



*A Report to the Washington State Legislature
by the School Disciplinary Action Task Force*

Use of reasonable force in schools

1. Purpose of Task Force

In the 2008 supplemental operating budget (ESHB 2687) the Legislature provided funding for “the Washington State School Directors' Association (WSSDA) to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.”

In meeting this legislative request, WSSDA reviewed proposed SSB 6418 which addressed more specific guidelines for a task force. These included developing the following recommendations:

- description of the authorized methods of physical force, including the types of restraints, who is authorized, and when force or restraint should be used;
- training requirements for those authorized to use physical force and training recommendations for de-escalation tactics;
- incident reporting requirements and follow-up procedures, including the timeline and to whom the data should be reported; and
- procedures for notification to parents or guardians.

Although the specific charge of the task force was to produce a model policy and procedure, members of the Task Force believed it was important to record the content of the discussions that occurred during the five month process. In developing the policy and procedure, many topics and issues were discussed that are informative in understanding the complex issue of use of force in schools. Therefore this report outlines the work of the task force and the issues discussed, including an overview of security models, existing policies and procedures, laws governing use of force, training issues, and policy implications in addition to task force recommendations to the Legislature.

Work of the task force

Members of the Task Force represented community groups, state coalitions and commissions, educational service districts and school districts, faith organizations, the Washington State Legislature, professional associations and unions, the American Civil Liberties Union and the Office of Superintendent of Public Instruction (OSPI). Marilee Scarbrough, WSSDA Director of Policy and Legal

Services, chaired the Task Force. The Task Force Membership Roster and Staff are located in the Appendices as Appendix (A). The School Disciplinary Action Task Force met three times from June through August 2008. Over the course of the meetings, the Task Force:

- Reviewed selected “Use of Force” statutes from other states;
- Reviewed a representative sample of discipline policies, procedures and operating guidelines from Washington state school districts, including Kent, Edmonds, Wenatchee, Highline, and Bellevue School Districts;
- Reviewed existing Washington state laws related to the use of force and restraint;
- Discussed issues and reached a common understanding regarding conditions in which reasonable force is used in schools;
- Discussed the need to address this issue from all sides, including alternatives to reasonable force, and the appropriateness of de-escalation techniques;
- Provided input on and reviewed four drafts of a recommended school district policy and procedure on the use of force in schools; and
- Provided input on the topics, issues and recommendations to include in the report to the Washington State Legislature.

In addition to the three facilitated meetings, a smaller representative group of the Task Force met on September 18 and October 16, 2008 to review drafts of the proposed policy and procedure and the legislative report.

II. Overview of policy issue

Educators, law enforcement and our communities work together to ensure safe and healthy schools and have a common expectation that a basic level of school security is in place regardless of a school’s size or location. In addition to security staffing, there is an expectation that effective strategies are in place to address the safety and security of students and staff. It was the consensus of Task Force members that the use of reasonable force through physical, mechanical or chemical means is for safety and security reasons only and clearly is not intended to be used for discipline purposes.

A pro-active approach to violence prevention, the use of evidence-based practices in the use of force, and clear roles and responsibilities for security personnel are the foundations to a model policy. The degree to which there is a common understanding about the use of force and consistency in the application of use of force interventions, the greater the likelihood is that schools will be safe and positive learning environments. Based on a review of literature, federal laws, statutes and regulations from other states, court findings, and existing school district policies and procedures, it appears that, in general, policies and procedures governing the use of force:

- clearly separate use of force from school discipline;
- emphasize the use of positive behavioral interventions and supports as the first intervention for addressing a student’s behavior;

- clarify when use of force and restraints can be used and when they cannot be used;
- identify the conditions and types of force that can be used and by whom;
- specify that only staff trained in the use of force are authorized to do so; and
- require documentation, follow-up and reporting of incidents involving use of force, including timelines for when reporting should be completed.

Prior to embarking on the development of the policy and procedure, the Task Force sought to understand the status of the use of force in Washington schools, existing security staffing and training models, and policies and procedures utilized by school districts.

