

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1214

67th Legislature
2021 Regular Session

Passed by the House March 2, 2021
Yeas 67 Nays 30

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 34 Nays 13

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1214** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1214

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

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

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the provision of K-12 public school safety and
2 security services by classified staff or contractors; amending RCW
3 28A.320.124 and 18.170.105; adding new sections to chapter 28A.320
4 RCW; adding a new section to chapter 28A.400 RCW; adding a new
5 section to chapter 28A.310 RCW; adding a new section to chapter
6 28A.710 RCW; and creating a new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges the
9 disproportionate impact that interactions with police have on youth
10 of color and on Black youth in particular. Not only are Black youth
11 more likely than their white peers to have contact with police at a
12 young age despite similar or lower rates of illegal behavior, but
13 early police contact for Black youth is predictive of future arrests
14 in a way that is not true for white youth.

15 (2) The legislature finds that schools should be a place in which
16 all youth feel safe and it is imperative that school resource
17 officers, school security officers, and other school safety and
18 security staff do not contribute to an unsafe environment for Black
19 youth and youth of color.

20 (3) The legislature recognizes that chapter 333, Laws of 2019
21 made significant improvements to the quality and transparency of

1 school districts' school resource officer programs by implementing
2 training and intergovernmental agreement requirements. However, the
3 legislature intends to expand these requirements to other school
4 safety and security staff. The legislature also expects to require
5 on-the-job training. In addition, the legislature finds that in order
6 to understand the full scope and impact of safety and security staff
7 on school property, additional information must be collected and made
8 publicly available.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
10 RCW to read as follows:

11 (1) School districts must annually collect the following
12 information on safety and security staff:

13 (a) Total number of safety and security staff working in the
14 district and in each school building, and number of days per week
15 that each staff works;

16 (b) The name of any law enforcement agency or private
17 organization with which the district has an agreement for safety and
18 security services;

19 (c) A description of each incident where safety and security
20 staff were involved that resulted in student discipline, use of force
21 against a student, or a student arrest. For each student involved in
22 the incident, the description must include:

23 (i) The student's race, ethnicity, and other demographics; and

24 (ii) Whether the student has an individualized education program
25 or plan developed under section 504 of the rehabilitation act of
26 1973;

27 (d) The number of complaints related to job duties and student
28 interactions filed against safety and security staff; and

29 (e) Other school safety and security information required by the
30 office of the superintendent of public instruction.

31 (2)(a) School districts must annually submit any agreements
32 adopted as required by section 6 of this act and the information
33 collected as required by this section at the time and in the manner
34 required by the office of the superintendent of public instruction.

35 (b) The office of the superintendent of public instruction must
36 make the submitted agreements and information publicly available. To
37 the extent possible, information collected under subsection (1)(c) of
38 this section must be disaggregated as provided in RCW 28A.300.042.

1 (3) For the purposes of this section, "safety and security staff"
2 has the same meaning as in RCW 28A.320.124.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.400
4 RCW to read as follows:

5 (1) Prior to assigning safety and security staff to work on
6 school property when students are expected to be present, school
7 districts and their contractors must either:

8 (a) Confirm that the safety and security staff have training
9 series documentation provided under section 4 of this act; or

10 (b) Require the safety and security staff to complete the
11 training series described in subsection (2) of this section.

12 (2)(a) The training series, two components for school resource
13 officers and three components for other safety and security staff,
14 must meet the requirements in this subsection.

15 (b) All safety and security staff must complete classroom
16 training on the subjects listed in section 4(2) of this act, within
17 the first six months of working on school property when students are
18 expected to be present.

19 (c) All safety and security staff must complete two days of on-
20 the-job training with experienced safety and security staff, at the
21 school of the experienced staff, within the first year of working on
22 school property when students are expected to be present.

23 (d) Safety and security staff who are not school resource
24 officers must complete at least six check-in trainings with
25 experienced staff within the first year of working on school property
26 when students are expected to be present.

27 (3) School safety and security staff who complete the training
28 series described in subsection (2) of this section, and staff with
29 significant prior training and experience, may request training
30 series documentation from an educational service district under
31 section 4 of this act.

32 (4) Nothing in this section effects the categorization of safety
33 and security staff as classified staff. Safety and security staff are
34 not considered certificated instructional staff as that term and its
35 meaning are used in this title.

36 (5) The definitions in this subsection apply throughout this
37 section unless the context clearly requires otherwise.

