2001-02 Omnibus Operating Budget, the School Safety Center and an advisory committee were established within the Office of the Superintendent of Public Instruction (OSPI). The center and the advisory committee have developed safety standards, model plans, and other resources for school districts and public schools to use in the development of high-quality emergency operations and safety plans. The duties of the center and the advisory committee are not codified.

School Safety Summit. Since 2016, the School Safety Advisory Committee has held an annual School Safety Summit. The focus of the summit is to establish and monitor the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

Regional School Safety and Security Programs. Educational service districts may implement school safety and security programs, subject to state funding. The 2018 Supplemental Operating Budget included funding for the development or expansion of regional school safety and security programs to include multitier threat assessment and notifications to schools of safety emergencies. In 2018, the OSPI received federal funding under the Students, Teachers, and Officers Preventing School Violence Act that will be used to continue development of a threat assessment system.

School Resource Officers. The position of school resource officer (SRO) is not established or defined in Washington law. According to the OSPI's website, a 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 Washington State School Directors' Association model policy specifies that a school district that chooses to engage a SRO 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.

Emergency Management Council. The Emergency Management Council (EMC) advises the Governor and the adjutant general on all matters pertaining to state and local emergency management. The EMC must prepare an annual assessment of statewide emergency preparedness and review administrative rules governing state and local emergency management practices. The EMC is limited to 17 members, with representatives of specific sectors required, including local governments, law enforcement, fire, ecology, and emergency medicine.

Preventing Mass Shootings Work Group. The 2018 Supplemental Operating Budget directed the WASPC to convene a work group to develop strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety. As required, the work group reported its recommendations for prevention to the Legislature in December 2018.

### **Summary of Second Substitute Bill:**

Statewide Network for School Safety. Subject to state funding, the Office of the Superintendent of Public Instruction (OSPI) must establish the State School Safety Center (state center) and the educational service districts (ESDs) must establish Regional School Safety Centers (regional centers). Together these centers form a statewide network to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each ESD region.

The duties of the state center are codified, for example:

- serve as a clearinghouse for, and disseminate, information regarding school safety;
- develop model policies and procedures, identify best practices, and provide training and technical assistance; and
- serve as the lead center and work with the regional centers to help school districts meet state school safety requirements.

The regional centers have specific duties, including coordinating:

- behavioral health coordination;
- school-based threat assessments;
- training and technical assistance; and
- partnership development and collaboration.

A statute describing the Regional School Safety and Security Program is repealed.

School Safety and Student Well-Being Advisory Committee. The duties and membership of the School Safety and Student Well-Being Advisory Committee (advisory committee) within the OSPI are codified. The purpose of the advisory committee is to advise the OSPI, the regional centers, school districts, and public and private schools on all matters related to comprehensive school safety and student well-being. The advisory committee, which must meet at least quarterly, has specified duties, for example: make recommendations on policies and strategies; identify emerging issues; establish priorities; and engage the public.

School-Based Threat Assessment Program. A school-based threat assessment is the formal process of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the threat is likely to be carried out. By January 1, 2020, the Washington State School Directors' Association (WSSDA), in collaboration with the OSPI, must develop a model policy and procedure to establish a School-Based Threat Assessment Program. In developing the model policy and procedure, the WSSDA and the OSPI must consult with the advisory committee and other organizations with expertise in school safety, behavioral health, the rights of students with disabilities, and protecting civil liberties; they must also consider multilevel threat assessment programs implemented in schools in Washington.

By the beginning of the 2020-21 school year, school districts must adopt policies and procedures to establish School-Based Threat Assessment Programs that include specified minimum components. The policies and procedures must be consistent with the model policy and procedure, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.

School Safety Data Collection and Monitoring. Subject to state funding, at least every five years, the OSPI must monitor public school and school district compliance with requirements related to comprehensive safe school plans; plans for recognition, initial screening, and response to emotional or behavioral distress in students; and school-based threat assessment programs. The OSPI must consult with stakeholders to develop data collection and submission requirements for school districts. By December 1, 2020, the OSPI must report to the Legislature regarding its plans for data collection and monitoring and describing any implementation issues that could be fixed through legislation.