1. Extent of use of force in Washington state schools

In Washington state, school districts do not routinely collect data on incidents in which use of force has been applied to students so we do not have a clear picture of the extent to which school staff or School Resource Officers use force or restraints. Members of the Task Force shared anecdotal data, and the majority of representatives from school districts reported that situations in which physical force, mechanical restraint devices and chemical spray were used were rare occurrences. These same representatives indicated that situations occurred routinely in which School Resource Officers and school staff, including School Security Officers, used behavioral interventions and de-escalation techniques to address situations in which students or staff could be harmed or property damaged.

2. School security models in Washington state K-12 public school districts

Various school security staffing models are in place across school districts in Washington state. School Security Officers (SSOs) are generally defined as those non-commissioned individuals employed by a school district, either as classified or contracted employees, to manage safety and security programs on school campuses. School Resource Officers (SROs), by contrast, are defined as commissioned law enforcement officers typically employed by law enforcement agencies and assigned to work in schools as part of an agreement with a school district. Appendix (F) outlines the duties, authorities and restrictions of SSOs and SROs. According to OSPI's School Safety Center, several different models exist:

A. District/School Security Officer models:

1. District School Security Program with a Security Program Director and Security Officers placed at individual school sites. These security personnel are classified employees of the district, supervised by the Security Program Director and operate under the authority of the district. Kent School District operates under this model.
2. School Security Officers that have been commissioned police officers and authorized by the district to carry firearms, are employed by the school district and assigned to school campuses. Highline Public Schools employs this model.

3. District Resource Officers are hired by the district and assigned to individual schools or groups of schools and are supervised by a central office administrator. Spokane Public Schools is an example of the DRO model. In the Spokane Public Schools, even though the District Resource Officers are employees of the district, they adhere to the use of force standards of the local law enforcement agency. The DROs have at minimum completed full reserve officer training and many have completed police academy training. DROs in the Spokane School District wear a district designed uniform and do not carry firearms or tasers.
4. One School Security Officer is employed by the district to coordinate school safety and security programs for a small district. Mead School District is an example. School Security Officers are employed by a private security company that contracts with the district to provide school security. Mt. Adams, Wapato and West Valley school districts currently contract with the Phoenix Protective Corporation for services, operating under this model.

B. Law enforcement models:

1. School Resource Officers are employed by the local law enforcement agency and assigned to a school district, or districts, to provide law enforcement and security functions for those schools. The agreement between the Spokane County Sheriff's Office and the Liberty School District is an example.
2. School Resource Officers are special commissioned officers hired and supervised by the school district to serve multiple schools. The commissions of the SROs are held by the local law enforcement agency. In the Auburn School District, the district sends and pays for the SRO Academy training for the SROs and sets their salary. SROs wear the uniform and badge of the local law enforcement agency.

C. Hybrid models:

1. School Security Officers are employed by the district and supervised by district administrators, and work collaboratively with School Resource Officers assigned to the district by the local law enforcement agency. Tacoma Public Schools is putting this model in place this year.
2. Commissioned School Liaison Officers are assigned to provide a proactive resource to a school district, making regular meetings and site visits, provide technical assistance, training, and coordination with school administrators and SSOs. The Kent Police Department employs this approach to supplement the school security officer program of the district.

D. No security or law enforcement presence:

School districts rely on school administrators, classified personnel, teachers, and others to manage safety and security concerns without benefit of professional security or law enforcement personnel. Emergencies prompt such schools to call 911 for assistance when there are injuries, life-safety threats, or crimes committed on school

grounds. Approximately 60 to 70 percent of Washington state's K-12 public schools use this model.

It is important to note that the role, authority and training of security personnel in districts vary greatly from security personnel who function as hall monitors and disciplinarians to highly trained officers who carry weapons. Currently, the job description for a School Security Officer is not standardized and no licensure or certification for this position exists, although security officers employed in the private sector are licensed.

3. Training and supervision

Although training for SSOs is provided through a number of private companies and through OSPI's School Safety Center through a contract with the Criminal Justice Training Commission (CJTC), not every district participates. 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 OSPI. The first formal training for SSOs occurred in 2004 and since then about 400 individuals have been trained. The training provided by OSPI and the Criminal Justice Training Commission is limited in scope, and a recurring training program is not in place. In the basic training only 12 content areas are addressed from the 61 topics recommended and approved by the School Safety Advisory Committee.