38 (a) "Safety and security staff" or "staff" has the same meaning
39 as in RCW 28A.320.124.

1 (b) "School resource officer" has the same meaning as in RCW
2 28A.320.124.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.310
4 RCW to read as follows:

5 (1)(a) A safety and security staff training program is
6 established. The program must be jointly developed by the educational
7 service districts, but may be administered primarily by one or more
8 educational service districts. The program must meet the requirements
9 of this section.

10 (b) When developing the safety and security staff training
11 program, the educational service districts should engage with the
12 state school safety center established in RCW 28A.300.630 and the
13 school safety and student well-being advisory committee established
14 in RCW 28A.300.635.

15 (2) The educational service districts must identify or develop
16 classroom training on the following subjects:

17 (a) Constitutional and civil rights of children in schools,
18 including state law governing search and interrogation of youth in
19 schools;

20 (b) Child and adolescent development;

21 (c) Trauma-informed approaches to working with youth;

22 (d) Recognizing and responding to youth mental health issues;

23 (e) Educational rights of students with disabilities, the
24 relationship of disability to behavior, and best practices for
25 interacting with students with disabilities;

26 (f) Bias free policing and cultural competency, including best
27 practices for interacting with students from particular backgrounds,
28 including English learner, LGBTQ, immigrant, female, and nonbinary
29 students;

30 (g) Local and national disparities in the use of force and
31 arrests of children;

32 (h) Collateral consequences of arrest, referral for prosecution,
33 and court involvement;

34 (i) Resources available in the community that serve as
35 alternatives to arrest and prosecution and pathways for youth to
36 access services without court or criminal justice involvement;

37 (j) De-escalation techniques when working with youth or groups of
38 youth;

1 (k) State law regarding restraint and isolation in schools,
2 including RCW 28A.600.485;

3 (l) The federal family educational rights and privacy act (20
4 U.S.C. Sec. 1232g) requirements including limits on access to and
5 dissemination of student records for noneducational purposes; and

6 (m) Restorative justice principles and practices.

7 (3) The educational service districts must provide, or arrange
8 for the delivery of, classroom training on the subjects listed in
9 subsection (2) of this section. At a minimum, classroom trainings on
10 each subject must be provided annually, remotely, synchronously or
11 asynchronously, and by at least one educational service district.
12 Classroom training may be provided on a fee-for-service basis and
13 should be self-supporting.

14 (4) The educational service districts must provide to safety and
15 security staff, upon request, documentation that the safety and
16 security staff training series described in section 3(2) of this act
17 has been completed. Before providing this training series
18 documentation, completion of each component of the training series
19 must be verified or, in the case of safety and security staff with
20 significant prior training and experience, waived.

21 (5) The educational service districts must develop and publish
22 guidelines for on-the-job training and check-in training that include
23 recommendations for identifying and recruiting experienced safety and
24 security staff to provide the trainings, suggested activities during
25 on-the-job trainings, and best practices for meaningful check-in
26 trainings. The guidelines for check-in training must also include
27 recommended frequency, possible topics of discussion, and options for
28 connecting virtually.

29 (6) For purposes of this section, the term "safety and security
30 staff" has the same meaning as in RCW 28A.320.124.

31 **Sec. 5.** RCW 28A.320.124 and 2019 c 333 s 12 are each amended to
32 read as follows:

33 ~~(1) ((If a school district chooses to have a school resource~~
34 ~~officer program, the school district must confirm that every school~~
35 ~~resource officer has received training on the following topics:~~

36 ~~(a) Constitutional and civil rights of children in schools,~~
37 ~~including state law governing search and interrogation of youth in~~
38 ~~schools;~~

