Proposed Substitute HB 1214

By: Rep. Dolan

Relating to the provision of K-12 public school safety and security services by classified staff or contractors

The proposed substitute bill makes the following substantive changes to the underlying bill:

- Makes the following changes to the data collection requirements concerning safety and security staff:
  - requires a description of incidents that resulted in student discipline, rather than incidents that resulted in escalated involvement with a student;
  - specifies that, for all incident descriptions, information must be collected on whether each student involved has a 504 plan;
  - requires the Office of the Superintendent of Public Instruction to publish student demographic data in a disaggregated manner; and
  - specifies that the information collected on complaints filed against safety and security staff be related to job duties or student interactions.

- Modifies the timing of when numerous provisions are applicable to safety and security staff who work on school property, from "during the school day" to "when students are expected to be present."

- Allows safety and security staff to complete classroom training within the first six months of working, rather than requiring this training to be completed before beginning work.

- Removes the requirement that the educational service districts collaborate with the Criminal Justice Training Commission to identify or develop classroom training.

- Removes provisions making safety and security staff agreements, data collection, and training requirements applicable to state-tribal compact schools.

- Adds a requirement for school districts and charter schools to adopt a policy and procedure, making the policy and procedure required elements match the previous agreement requirements.

- Provides that safety and security staff agreement requirements only apply to school districts and charter schools that engage with law enforcement agencies or security guard companies. These agreements no longer apply to safety and security staff employees.

- Allows security guards that participate in safety and security staff classroom training to apply classroom training hours to meet security guard licensure requirements.
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0851.3/21 3rd draft
ATTY/TYPIST: CL:eab
BRIEF DESCRIPTION: Providing K-12 public school safety and security services by classified staff or contractors.
AN ACT Relating to the provision of K-12 public school safety and security services by classified staff or contractors; amending RCW 28A.320.124 and 18.170.105; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.710 RCW; and creating a new section.

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

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

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

(3) The legislature recognizes that chapter 333, Laws of 2019 made significant improvements to the quality and transparency of
school districts' school resource officer programs by implementing training and intergovernmental agreement requirements. However, the legislature intends to expand these requirements to other school safety and security staff. The legislature also expects to require on-the-job training and offer a certificate of completion of all the training requirements. In addition, the legislature finds that in order to understand the full scope and impact of safety and security staff on school property, additional information must be collected and made publicly available.

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

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

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

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

(c) 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. For each student involved in the incident, the description must include:

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

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

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

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

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

(b) The office of the superintendent of public instruction must make the submitted agreements and information publicly available. To the extent possible, information collected under subsection (1)(c) of this section must be disaggregated as provided in RCW 28A.300.042.
(3) For the purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124.

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

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

(a) Confirm that the safety and security staff were issued a certificate of completion under section 4 of this act; or

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

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

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

(c) All safety and security staff must 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 when students are expected to be present.

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

(3) School safety and security staff who complete the training series described in subsection (2) of this section, and staff with significant prior training and experience, may apply for a certificate of completion under section 4 of this act.

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

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

(a) "Safety and security staff" or "staff" has the same meaning as in RCW 28A.320.124.
(b) "School resource officer" has the same meaning as in RCW 28A.320.124.

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

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

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

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

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

      (b) Child and adolescent development;

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

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

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

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

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

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

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

      (j) De-escalation techniques when working with youth or groups of youth;
(k) State law regarding restraint and isolation in schools, including RCW 28A.600.485;

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

(m) Restorative justice principles and practices.

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

(4) The educational service districts must issue certificates of completion of the safety and security staff training series described in section 3(2) of this act. Before issuing a certificate of completion, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

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

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

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

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

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

   (b) Child and adolescent development;

   (c) Trauma-informed approaches to working with youth;
(d) Recognizing and responding to youth mental health issues;
(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
(f) Collateral consequences of arrest, referral for prosecution, and court involvement;
(g) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;
(h) Local and national disparities in the use of force and arrests of children;
(i) De-escalation techniques when working with youth or groups of youth;
(j) State law regarding restraint and isolation in schools, including RCW 28A.600.485;
(k) Bias-free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and
(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes.

(2) School districts that have a school resource officer program must annually review and adopt an agreement with the local law enforcement agency using a process that involves parents, students, and community members. At a minimum, the agreement must incorporate the following elements): By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that:

(a) ([A]) Includes a clear statement regarding (school resource officer) safety and security staff duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and

(ii) ([Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and

(iii)) Recognizes that [(a)] trained (school resource officer)) safety and security staff know ([s]) when to informally interact with students to reinforce school rules and when to enforce the law;
(b) (((School district policy and procedure for teachers that clarify)) Clarifies the circumstances under which teachers and school administrators may ask (((an officer))) safety and security staff to intervene with a student;

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

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

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

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

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

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

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

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

(b) "School resource officer" means a commissioned law enforcement officer in the state of Washington 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 K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

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

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

(i) Meet the requirements described in RCW 28A.320.124(1);
(ii) Include a jointly determined hiring and placement process and a performance evaluation process; and
(iii) Either confirm that the safety and security staff were issued a certificate of completion under section 4(4) of this act or describe the plan for safety and security staff to complete the training series described under section 3(2) of this act.

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

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

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

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

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

(1) To promote the safety of persons and the security of property, the director shall meet with interested parties to develop lists of suggested preassignment, postassignment, and postassignment refresher training by rule.

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

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

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

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

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

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

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

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