Further, concern exists that training has been developed in the absence of standards for the SSO job role. OSPI's School Safety Committee has been working on these issues and exploring the development of a more extensive curriculum along with a pilot SRO training program. Since 2004, the Committee has also been investigating the development of standards and licensure for SSOs.

In addition to training, supervision of school security personnel is an unresolved issue. Currently, supervision of school security personnel, training received by these personnel, and procedures supervisors use to assure accountability vary widely across districts, according to members of the task force. The SSO is employed in an occupation that is potentially high risk in terms of intervention in violent situations. By the very nature of their jobs, SSOs contend with interpersonal boundary and relationship issues that may make them vulnerable to accusations of misconduct if incidents involving interpersonal friction are not successfully resolved. Supervision, along with training, is considered essential for these professionals to mitigate risks. This may also require a training program for those who supervise SSOs.

State guidelines do not exist for establishing written agreements between school districts and local law enforcement agencies regarding placement of SROs in schools. In some cases, no such formal agreements are in place. Special training for SROs related to their work in schools is also not consistently provided. Task Force members addressed the need for SROs to receive training about school district policies and working with youth in schools.

Finally, Task Force members reported anecdotally that estimates are only about one-third of districts have security personnel or SROs in their schools. They expressed the need to have a basic level of security present in every school with a statewide infrastructure in place to support the training of security personnel and to adequately fund this critical school function.

Examples of existing Washington state school district policies and procedures

Currently in Washington, a variety of school district policies and procedures addressing use of force have been adopted by school boards. Task Force members shared examples of existing district policies, including those from Kent, Edmonds, Wenatchee, Highline, and Bellevue school districts. The Bellevue School District policy is an example of a policy used by several districts. The policy is a re-statement of the RCW.

The Bellevue, Wenatchee, and Kent school districts' policies regarding the use of force are modeled after the policy below from the Bellevue School District:

Policy No. 4105 – Student rights and responsibilities: Corporal punishment and physical restraint of students policy

The use of corporal punishment is prohibited. Corporal punishment is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student.

Corporal punishment does not include:

- a. The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;
- b. Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;
- c. Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or
- d. Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

*Reference: WAC 180-40-235
RCW 28A.150.300*

Although these policies are an accurate restatement of the law, the Task Force envisioned a policy and procedure that would provide a greater degree of guidance for districts in implementing their statutory requirements. Therefore to frame the Task Force work, we began by examining state and federal laws.

III. Washington state laws related to use of force and restraints

In Washington state, existing laws related to the use of force and restraints on students are contained in statutes and regulations regarding corporal punishment.

Washington: RCW 28A.150.300 (2008) Corporal punishment prohibited – Adoption of policy.

The use of corporal punishment in the common schools is prohibited. The superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted and implemented in all school districts.

WAC 392-400-235 (2008) Discipline – Conditions and limitations.

Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-400-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 392-400-240:

... (3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited.

Corporal punishment does not include:

- a. The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;
- b. Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;
- c. Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or
- d. Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

RCW 9A.16.020 Use of force – When lawful.

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

1. Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction;

RCW 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.

It is the policy of the state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the 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 other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

Washington state statutes regarding liability of staff

RCW 9A.16.110 Defending against violent crime – Reimbursement.

(1) No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself or herself, his or her family, or his or her real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of assault, robbery, kidnapping, arson, burglary, rape, murder, or any other violent crime as defined in RCW 9.94A.030.

IV. Laws and regulations from other states

A number of states regulate the use of force and restraints applied to students and define the circumstances when reasonable force may be used by staff. These laws and/or regulations also address prohibiting the inappropriate use of force and restraints by requiring training, clear supervision guidelines, and follow-up reporting. States such as Massachusetts, North Dakota, Montana, North Carolina, California, Colorado, Illinois, Minnesota and Texas have passed legislation over the past several years addressing the use of force and restraints with students. Many of the statutes use the phrase, "use of force" or "use of reasonable force to restrain a student from hurting himself or others..." and clarify the conditions for the use of restraint in such phrases as "used in self-defense or in defense of others, to obtain possession of weapon or other dangerous object or to protect property..." States such as California also have regulations for security staff training and hiring. Still others (North Carolina) require that districts incorporate the provisions of their legislation on the use of force and restraint and staff training into each school's Safe School Plan and record all incidents related to the use of restraint, seclusion

and isolation. Appendix (E) provides references for state statutes reviewed by the Task Force.