39 ~~(b) Child and adolescent development;~~

1 ~~(c) Trauma-informed approaches to working with youth;~~
2 ~~(d) Recognizing and responding to youth mental health issues;~~
3 ~~(e) Educational rights of students with disabilities, the~~
4 ~~relationship of disability to behavior, and best practices for~~
5 ~~interacting with students with disabilities;~~
6 ~~(f) Collateral consequences of arrest, referral for prosecution,~~
7 ~~and court involvement;~~
8 ~~(g) Resources available in the community that serve as~~
9 ~~alternatives to arrest and prosecution and pathways for youth to~~
10 ~~access services without court or criminal justice involvement;~~
11 ~~(h) Local and national disparities in the use of force and~~
12 ~~arrests of children;~~
13 ~~(i) De-escalation techniques when working with youth or groups of~~
14 ~~youth;~~
15 ~~(j) State law regarding restraint and isolation in schools,~~
16 ~~including RCW 28A.600.485;~~
17 ~~(k) Bias free policing and cultural competency, including best~~
18 ~~practices for interacting with students from particular backgrounds,~~
19 ~~including English learners, LGBTQ, and immigrants; and~~
20 ~~(l) The federal family educational rights and privacy act (20~~
21 ~~U.S.C. Sec. 1232g) requirements including limits on access to and~~
22 ~~dissemination of student records for noneducational purposes.~~
23 ~~(2) School districts that have a school resource officer program~~
24 ~~must annually review and adopt an agreement with the local law~~
25 ~~enforcement agency using a process that involves parents, students,~~
26 ~~and community members. At a minimum, the agreement must incorporate~~
27 ~~the following elements)) By the beginning of the 2021-22 school year,~~
28 ~~school districts that have safety and security staff working on~~
29 ~~school property when students are expected to be present must adopt,~~
30 ~~and periodically update, a policy and procedure that:~~
31 ~~(a) ((A)) Includes a clear statement regarding ((school resource~~
32 ~~officer)) safety and security staff duties and responsibilities~~
33 ~~related to student behavior and discipline that:~~
34 ~~(i) Prohibits a school resource officer from becoming involved in~~
35 ~~formal school discipline situations that are the responsibility of~~
36 ~~school administrators; and~~
37 ~~(ii) ((Acknowledges the role of a school resource officer as a~~
38 ~~teacher, informal counselor, and law enforcement officer; and~~

1 ~~((iii))~~) Recognizes that ~~((a))~~ trained ~~((school resource officer))~~
2 safety and security staff know~~((s))~~ when to informally interact with
3 students to reinforce school rules and when to enforce the law;

4 (b) ~~((School district policy and procedure for teachers that~~
5 ~~clarify))~~ Clarifies the circumstances under which teachers and school
6 administrators may ask ~~((an officer))~~ safety and security staff to
7 intervene with a student;

8 (c) ~~((Annual collection and reporting of data regarding calls for~~
9 ~~law enforcement service and the outcome of each call, including~~
10 ~~student arrest and referral for prosecution, disaggregated by school,~~
11 ~~offense type, race, gender, age, and students who have an~~
12 ~~individualized education program or plan developed under section 504~~
13 ~~of the federal rehabilitation act of 1973;~~

14 ~~(d) A)~~ Explains how safety and security staff will be engaged in
15 creating a positive school climate and positive relationships with
16 students; and

17 (d) Describes the process for families to file complaints with
18 the school and, when applicable, the local law enforcement agency or
19 the company that provides the safety and security staff on contract
20 related to ~~((school resource officers))~~ safety and security staff and
21 a process for investigating and responding to complaints~~((; and~~

22 ~~(e) Confirmation that the school resource officers have received~~
23 ~~the training required under subsection (1) of this section)).~~

24 ~~((3) School districts that choose to have a school resource~~
25 ~~officer program must comply with the requirements in subsection (2)~~
26 ~~of this section by the beginning of the 2020-21 school year.~~

27 ~~(4) For the purposes of this section, "school)~~ (2) At the
28 beginning of each school year, school districts that have safety and
29 security staff working on school property must present to and discuss
30 with students, and distribute to students' families, information
31 about the role and responsibilities of safety and security staff.

32 (3) The definitions in this subsection apply throughout this
33 section unless the context clearly requires otherwise.

34 (a) "Safety and security staff" means a school resource officer,
35 a school security officer, a campus security officer, and any other
36 commissioned or noncommissioned employee or contractor, whose primary
37 job duty is to provide safety or security services for a public
38 school, as defined in RCW 28A.150.010.

