

SENATE BILL REPORT

SB 6001

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, March 2, 2005

Title: An act relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel.

Brief Description: Regarding training for school administrators and security personnel in the use of force.

Sponsors: Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 3/2/05 [DPS, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

Minority Report: That it be referred without recommendation.

Signed by Senator Mulliken.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current law, physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any person other than those listed above, must be reasonable and moderate and be authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

Under current law, corporal punishment is prohibited in schools. Corporal punishment is defined as any act which willfully inflicts or willfully causes the infliction of physical pain. Corporal punishment does not include the use of reasonable physical force by a school administrator, teacher, or school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, another student, school staff or property.

Each school district board of directors must establish policies regarding student conduct, discipline, and rights and make those policies available to every student, teacher, and parent. The procedures related to administering discipline, must be developed with the participation of parents and the community and the procedures must provide that every reasonable attempt to involve the parent or guardian and the student in the resolution of the student's discipline problems is made.

Many school districts currently use a combination of school security officers and school resource officers to address their security needs. School resource officers are fully commissioned law enforcement officers who spend all or a portion of their day at one or more school sites. School security officers typically are not commissioned law enforcement officers, although some may be retired from law enforcement. Decisions regarding the qualifications for employment and the training standards and requirements for school security personnel are made locally. To meet training needs, districts partner with local law enforcement, contract with private providers or receive training through the Criminal Justice Training Commission (CJTC). In each of the last two biennia the Legislature has appropriated \$200,000 for the coordination of regional training courses provided by the CJTC in collaboration with the Office of the Superintendent of Public Instruction (OSPI).

Summary of Substitute Bill: OSPI, in collaboration with, the Washington State School Safety Center Advisory Committee (SSAC) must develop a model policy and training standards by December 30, 2005, for school administrators and security personnel relating to the use of force and physical restraint in schools and report back to the Legislature. OSPI and SSAC must work in consultation with the CJTC in developing the model policy and standards.

By March 30, 2006, the policy and standards must be made available to school districts and educational service districts and posted on OSPI's website.

The CJTC must develop training materials to support the model policy. Training on the use of force and physical restraint must be included in the current training provided by the CJTC for school administrators and safety personnel. The CJTC must work in cooperation with OSPI and SSAC in developing the training materials.

Substitute Bill Compared to Original Bill: OSPI is included in the bill as the lead agency working in collaboration with the SSAC in developing the model policy. The CJTC must work in cooperation with both OSPI and SSAC rather than just the SSAC.

Appropriation: None.

Fiscal Note: Requested on March 1, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There have been issues with use of force on school district campuses around the state. Use of force and physical restraint issues should be included in current training for school security personnel and those that are doing the training should be involved in developing the model policy. Schools will benefit from having a model policy prepared for them in this area and it is beneficial to have consistency between the districts. This is a top priority in terms of issues concerning student and school safety.

Testimony Against: The only concern is that OSPI should be the lead agency developing the model policy in consultation with the SSAC and CJTC. Right now OSPI is not involved in the development of the policy. Kids are not criminals and this bill, with a heavy emphasis on criminal justice, seems to assume that they are. We believe that is what lead to some of the

problems are seeing around the state. We support training though. We will support the bill if an amendment is adopted making OSPI the lead agency.

Who Testified: PRO: Senator Zarelli, prime sponsor; Greg Williamson, OSPI; Joe Pope, AWSP; Doug Blair, CJTC; Jim LaMunyon, WASPC; Barbara Mertens, WASA.

CON: David Westberg, AFL-CIO, Stationary Engineers; Tom Lopp, PSE.