Although state statutes differ, they appear to contain common elements including: a) definitions of terms common to physical restraint; b) required procedures and training for staff; c) conditions when restraint can and cannot be used; d) guidelines for the proper administration of restraint; and e) reporting requirements when restraint is employed.

V. IDEA, Section 504 and ADA

The federal Individual with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act and the American with Disabilities Act (ADA) include protections for students. The IDEA states that “in the case of a child whose behavior impedes his or her learning or that of others, a student’s IEP team must consider strategies, including positive behavioral interventions, strategies and supports to address that behavior.” It is general practice that students with disabilities who require these “strategies” to address their behavior have these described in their IEP. Strategies may include the appropriate and inappropriate use of force.

VI. Court cases

The primary legal case regarding the use of restraints, *Youngberg v. Romeo*, was heard by the U.S. Supreme Court in 1982. The Court ruled that the State had an obligation to provide reasonable training to individuals who perform restraints to ensure the safety of the individual being restrained and to protect the person’s freedom from unnecessary and unreasonable restraints. The Court focused on the use of professional judgment by qualified professionals in determining whether a restraint was unnecessary or unreasonable.

According to the Education Law Resource Center, and its report, *Preventing Physical Restraints in Schools: A Guide for Parents, Educators and Professionals*, “most organizations that have taken positions on restraints, agree on some key components that parallel the legal requirements from the Youngberg decision.” These include:

- Restraints should only be used as a last resort after other methods have failed.
- Staff should be trained in ways to de-escalate situations and avoid the need for restraints.
- Restraints should only be performed by trained individuals.
- The least restrictive or least harmful method of restraint should be used.
- The health and safety of the person being restrained should be monitored during the restraint.
- Restraints must be documented and reported (p. 20-21).

The Task Force relied upon these laws, regulations, and court cases as a foundation for the model policy and procedure.

VII. Considerations for school districts in policy implementation

Policy development and adoption is the primary governance tool for school boards; however, with the adoption of policy, boards must also consider administrative ramifications of their policy decisions. Therefore, along with the adoption of a policy, the Task Force recommends the following implementation considerations.

1. Policy adoption and implementation

The Task Force recommends that every school district adopt either the model Use of Force policy or a customized local Use of Force policy that at a minimum addresses the following:

- a. Describes the authorized use of force;
- b. Defines reasonable physical force, mechanical restraints and chemical spray;
- c. Prohibits use of force as discipline; and
- d. Requires appropriate procedures to implement the policy.

A school district's Use of Force policy should be distinct from student discipline policies and only apply to the use of force with students who are enrolled in the district; however, it is not intended to prevent or limit the use of reasonable force or restraint as necessary with other adults or youth from outside the school as allowed by law.

The Task Force recommends that districts use the model procedure to develop a local procedure for the implementation of the Use of Force policy that at minimum includes the following:

- a. Definition of terms;
- b. A use of force continuum;
- c. Descriptions of the appropriate and inappropriate use of force;
- d. Personnel to be trained and minimum content of training;
- e. Staff use of de-escalation methods;
- f. Follow-up debriefing, reporting and parent notification procedures and forms, including procedures for the resolution of concerns that may occur when parents are notified of the use of force incident; and
- g. Considerations for the use of restraints related to a student's Individualized Education Program (IEP)

The Task Force also recommends that districts provide all staff with the district-established policy and procedure regarding use of force. While efforts should be made to use force only by individuals who have received training, staff may find themselves in emergency situations where use of force is needed. It is, therefore, critical that all staff understand their responsibility under the district's use of force policy. Appendices (B) and (C) are the WSSDA sample policy and procedure.