39 (b) "School resource officer" means a commissioned law
40 enforcement officer in the state of Washington with sworn authority

1 to make arrests, deployed in community-oriented policing, and
2 assigned by the employing police department or sheriff's office to
3 work in schools to build positive relationships with students and
4 address crime and disorder problems, gangs, and drug activities
5 affecting or occurring in or around K-12 schools. School resource
6 officers should focus on keeping students out of the criminal justice
7 system when possible and should not be used to attempt to impose
8 criminal sanctions in matters that are more appropriately handled
9 within the educational system.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320
11 RCW to read as follows:

12 (1)(a) If a law enforcement agency or security guard company
13 supplies safety and security staff to work on school property when
14 students are expected to be present, the school district must
15 annually review and adopt an agreement with the law enforcement
16 agency or security guard company that meets the requirements of this
17 section. The agreement must:

18 (i) Meet the requirements described in RCW 28A.320.124(1);

19 (ii) Include a jointly determined hiring and placement process
20 and a performance evaluation process; and

21 (iii) Either confirm that the safety and security staff have
22 training series documentation provided under section 4(4) of this act
23 or describe the plan for safety and security staff to complete the
24 training series described in section 3(2) of this act.

25 (b) The agreement review and adoption process must involve
26 parents, students, and community members.

27 (2) For purposes of this section, "safety and security staff" has
28 the same meaning as in RCW 28A.320.124.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.710
30 RCW to read as follows:

31 Sections 2, 3, and 6 of this act and RCW 28A.320.124 govern
32 school operation and management under RCW 28A.710.040 and apply to
33 charter schools established under this chapter.

34 **Sec. 8.** RCW 18.170.105 and 2007 c 306 s 2 are each amended to
35 read as follows:

36 (1) To promote the safety of persons and the security of
37 property, the director shall meet with interested parties to develop

1 lists of suggested preassignment, postassignment, and postassignment
2 refresher training by rule.

3 (2) All security guards licensed on or after July 1, 2005, must
4 complete at least eight hours of preassignment training, comprised of
5 at least four hours of classroom instruction and an additional four
6 hours of classroom instruction or individual instruction, or both.
7 The preassignment training may be waived for any individual who was
8 most recently employed full time as a sworn peace officer not more
9 than five years prior to applying to become licensed as a private
10 security guard and who passes the examination typically administered
11 to applicants at the conclusion of the preassignment training.

12 (3)(a) All security guards licensed on or after July 1, 2005,
13 must complete at least eight hours of initial postassignment training
14 that shall be administered to each security guard. The initial
15 postassignment training must be in the topic areas established by the
16 director and may be classroom instruction or individual instruction,
17 or both. A company may waive the initial postassignment training for
18 security guards already licensed who transfer from another company,
19 if the security guard presents appropriate training records signed by
20 a department-certified trainer from the previous company, or a signed
21 affidavit that the individual has already completed the required
22 initial postassignment training provided by his or her previous
23 company.

24 (b) Security guards who received their temporary security guard
25 registration card on or before July 22, 2007, must receive their
26 initial postassignment training before June 30, 2008. Security guards
27 who received their temporary security guard registration card after
28 July 22, 2007, must receive their initial postassignment training as
29 specified in (c) and (d) of this subsection.

30 (c) Security guards licensed between January 1st and June 30th of
31 any calendar year may receive eight hours of initial postassignment
32 training any time between the day following the issuance of a
33 temporary security guard registration card with their company and
34 June 30th of the year following initial issuance of their license by
35 the department.

36 (d) Security guards initially licensed between July 1st and
37 December 31st of any calendar year may receive eight hours of initial
38 postassignment training at any time between the day following the
39 issuance of a temporary security guard registration card with their

1 company and December 31st of the year following initial issuance of
2 their license by the department.

3 (4) Following completion of the preassignment and postassignment
4 training, at least four total hours of annual refresher training
5 shall be administered to security guards each subsequent year. The
6 subsequent year begins, for refresher training purposes, the day
7 following the last date the security guard is required to receive the
8 eight hours of initial postassignment training. No more than one hour
9 per year of annual refresher training may focus directly on customer
10 service-related skills or topics and the remaining three hours per
11 year of annual refresher training must focus on emergency response
12 concepts, skills, or topics including but not limited to knowledge of
13 site post orders or life safety.

14 (5) Security guards who receive any of the school safety and
15 security staff classroom training described in section 4(2) of this
16 act may apply the number of completed classroom training hours to
17 meet either the initial postassignment training requirement or the
18 annual refresher training requirement.

19 (6) Companies must maintain records regarding the training hours
20 completed by each employee. All such records are subject to
21 inspection by the department. The training requirements and test
22 results must be recorded and attested to by a department-certified
23 trainer. Training records must contain a description of the topics
24 covered, the name and signature of the trainer, and the name and
25 signature of the security guard.

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