

REFERENCE TITLE: school safety; school resource officers

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2820

Introduced by
Representative Hernandez A

AN ACT

AMENDING SECTIONS 15-105 AND 15-154, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-154.02; APPROPRIATING MONIES; RELATING TO SCHOOL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-105, Arizona Revised Statutes, is amended to
3 read:

4 15-105. Use of restraint and seclusion techniques;
5 requirements; definitions

6 A. A school may ~~permit~~ ALLOW the use of restraint or seclusion
7 techniques on any pupil if both of the following apply:

8 1. The pupil's behavior presents an imminent danger of bodily harm
9 to the pupil or others.

10 2. Less restrictive interventions appear insufficient to mitigate
11 the imminent danger of bodily harm.

12 B. If a restraint or seclusion technique is used on a pupil:

13 1. School personnel shall maintain continuous visual observation
14 and monitoring of the pupil while the restraint or seclusion technique is
15 in use.

16 2. The restraint or seclusion technique shall end when the pupil's
17 behavior no longer presents an imminent danger to the pupil or others.

18 3. The restraint or seclusion technique shall be used only by
19 school personnel who are trained in the safe and effective use of
20 restraint and seclusion techniques unless an emergency situation does not
21 allow sufficient time to summon trained personnel.

22 4. The restraint technique employed may not impede the pupil's
23 ability to breathe.

24 5. The restraint technique may not be out of proportion to the
25 pupil's age or physical condition.

26 C. Schools may establish policies and procedures for ~~the use of~~
27 USING restraint or seclusion techniques in a school safety or crisis
28 intervention plan if the plan is not specific to any individual pupil.

29 D. Schools shall establish reporting and documentation procedures
30 to be followed when a restraint or seclusion technique has been used on a
31 pupil. The procedures shall include the following requirements:

32 1. School personnel shall provide the pupil's parent or guardian
33 with written or oral notice on the same day that the incident occurred,
34 unless circumstances prevent same-day notification. If the notice is not
35 provided on the same day of the incident, notice shall be given within
36 twenty-four hours after the incident.

37 2. Within a reasonable time following the incident, school
38 personnel shall provide the pupil's parent or guardian with written
39 documentation that includes information about any persons, locations or
40 activities that may have triggered the behavior, if known, and specific
41 information about the behavior and its precursors, the type of restraint
42 or seclusion technique used and the duration of its use.

43 3. Schools shall review strategies used to address a pupil's
44 dangerous behavior if there has been repeated use of restraint or
45 seclusion techniques for the pupil during a school year. The review shall

1 include a review of the incidents in which A restraint or seclusion
2 technique ~~were~~ WAS used and an analysis of how future incidents may be
3 avoided, including whether the pupil requires a functional behavioral
4 assessment.

5 E. If a school district or charter school summons law enforcement
6 instead of using a restraint or seclusion technique on a pupil, the school
7 shall comply with the reporting, documentation and review procedures
8 established under subsection D of this section. Notwithstanding this
9 section, school resource officers AS DEFINED IN SECTION 15-154 AND
10 JUVENILE PROBATION OFFICERS AS DEFINED IN SECTION 15-154 are authorized to
11 respond to ~~situations that present the imminent danger of bodily harm~~ ANY
12 SUSPECTED CRIME AGAINST A PERSON OR PROPERTY THAT IS A SERIOUS OFFENSE AS
13 DEFINED IN SECTION 13-706 OR THAT INVOLVES A DEADLY WEAPON OR DANGEROUS
14 INSTRUMENT OR SERIOUS PHYSICAL INJURY AND ANY CONDUCT THAT POSES A THREAT
15 OF DEATH OR SERIOUS PHYSICAL INJURY TO EMPLOYEES, STUDENTS OR ANYONE ON
16 THE PROPERTY OF THE SCHOOL according to protocols established by their law
17 enforcement agency. FOR THE PURPOSES OF THIS SUBSECTION, "DANGEROUS
18 INSTRUMENT", "DEADLY WEAPON" AND "SERIOUS PHYSICAL INJURY" HAVE THE SAME
19 MEANINGS PRESCRIBED IN SECTION 13-105.

20 F. This section does not prohibit schools from adopting policies
21 pursuant to section 15-843, subsection B, paragraph 3.

22 G. For the purposes of this section:

23 1. "Restraint" means any method or device that immobilizes or
24 reduces the ability of a pupil to move the pupil's torso, arms, legs or
25 head freely, including physical force or mechanical devices. Restraint
26 does not include any of the following:

27 (a) Methods or devices implemented by trained school personnel or
28 used by a pupil for the specific and approved therapeutic or safety
29 purposes for which the method or device is designed and, if applicable,
30 prescribed.

