

SENATE BILL REPORT

SB 5141

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 6, 2019
Ways & Means, February 27, 2019

Title: An act relating to school resource officer mandatory training and policies.

Brief Description: Concerning school resource officer mandatory training and policies.

Sponsors: Senators Wellman, Kuderer, Nguyen, Hunt, Das, Palumbo, Billig, Liias, Darneille, Frockt, Hasegawa and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/30/19, 2/06/19 [DPS-WM].
Ways & Means: 2/20/19, 2/27/19 [DP2S, w/oRec].

Brief Summary of Second Substitute Bill

- Defines school resource officer (SRO).
- Requires school districts that choose to have a SRO program to confirm that the SRO has received training on specific topics.
- Directs school districts with a SRO program to annually review and adopt an agreement with local law enforcement that incorporates certain elements.
- Creates a grant program to fund SRO training.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy, Hunt, McCoy, Mullet, Padden, Pedersen, Salomon and Wagoner.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: That Second Substitute Senate Bill No. 5141 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Lias, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senator Becker.

Staff: Kayla Hammer (786-7305)

Background: School Resource Officer. Current state law does not define a SRO. According to the Office of the Superintendent of Public Instruction's (OSPI) website, a SRO is 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 school to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around elementary or secondary schools. SRO funding can come solely from the school district or law enforcement agency, or from a combined funding source.

Mass Shootings Work Group. This work group was created in the 2018 supplemental operating budget and was staffed by the Washington Association of Sheriffs and Police Chiefs. The work group was tasked with developing strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety, and recommendations for prevention.

The work group adopted 25 recommendations. Six of these recommendations addressed SROs. The recommendations were unanimously adopted except for the recommendation that funding should be made available for additional SROs in K-12 schools.

Summary of Bill (Second Substitute): School Resource Officer Definition. SRO 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. SROs 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.

School Resource Officer Training. If a school district chooses to have a SRO program, the school district must confirm that every SRO has received training on the following topics:

- constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;
- child and adolescent development;
- trauma-informed approaches to working with youth;
- recognizing and responding to youth mental health issues;

- educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
- collateral consequences of arrest, referral for prosecution, and court involvement;
- 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;
- local and national disparities in the use of force and arrests of children;
- deescalation techniques when working with youth or groups of youth;
- state law regarding restraint and isolation in schools;
- bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and
- the federal Family Educational Rights and Privacy Act requirements including limits on accessing and disseminating student records for noneducational purposes.

Training may be developed by schools in partnership with local law enforcement and organization with expertise in topics such as juvenile brain development, social-emotional learning, civil rights, and student rights.

School Resource Officer Agreements. School districts that have a SRO 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:

- a clear statement that SROs may not be involved in student discipline or enforcing school rules and a clear description of the types of incidents that do not warrant SRO action;
- school district policy and procedure for teachers that clarify the circumstances under which teachers and school administrators may ask a SRO to intervene;
- annual collection and reporting of disaggregated data regarding calls for law enforcement service and the outcome of each call;
- a process for families to file complaints and a process for investigating and responding to complaints; and
- confirmation that the SROs have received the required training.

School districts must meet the training and agreement requirements by the beginning of the 2020-21 school.

School Resource Officer Training Grant Program. Subject to appropriations, OSPI must establish and implement a grant program to fund training for SROs. This training may be provided by the Criminal Justice Training Commission. OSPI must submit a report by December 1st of each year that the grant program is funded.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Allows training to be developed by schools in partnership with local law enforcement and organizations with expertise in certain topics.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Provides that agreements between the school district and law enforcement include a clear description of the types of incidents that do not warrant SRO action instead of involvement.
- Requires school districts to meet the training and agreement requirements by the beginning of the 2020-21 school year.
- Adds to the definition of SRO that the 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 K-12 schools.
- Provides that SROs 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.
- Adds that OSPI must establish and implement a grant program to fund training for SROs and that this training may be provided by the Criminal Justice Training Commission.
- Requires a report each year this grant program is funded.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* PRO: Some schools want to have SROs because they can be a great asset and members of the school community. Some schools do not want SROs because they see them as hardening schools. The decision to have a SRO should be made at the local level. School districts and SROs want a clear definition for this role. Training of SROs is important because this position is unique and their effectiveness comes down to their relationships with students. SROs need training to know how interact with children who have behavioral and emotional issues, and they should not be involved with student discipline. The Criminal Justice Training Commission should create the training for SROs. Additional funding should not be spent on SROs; it should be spent on SRO training and more counselors, social workers, nurses, psychologists, and other support personnel. When law enforcement are on campus, more students can become involved in the juvenile justice system.

OTHER: The training requirements are too prescriptive and detailed. There should be more flexibility, so training can adapt as needed.

Persons Testifying (Early Learning & K-12 Education): PRO: Mona Johnson, Office of the Superintendent of Public Instruction; Lucinda Young, Washington Education Association; Danielle Anderson; Christianna Clinton; Cory Walster, Civil Survival; Tarra Simmons, Civil

Survival; Vanessa Hernandez, ACLU of Washington; Jessica Vavrus, Washington State School Directors' Association; Julia Warth, League of Education Voters; Lynnette Buffington, Washington Fraternal Order of Police; James McMahan, Washington Association Sheriffs and Police Chiefs.

OTHER: Jeff DeVere, Washington Council of Police and Sheriffs.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):
No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Training proposed is critical to success of SROs, but current law enforcement training may not be adequate. School resource officers can be effective in preventing mass shootings. Grant funding is greatly appreciated but the grant should be expanded to cover the addition of SROs to schools that do not have the means to staff them.

Persons Testifying (Ways & Means): PRO: Senator Lisa Wellman, Prime Sponsor; Lucinda Young, Washington Education Association; Kate Davis, CFO, Highline Public Schools; James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.