

REFERENCE TITLE: school safety; school resource officers

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2754

Introduced by  
Representatives Hernandez A: Udall

AN ACT

AMENDING SECTION 15-105, 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 are  
10 authorized to respond to ~~situations that present the imminent danger of~~  
11 ~~bodily harm~~ ANY SUSPECTED CRIME AGAINST A PERSON OR PROPERTY THAT IS A  
12 SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR THAT INVOLVES A DEADLY  
13 WEAPON OR DANGEROUS INSTRUMENT OR SERIOUS PHYSICAL INJURY AND ANY CONDUCT  
14 THAT POSES A THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO EMPLOYEES,  
15 STUDENTS OR ANYONE ON THE PROPERTY OF THE SCHOOL according to protocols  
16 established by their law enforcement agency. FOR THE PURPOSES OF THIS  
17 SUBSECTION, "DANGEROUS INSTRUMENT", "DEADLY WEAPON" AND "SERIOUS PHYSICAL  
18 INJURY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 13-105.

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

21 G. For the purposes of this section:

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

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

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

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

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

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

42 3. "Seclusion" means the involuntary confinement of a pupil alone  
43 in a room from which egress is prevented. Seclusion does not include the  
44 use of a voluntary behavior management technique, including a timeout  
45 location, as part of a pupil's education plan, individual safety plan,

1 behavioral plan or individualized education program that involves the  
2 pupil's separation from a larger group for purposes of calming.

3 Sec. 2. Title 15, chapter 1, article 5, Arizona Revised Statutes,  
4 is amended by adding section 15-154.02, to read:

5 15-154.02. School resource officers; juvenile probation  
6 officers; agreements; trainings; report;  
7 definition

8 A. IF A SCHOOL DISTRICT OR CHARTER SCHOOL ENTERS INTO A MEMORANDUM  
9 OF UNDERSTANDING OR ANY OTHER AGREEMENT WITH A LAW ENFORCEMENT AGENCY OR A  
10 JUVENILE PROBATION DEPARTMENT FOR THE PURPOSE OF HIRING A SCHOOL RESOURCE  
11 OFFICER OR JUVENILE PROBATION OFFICER, THE MEMORANDUM OF UNDERSTANDING OR  
12 AGREEMENT SHALL PROVIDE:

13 1. THAT THE SCHOOL RESOURCE OFFICER OR JUVENILE PROBATION OFFICER  
14 FOCUS ON BUILDING POSITIVE RELATIONSHIPS WITH PUPILS, SCHOOL STAFF AND THE  
15 COMMUNITY.

16 2. THAT THE SCHOOL RESOURCE OFFICER IS NOT RESPONSIBLE FOR PUPIL  
17 DISCIPLINE UNLESS THE SCHOOL RESOURCE OFFICER IS AUTHORIZED TO RESPOND AS  
18 PRESCRIBED IN SECTION 15-105, SUBSECTION E.

19 3. THAT THE SCHOOL RESOURCE OFFICER COMPLETE THE TRAININGS  
20 DESCRIBED IN SUBSECTION B OF THIS SECTION.

21 B. ON OR BEFORE JANUARY 1, 2022, ALL SCHOOL RESOURCE OFFICERS WHO  
22 SERVE ON SCHOOL GROUNDS SHALL COMPLETE BOTH OF THE FOLLOWING TRAININGS  
23 THAT ARE ADMINISTERED BY A NATIONAL ASSOCIATION OF SCHOOL RESOURCE  
24 OFFICERS:

25 1. A BASIC SCHOOL RESOURCE OFFICER COURSE THAT BOTH:

26 (a) IS DESIGNED FOR LAW ENFORCEMENT OFFICERS AND SCHOOL SAFETY  
27 PROFESSIONALS WORKING IN AN EDUCATIONAL ENVIRONMENT.

28 (b) PROVIDES TOOLS FOR SCHOOL RESOURCE OFFICERS TO BUILD POSITIVE  
29 RELATIONSHIPS WITH BOTH PUPILS AND STAFF.

30 2. AN ADOLESCENT MENTAL HEALTH TRAINING THAT IS DESIGNED TO HELP  
31 SCHOOL SAFETY PROFESSIONALS AND SCHOOL PERSONNEL TO BETTER IDENTIFY AND  
32 RESPOND TO PUPILS WHO ARE SUSPECTED OF HAVING A MENTAL HEALTH NEED.

33 C. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT ALLOW A SCHOOL  
34 RESOURCE OFFICER ON CAMPUS IF THE SCHOOL RESOURCE OFFICER HAS NOT  
35 COMPLETED THE TRAININGS DESCRIBED IN SUBSECTION B OF THIS SECTION ON OR  
36 BEFORE JANUARY 1, 2022.

37 D. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH SCHOOL DISTRICT AND  
38 CHARTER SCHOOL SHALL REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER  
39 PRESCRIBED BY THE DEPARTMENT THE NUMBER OF SCHOOL RESOURCE OFFICERS OR  
40 JUVENILE PROBATION OFFICERS PER SCHOOL WITHIN THE SCHOOL DISTRICT OR PER  
41 CHARTER SCHOOL AND THE AGENCIES OF EACH SCHOOL RESOURCE OFFICER OR  
42 JUVENILE PROBATION OFFICER.

43 E. FOR THE PURPOSES OF THIS SECTION, "SCHOOL RESOURCE OFFICER" HAS  
44 THE SAME MEANING PRESCRIBED IN SECTION 15-154.

1           Sec. 3. Appropriations; department of education; trainings;  
2   exemption

3           A. The following sums are appropriated from the state general fund  
4 in fiscal year 2021-2022 to the department of education to distribute to  
5 school districts and charter schools to cover the costs of the trainings  
6 for school resource officers required by section 15-154.02, Arizona  
7 Revised Statutes, as added by this act:

8           1. \$173,250 for the training required by section 15-154.02,  
9 subsection B, paragraph 1, Arizona Revised Statutes, as added by this act.

10           2. \$68,250 for the training required by section 15-154.02,  
11 subsection B, paragraph 2, Arizona Revised Statutes, as added by this act.

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