31 (b) The temporary touching or holding of the hand, wrist, arm,
32 shoulder or back for the purpose of inducing a pupil to comply with a
33 reasonable request or to go to a safe location.

34 (c) The brief holding of a pupil by one adult for the purpose of
35 calming or comforting the pupil.

36 (d) Physical force used to take a weapon away from a pupil or to
37 separate and remove a pupil from another person when the pupil is engaged
38 in a physical assault on another person.

39 2. "School" means a school district, a charter school, a public or
40 private special education school that provides services to pupils placed
41 by a public school, the Arizona state schools for the deaf and the blind
42 and a private school.

43 3. "Seclusion" means the involuntary confinement of a pupil alone
44 in a room from which egress is prevented. Seclusion does not include the
45 use of a voluntary behavior management technique, including a timeout

1 location, as part of a pupil's education plan, individual safety plan,
2 behavioral plan or individualized education program that involves the
3 pupil's separation from a larger group for purposes of calming.

4 Sec. 2. Section 15-154, Arizona Revised Statutes, is amended to
5 read:

6 15-154. School safety program; purpose; program proposals;
7 requirements; annual report; definitions

8 A. The school safety program is established within the department
9 of education to support, promote and enhance safe and effective learning
10 environments for all students by supporting the costs of placing school
11 resource officers, juvenile probation officers, school counselors and
12 school social workers on school campuses. A school district or charter
13 school may apply to participate in the school safety program as provided
14 in this section for up to three fiscal years by submitting by April 15 a
15 program proposal to the department of education. A school district or
16 charter school that receives approval for a three-year program under this
17 subsection may annually submit a modified spending plan for its approved
18 program.

19 B. A program proposal submitted by a school district or charter
20 school for supporting the costs of placing school resource officers or
21 juvenile probation officers, or both, on a school campus shall contain:

22 1. A detailed description of the school safety needs of the charter
23 school or school district.

24 2. A plan for implementing a law-related education program or a
25 plan that demonstrates the existence of a law-related education program as
26 a school safety prevention strategy.

27 3. A plan to use trained school resource officers or juvenile
28 probation officers in the school, or both.

29 4. If the school district or charter school has already
30 participated in the school safety program, information on the success,
31 compliance and implementation of the most recent grant.

32 C. A program proposal submitted by a school district or charter
33 school for supporting the costs of placing school counselors or school
34 social workers, or both, on a school campus shall contain:

35 1. A detailed description of the school safety needs of the charter
36 school or school district.

37 2. A plan for implementing a school guidance and counseling program
38 that includes the following:

39 (a) A detailed description of the relationship between the school
40 counselor or the social worker, or both, and local community resources.

41 (b) A plan for using school counselor and school social worker
42 services in the school, or both.

43 (c) A detailed description of the methods for evaluating the
44 effectiveness of the school guidance and counseling plan.

1 (d) Policies on confidentiality under the school guidance and
2 counseling plan.

3 (e) Policies on notifying parents and other family members of
4 issues or concerns as identified in the school guidance and counseling
5 plan.

6 (f) A detailed description of the school's, school district's or
7 charter school's referral procedures to the appropriate community entities
8 and state agencies.

9 3. If the school district or charter school has already
10 participated in the school safety program, information on the success,
11 compliance and implementation of the most recent approved program
12 proposal.

13 D. The department of education shall review and administer the
14 school resource officers and juvenile probation officers program proposals
15 in cooperation with the courts, law enforcement agencies and law-related
16 education providers awarded a contract pursuant to section 41-2534,
17 subject to review and approval by the state board of education. The
18 department of education shall use relevant crime statistics to assess the
19 needs of each program proposal and shall visit school districts and
20 charter schools that submit program proposals in order to verify the
21 information contained in the program proposals. The department of
22 education shall contract to provide guidelines, curricula and support
23 resources for school resource officers and juvenile probation officers to
24 use in implementing a law-related education program.

25 E. The department of education shall review and administer the
26 school counselors and school social workers program proposals in
27 cooperation with school administrators, principals, teachers, parents and
28 community mental health professionals. The department of education shall
29 use relevant school-level academic, social and emotional statistics to
30 assess the needs of each program proposal and shall visit school districts
31 and charter schools that submit program proposals in order to verify the
32 information contained in the program proposals.

33 F. The department of education, subject to the review and approval
34 of the state board of education, shall distribute monies to the school
35 districts and charter schools that are in compliance with program
36 requirements and whose program proposals have been approved by the state
37 board of education.