First Responder Building Mapping Information System. By January 31, 2020, the Joint Legislative Audit and Review Committee (JLARC) must report to the Legislature with the results of a study of school districts' use of this mapping information system. The OSPI and the Washington Association of Sheriffs and Police Chiefs must provide advice and assistance to the JLARC's effort to collect information from school districts, law enforcement, and emergency first responders. The study must address a number of specified topics including who can access it, who uses it, its costs, what is helpful, and what could be improved.

Emergency Management Council. A representative of the OSPI is added to the Emergency Management Council (EMC). On issues that involve early learning, kindergarten through grade 12, or higher education, the EMC must consult with the Department of Children, Youth, and Families; the OSPI; the State Board for Community and Technical Colleges; and an association of public baccalaureate degree granting institutions.

Safe School Plans and School Safety Drills. Safe school plans must include a family-student reunification plan. Schools must incorporate into their annual school safety drills: (1) a pedestrian evacuation drill for schools in lahar hazard zones; and (2) an earthquake drill for all schools using the state-approved earthquake safety technique "drop, cover, and hold."

School Resource Officer Programs. If a school district chooses to have a school resource officer (SRO) program, the school district must confirm that every SRO has received training on 12 topics, for example relevant federal and state laws, best practices on working with

youth, and alternatives to arrest and prosecution. By the beginning of the 2020-21 school year, 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 a SRO, confirmation that SROs are trained, and a complaint process.

Subject to state funding, the state center and others must identify and make publicly available SRO training materials. The OSPI must establish and implement, subject to state funding, a grant program to fund training for SROs, and report to the Governor and the Legislature each year that the grant program is funded.

Conforming Amendments. A number of nonsubstantive changes are made to existing references to the advisory committee and state center.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Education):**

(In support) This bill is designed to increase student safety and student well-being. Kids do not just need to feel safe, they need to be safe. There are specific steps the state can take to improve safety for its 1.1 million students. Research indicates that most school shootings take place in predominantly white, suburban schools. The bill focuses on increasing capacity, support, and implementation of best practices at the state, regional, and local levels. It makes modest investments that can have a meaningful impact on the lives of students and staff every day, by creating a system of support. It helps schools implement best practices and provide critical supports before, during, and after incidents.

This bill puts in place a better supported state safety center that provides an equitable framework for all students. This bill creates a solid, systematized, foundation upon which additional resources can build. Instead of 295 school districts trying to figure things out on their own, it is better to have state and regional safety centers leading and coordinating best practices. About 65 percent of schools in the state lack the resources to fully support student mental health on their own. Training on school safety for all schools should be made available through the nine educational service districts (ESDs). This work cannot be done by the Office of the Superintendent of Public Instruction, from Olympia. Using the ESDs will create a coherent system of support that results in greater equity and access to services across the state.

The bill encourages comprehensive and organized approaches to threat assessment and threat management by supporting policy development and training for conducting threat assessment, and data collection and analysis to measure impact. Washington has leveraged federal grants to support temporary implementation of threat assessments. This bill puts in place a permanent threat assessment process statewide. The threat assessment process uses trained professionals to ask a series of questions to determine if a student is a danger to

himself or herself, or to others. The bill provides a strong process for threat assessment development and sufficient time for local implementation. Threat assessment using best practices works to keep schools safe.

There should be state resources for school districts that are building and renovating schools so that the most up-to-date safety information and practices are include in the building plans. There are many products and suggestions for school districts to choose from, but little information on effectiveness of the various choices. Instead of requiring that school principals be certified on the incident command system, the school district superintendent or designee should be certified. This would allow school districts to train personnel based on needs of the district. There should be more than one person trained on incident command in each building.