2. Authorized personnel – clarification of school security roles and authority

The Task Force recommends that every school district identify those school security positions (or other school personnel where there are no SSOs) authorized to use mechanical restraints, chemical sprays or any less than lethal devices as well as lethal weapons. Every district should have established job descriptions for security personnel that specify roles and responsibilities, training required, reporting duties and supervision. The information regarding the positions authorized to use mechanical restraints, chemical spray or any less than lethal devices, as well as lethal weapons, should be disseminated to school staff and parents. Appendices (G) and (H) are sample job descriptions for SROs and SSOs.

3. Assignment, training and supervision of school resource officers

The Task Force recommends that the assignment of School Resource Officers (SROs) to schools be solely by written agreement or contract. That contract should clarify roles and responsibilities and address selection, funding, training, supervision, evaluation, and associated issues. A written agreement or contract between a school district and a law enforcement agency should also address training and supervision of SROs specific to working in a youth culture and with a diverse school population, collaboration with school personnel and the district's policies and procedures on use of force. This training should go beyond that which is required for commissioning and be designed to enhance the effectiveness of SROs as part of a school community.

A cross-site study of 19 SRO programs was conducted in 2005 by Abt Associates. The study found that few of the programs provided training to SROs before placement. SROs funded by COPS in-school grants did receive mandatory training. The study also found that most SROs and school principals agreed that it would be valuable to train principals and assistant principals along with SROs as a team. One of the weakest components of many SRO programs was the lack of consistent or close supervision. In most programs, SROs keep monthly logs for an annual job performance review but this was found to be inadequate supervision. Several sites investigated in the study involved school principals in the supervision process.

The study recommended that SROs receive both pre-service and in-service training. The U.S. Department of Justice, Office of Community Oriented Policing published *A Guide to Developing, Training and Succeeding with your School Resource Officer (SRO) Program*, June 2005. The guide was developed based on in-depth interviews with program supervisors, SROs, law enforcement and school administrators, school board members and local government officials to 28 well-regarded programs and could be used to guide the development of statewide training. Training is also provided by the National Association of School Resource Officers (NASRO). Appendix (K) is a sample SRO contract with a school district.

4. Training of general school personnel

Training of staff who, as a regular part of their job, can be expected to intervene to provide for the safety of a student, other students, staff or self should be required. Without such

training, there may be serious consequences of placing untrained people in positions of danger. The Department of Labor and Industries basic regulations require employers to train staff for workplace safety in areas identified as potentially hazardous. In addition, the WACs governing special education and the use of aversive interventions in a student's IEP require staff implementing those to be trained.

Training is recommended as follows: each principal or director should determine a time and method to provide staff with training within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training should include what to do to de-escalate a situation, what to do during the situation in which reasonable force is used, and what to do after the event occurs. Training should also include the following:

- a. the district's use of force policy;
- b. interventions that may preclude the need for force or restraint, including de-escalation of behaviors;
- c. procedures to follow if use of force becomes necessary including related safety considerations and follow-up procedures;
- d. cultural and race considerations to ensure that use of force is applied fairly; and
- e. identification of program staff who are authorized to carry restraints or chemical sprays and the SRO who will be assigned to the school.

A training program for those school administrators who supervise SSOs should also be considered by school districts. Training should reinforce the school district's Use of Force policy and safety and security practices for collaboration with law enforcement and emergency management agencies.

5. District operations manual

The Task Force recommends that school districts develop and publish school security operations manuals that provide district-wide consistent guidance about security roles and responsibilities, lines of supervision, channels of communication, relationships with local law enforcement and how school security interfaces with other functions of the district, including safe school operations. The manual should be used in the training of school security personnel, SROs, and school administrators. To avoid duplication of effort and minimize costs for the development of these manuals, a statewide work group could be formed to develop generic templates that reflect different district security staffing configurations and operations. These templates could be made widely available to districts through the OSPI Web site.