38 G. The department of education shall review program proposals
39 submitted by school districts and charter schools for participation in the
40 school safety program and shall select school sites that are eligible to
41 receive funding based on school safety needs pursuant to this
42 section. The department of education may prioritize program proposals for
43 school resource officer and juvenile probation officer grants to school
44 districts and charter schools that have agreements to share the cost of

1 the school resource officer or juvenile probation officer with a law
2 enforcement agency or the courts.

3 H. The department of education shall evaluate the effectiveness of
4 all the approved program proposals submitted pursuant to subsections B and
5 C of this section within the school safety program and report on the
6 activities of the program and the participants in the school safety
7 program to the president of the senate, the speaker of the house of
8 representatives and the governor on or before November 1 of each year and
9 shall provide a copy of this report to the secretary of state. The
10 evaluation and report shall include survey results from participating
11 schools and data from participating schools on the impact of participating
12 in the school safety program. The department shall establish data
13 guidelines for school safety program participants to follow in reporting
14 pursuant to this subsection.

15 I. The school safety program established by this section shall
16 include a school safety program guidance manual adopted by the department
17 of education that requires a dispute resolution process to be included in
18 the service agreement between a school district or charter school that
19 submitted a program proposal and received a school resource officer grant
20 from the school safety program and the law enforcement agency that
21 provides services to the school district or charter school.

22 J. Any appropriations that are made to the department of education
23 for the approved program proposals within the school safety program are
24 exempt from the provisions of section 35-190 relating to lapsing of
25 appropriations. All monies that are not used for an approved program
26 proposal within the school safety program during the fiscal year for which
27 the monies were appropriated revert to the department of education for
28 distribution to the program in the following fiscal year.

29 K. Monies received by a school district or charter school under the
30 program shall be spent to implement the approved program proposals.

31 L. The auditor general shall include the school safety program as
32 part of its ongoing sunset review of agencies and programs.

33 M. For the purposes of this section:

34 1. "JUVENILE PROBATION OFFICER" MEANS A JUVENILE PROBATION OFFICER
35 WHO IS EMPLOYED BY THE JUVENILE COURT PURSUANT TO SECTION 8-203.

36 ~~1.~~ 2. "Law-related education" means interactive education to equip
37 children and youth with knowledge and skills pertaining to the law, school
38 safety and effective citizenship.

39 ~~2.~~ 3. "Law-related education program" means a program designed to
40 provide children and youth with knowledge, skills and activities
41 pertaining to the law and legal process and to promote law-abiding
42 behavior with the purpose of preventing children and youth from engaging
43 in delinquency or violence and enabling them to become productive
44 citizens.

1 TRAININGS DESCRIBED IN SUBSECTION B OF THIS SECTION ON OR BEFORE
2 JANUARY 1, 2023.

3 D. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH SCHOOL DISTRICT AND
4 CHARTER SCHOOL SHALL REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
5 PRESCRIBED BY THE DEPARTMENT THE NUMBER OF SCHOOL RESOURCE OFFICERS OR
6 JUVENILE PROBATION OFFICERS PER SCHOOL WITHIN THE SCHOOL DISTRICT OR PER
7 CHARTER SCHOOL AND THE AGENCIES OF EACH SCHOOL RESOURCE OFFICER OR
8 JUVENILE PROBATION OFFICER.

9 E. FOR THE PURPOSES OF THIS SECTION:

10 1. "JUVENILE PROBATION OFFICER" HAS THE SAME MEANING PRESCRIBED IN
11 SECTION 15-154.

12 2. "SCHOOL RESOURCE OFFICER" HAS THE SAME MEANING PRESCRIBED IN
13 SECTION 15-154.

14 Sec. 4. Appropriations; department of education; trainings;
15 exemption

16 A. The following sums are appropriated from the state general fund
17 in fiscal year 2022-2023 to the department of education to distribute to
18 school districts and charter schools to cover the costs of the trainings
19 for school resource officers and juvenile probation officers required by
20 section 15-154.02, Arizona Revised Statutes, as added by this act:

21 1. \$173,250 for the training required by section 15-154.02,
22 subsection B, paragraph 1, Arizona Revised Statutes, as added by this act.

23 2. \$68,250 for the training required by section 15-154.02,
24 subsection B, paragraph 2, Arizona Revised Statutes, as added by this act.

25 B. The appropriations made in subsection A of this section are
26 exempt from the provisions of section 35-190, Arizona Revised Statutes,
27 relating to lapsing of appropriations.