Principals lead and design the systems and culture of schools. Healthy, strong relationships are one of the most important pieces of school safety. Teachers want to be at the table where problems are discussed and solutions are developed. They want to be involved on threat assessment teams. Suicide is one of the main ways that the state is losing its children and suicide prevention is a big piece of this bill. There is one school safety drill missing from the bill: a parent-student reunification drill. Parents need to know what to do in a crisis, as much as students and school staff. A predetermined and practiced reunification process helps to ensure that reunification does not add to the trauma of a crisis. Parents who know what to do will not hinder first responders.

(Opposed) The threat assessment process may breach student and parent privacy rights. In the Salem-Keizer model of threat assessment, notification to the students' family is optional. This process may include law enforcement officers and mental health professionals. Professionals such as these should not be talking with students to determine if they pose a threat without notification to the students' parents. Some of the levels of the process say that if a parent is not compliant, the school officials should not notify them. There should be a consideration about whether law enforcement should be on the school ground viewing medical records and performing an analysis of whether they should take action on the children or their parents. Confidential medical records and behavior files should not be kept inside the student files. How long these records are maintained and who has access to the records must be considered. The Salem-Keizer model also provides that the threat assessment team can look into the criminal background of the parents of the students.

#### **Staff Summary of Public Testimony (Appropriations):**

(In support) Creating a positive school culture and systems focused on creating safe and healthy environments for students is the most important job parents entrust to principals and teachers. The most important step to improving school safety is for students to develop positive, trusting relationships with adults in school buildings. The bill addresses important pieces related to school safety such as threat assessments, safety drills, and regional safety centers. These are all essential pieces for equitably helping school staff to sustain and maintain safe schools.

Several components of the bill were prioritized by this legislative assembly in the fall, specifically around the school safety centers and threat assessments. The bill provides an

efficient and systematic infrastructure to support every school district consistently by leveraging the state's Educational Service District (ESD) network for local coordination and preparedness. In particular, the regional approach in the bill will support the majority of the 65 percent of districts that are considered small or rural; many are located in remote areas that lack expertise or resources to install and maintain and comprehensive school safety system of their own.

Students and staff deserve to feel safe at school. Parents want to send their children to school so that they can focus on their learning without being worried about their safety. The bill takes a comprehensive approach to school safety and increases school safety at the state, regional, and local level. Deploying regional centers is a very effective and equitable strategy to ensure school safety across the state. The regional centers can help school districts with implementation of best practices related to student behavioral health, threat assessment, and comprehensive school planning.

This bill is a result of members engaging with stakeholders early on in the development process of the legislation. The advisory committee created in the bill will have real practitioners on it and will also give good advice to the Legislature as statutes change to ensure that the legislation is working as intended. The bill is consistent with the best practices and recommendations that the Legislature received from the interim work group on mass shootings in this state. The threat assessment process was a key recommendation, and the multistage threat assessment processes in the bill leverage the regional approach using the ESDs.

The Joint Legislative Audit and Review Committee study on the mapping review should be more expansive than is currently written in the bill.

(Opposed) None.

**Persons Testifying (Education):** (In support) Representative Dolan, prime sponsor; Greg Lynch, Olympic Educational Service District 114; Martin Mueller, Office of the Superintendent of Public Instruction; Jerry Pugh, Colfax School District; Lucinda Young, Washington Education Association; Marie Sullivan, Washington State PTA; Jessica Vavrus, Washington State School Directors' Association; and Roz Thompson, Association of Washington School Principals.

(Opposed) Robert Parker.

**Persons Testifying (Appropriations):** Roz Thompson, Association of Washington School Principals; Jessica Vavrus, Washington State School Directors' Association; Lucinda Young, Washington Education Association; Martin Mueller, Office of the Superintendent of Public Instruction; James McMahan, Washington Association of Sheriffs and Police Chiefs; Greg Lynch, Olympic Educational Service District 114; and Corina Pfeil, Washington State Parent-Teacher Association.

**Persons Signed In To Testify But Not Testifying (Education):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.