6. Follow-up and reporting

The Task Force recommends that school districts develop Use of Force reporting that at a minimum includes the following:

- a. name of student, age, gender and race and staff involved in the restraint and any staff witnessing the restraint
- b. student's IEP or 504 status

- c. date, time and location of incident
- d. duration of restraint
- e. description of the environmental factors and emotional factors that may have affected the student
- f. description of the behaviors and factors leading up to the restraint
- g. description of any positive behavioral interventions and de-escalation methods used prior to the restraint and the student's response to the interventions
- h. description of any injuries to student or staff
- i. description of the processing that occurred with the student after the event and the outcome and plan generated from that processing
- j. name and signature of the person completing the report

Appendix (I) is an example of a reporting form that can be used by school districts.

Task Force members also identified debriefing as a key component of the follow-up and reporting process. Steps in debriefing or processing the incident should include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff who administered the restraint to discuss whether proper restraint procedures were followed and consideration of whether any follow-up is appropriate for students who witnessed the incident. A copy of the report should be placed in the student's record.

In addition to this tactical debriefing, school districts should consider putting in place procedures and staff training to conduct a critical incidence stress debrief in situations where an incident or circumstance occurs that impacts significantly on the normal functioning of the school. This stress debrief should occur to (1) help students and staff recover from trauma, (2) reduce the impact of the critical incident on students and staff, (3) assist those affected to deal with the associated acute stress and accelerate their recovery, and (4) minimize disruption to the learning process.

7. Notification to parents

The Task Force recommends that school district's Use of Force policies and procedures require notification to parents or guardians whenever there is a use of force incident. Included in the report should be an opportunity for follow-up communication with a school administrator and procedures a parent can follow in the resolution of a dispute. Appendix (J) is a sample parent notification letter.

8. Students with special needs

Current state statutes and administrative code (WAC 392-400-235) recognize the authority of the IEP team to determine the types of force that may be used as part of a student's IEP which is used with parent consent. However, students with physical conditions, severe learning difficulties, or communication disabilities present a different set of challenges that may require physical intervention that is related much more closely to an individual plan designed specifically for the student. The complexity, range of need and

the consequent support for some special needs students is such that physical intervention may be the norm, not the exception. The Task Force recommends that training for security personnel include these considerations, and security personnel should be knowledgeable about those students who are at special risk for injury due to their disabilities.

9. Community involvement

The community plays a role in ensuring the safety and security of children and in protecting the rights of children and adults. This role should not be overlooked in the implementation of the recommended policy and procedure. The Task Force recommends that districts consider how to involve the community in the development of safe schools policies and how to best keep the community informed on an ongoing basis about safety and security issues.

VIII. Recommendations for legislative consideration

The Task Force respectfully requests that the Legislature consider the following recommendations.

1. School board policy and procedure adoption – optional or mandatory

The policy coordination authority of the Washington State School Directors' Association is defined by RCW 28A.345.040. "It shall be the duty of the school directors' association (1) to take such action as the association deems advisable to effect a coordination of policymaking, control, and management of the school districts of the state." Under that authority, WSSDA prepares and makes available a comprehensive set of Washington-specific sample policies in the areas of strategic planning, board of directors, instruction, students, community relations, personnel, and management support. Through its Policy News, school district subscribers receive analyses of developing issues plus copies of new and amended sample policies which they can then customize to fit their local needs. School boards typically review these sample policies on a routine basis and choose to adopt the WSSDA sample policy as written or make modifications to the sample policy to fit local circumstances. Although WSSDA develops and publishes sample procedures to accompany model policies, districts are encouraged to customize written procedures for policy implementation. In most districts, procedures (developed by the administrative team) are treated by school boards as administrative guidelines and are not formally adopted by boards.

Policy adoption options for the use of force policy:

- a. The Use of Force policy and procedure can be disseminated as a sample policy by WSSDA. As such, districts would have the option of adopting it for their own use, modifying it to fit local needs or to not adopt the sample policy or a locally developed policy. This option does not require legislative action.
- b. Adoption of a Use of Force policy by school districts could be made mandatory as is the case for the policy that prohibits harassment, intimidation or bullying per RCW 28A.300.285 Harassment, intimidation, and bullying prevention poli-

cies. This option, a mandated policy governing use of force, requires legislative action.

2. Training of security personnel – optional or mandatory

School Security Officers (SSOs) are employed to help safeguard the lives of students and staff and the property of public schools. The occupation is potentially high risk in terms of intervention in potentially violent situations as well as in situations in which interpersonal boundary and relationship issues may make them vulnerable to accusations of misconduct if incidents involving interpersonal friction are not successfully resolved. Although Washington state has developed a training program for SSOs, the training is optional.

Legislative options to consider are:

- a. Continue the School Security Officer Optional Training as developed and provided through the Washington State School Safety Advisory Committee. In 2004 the Washington State Legislature supported the state's Criminal Justice Training Commission and the Office of Superintendent of Public Instruction and its Washington State School Safety Advisory Committee's development of a School Security Officer Training Program. According to meeting notes from that committee, the current training is designed as a three-day training focused primarily on providing basic awareness and knowledge.
- b. Expand the current School Security Officer Training Program. The Washington State School Safety Advisory Committee identified the need for more advanced training offerings to balance the decreasing demand for basic training and to provide security personnel with updated, and on-going professional development.
- c. Require pre-service and in-service training in the areas identified in the Use of Force Policy and Procedure, including the use of force continuum. In addition, require security personnel to participate in annual training in the use of any mechanical restraint or chemical spray or weapon they are authorized to carry and use.
- d. Establish a certification or licensing program for School Security Officers that requires state-mandated training prior to hiring and annual continuing education. See discussion that follows.

3. Standards and certification/licensure of school security personnel

In the long term, the issue of School Security Officer certification should be addressed. Certification would structure training around an established set of standards for certification or licensure. This would require SSOs to complete a state-required basic training program before employment. OSPI could certify SSOs who complete the training and also re-certify SSOs who complete required continuing education. Decisions regarding whether workers or the state would pay for the training and certification would need to be made. Many other states have such programs. Virginia, for example, has officially recognized school security as a profession by passing legislation that requires certification or

licensure. Once an officer can demonstrate competence according to a set of standards, they are certified to perform their professional duties. Currently, the state of Washington has no operating standards for School Security Officers or programs. The standards could address certified training and the specific duties and responsibilities of the profession as outlined in an SSO job description.

Role of the OSPI Safety Center

The state can strive to legitimize the school security profession by setting standards and utilizing the Washington State School Safety Advisory Committee to provide technical assistance. OSPI, in collaboration with the Washington State School Safety Advisory Committee, could potentially develop standards and a certification/licensure process.

Role of the private sector

The private sector security providers can play a valuable role in promoting standards-based school security programs and the hiring of staff who are certified or licensed, once the state develops these standards for certification/licensing and the related training program for school security personnel. An additional role for district insurers can be to help ensure that standards of certification are continually upheld and upgraded, as needed, in relationship to their role in limiting risk for school districts.

4. Statewide data collection and reporting

A universal annual reporting system that includes the number of incidents in which physical force, mechanical restraints, chemical spray or less than lethal devices were used in schools is recommended for legislative consideration. The report would track the number of incidents in which use of force was used and the number of incidents in which injuries to students or injuries to staff occurred. The data collection and reporting can be integrated into the existing OSPI Weapons Report as per RCW 28A.320.130:

RCW 28A.320.130 Weapons incidents — Reporting.

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9A.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

With this information, OPSI could compile the district-level data into an annual state report that is made available to the state legislature.

5. Funding

Implementation of these legislative recommendations has funding implications. Expanding the training of school security personnel will require new funding. Initially, a fiscal analysis of required training and a certification/licensing program needs to be made. This would include determining costs for a feasibility study, program and curriculum de-

velopment and implementation. Long-term, a cadre of trainers could be established, but they will also require on-going support and training as trainers.

With the implementation of a SSO certification/licensing program, school districts may incur additional costs associated with verification of certification and ongoing compliance with keeping certificates current, covering the cost of continuing education for SSOs and training of SSO supervisors.

School districts may also be faced with additional costs associated with the collection and reporting of statewide data. An assessment of staff time devoted to collecting data and reporting annually to OSPI should be conducted to determine the impact on school districts, prior to implementing the data collection requirement.