MEMORANDUM

To: Chairman Mendelson
From: Councilmember David Grosso
Re: Notice of intent to move amendment to the Fiscal Year 2021 Budget Support Act of 2020
Date: July 6, 2020

This memo is to notice intent to move amendments to the Fiscal Year 2021 Budget Support Act of 2020:

This amendment would add a subtitle unanimously supported by the Committee on Education that aims to reverse aspects of the “The Metropolitan Police Department School Safety and Security Act of 2004” by granting DCPS hiring and contracting authority over security officers in DCPS schools beginning in School Year 2020/2021 while it begins planning and community engagement to reimagine security that relies more on behavioral health. This subtitle will make the transfer of authority effective when the FY2020 Revised LBA becomes effective, allowing the current contract before the Council to be approved with authority for the contract transferring to DCPS.
AN AMENDMENT

#1

Date: July 7, 2020

Amendment offered by: Councilmember David Grosso

To: Fiscal Year 2021 Budget Support Act of 2020

Version: Introduced
Committee Print X
First Reading
Amended First Reading
Engrossed
Enrolled
Unidentified

Amendment:
A new subtitle is added as follows:

SUBTITLE XXX. DCPS AUTHORITY FOR SCHOOL SECURITY

Sec. XXX1. This subtitle may be cited as the “DCPS Authority for School Security Amendment Act of 2020”.

Sec. XXX2. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 et seq.), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

(1) A new paragraph (1B) is added to read as follows:
“(1B) “MOA” means the Memorandum of Agreement into which DCPS and MPD enter pursuant to section 104.”.

(2) Paragraph (4) is repealed.

(3) Paragraph (5) is amended to read as follows:

“(5) “School security personnel” means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.”.

(4) A new paragraph (5A) is added to read as follows:

“(5A) “Security-related contract” means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.”.

(5) Paragraph (6) is repealed.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “security for the District of Columbia Public Schools” and inserting the phrase “school resource officers to the DCPS schools and public charter schools” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) The School Safety Division shall:

“(1) Hire and train school resource officers;

“(2) Deploy school resource officers to:

“(A) DCPS schools, consistent with the terms of the MOA; and

“(B) Public charter schools;

“(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and
“(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.”.

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows:

(1) The section heading is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(2) The lead-in language is amended by striking the phrase “security personnel providing security for DCPS” and inserting the phrase “resource officers” in its place.

(3) Paragraph (7) is amended by striking the phrase “, including Board of Education regulations”.

(4) Paragraph (8) is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(d) New sections 103a and 103b are added to read as follows:

“Sec. 103a. DCPS responsibilities for school security.

“(a) DCPS shall be responsible for school security personnel within DCPS schools, and shall:

“(1) Oversee the hiring or contracting of school security personnel for DCPS;

“(2) Deploy school security personnel to DCPS schools;

“(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

“(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

“(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

“Sec. 103b. Training for school security personnel.
“(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel.

“(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

“(1) Child and adolescent development;
“(2) Effective communication skills;
“(3) Behavior management;
“(4) Conflict resolution, including restorative justice practices;
“(5) De-escalation techniques;
“(6) Behavioral health issues for youth and families;
“(7) Child sexual abuse and gender-based violence prevention, identification, and response;
“(8) Availability of social services for youth;
“(9) District of Columbia laws and regulations;
“(10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and
“(11) Violence prevention, including gang and crew dynamics.”.

(e) Section 104 (D.C. Official Code § 5-132.04) is amended to read as follows:

“Sec. 104. Coordination of school security efforts between DCPS and MPD.
“Within 20 days after the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Amendment Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763), DCPS and MPD shall enter into a Memorandum of Agreement for the purpose of coordinating the agencies’ respective security obligations at DCPS schools. The MOA shall:

“(1) Reflect DCPS’s role as the administrator of any security-related contract;

“(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

“(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school’s principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2 of the District of Columbia Public Emergency Act of 1980 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A));

“(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

“(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.”.

(f) Section 105 (D.C. Official Code § 5-132.05) is amended to read as follows:

“Sec. 105. Authority to issue RFP’s for school security-related contracts.

“(a)(1) Beginning on the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Amendment Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763) DCPS shall be responsible for administering and funding any security-related contract effective during the 2020-2021 school year.
(2) MPD shall transfer to DCPS all personnel, property, funds, or records necessary for DCPS to administer and fund any security-related contract effective during the 2020-2021 school year.

“(b) Responsibility for the issuance of a Request for Proposals for any security-related contract for DCPS for a contract term to begin June 30, 2021, or later shall transfer from the MPD to DCPS as of the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763). DCPS shall be responsible for awarding, executing, administering, and funding a contract resulting from an RFP issued under this subsection.

Sec. XXX2 Applicability.

This subtitle shall apply as of the effective date of this act.

Rationale:

This amendment would add a subtitle unanimously supported by the Committee on Education that aims to reverse aspects of the “The Metropolitan Police Department School Safety and Security Act of 2004” by granting DCPS hiring and contracting authority over security officers in DCPS schools beginning in School Year 2020/2021 while it begins planning and community engagement to reimagine security that relies more on behavioral health. This subtitle will make the transfer of authority effective when the FY2020 Revised LBA becomes effective, allowing the current contract before the Council to be approved with authority for the contract transferring to DCPS.
MEMORANDUM

TO: Councilmember David Grosso

FROM: Nicole L. Streeter, General Counsel

DATE: July 6, 2020

RE: Legal sufficiency determination for Amendment # 1 to the Fiscal Year 2021 Budget Support Act of 2020, Bill 23-760.

The amendment is legally and technically sufficient for Council consideration.

This amendment would add a new subtitle to the Fiscal Year 2021 Budget Support Act of 2020, which would amend the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 et seq.), to, among other things:

- Make the District of Columbia Public Schools (“DCPS”) responsible for school security personnel1 at DCPS school buildings beginning in the 2020/2021 school year, including by transferring authority for administering any contract to provide physical or personal security services, including school security personnel, at DCPS schools (“security-related contract”) from the Metropolitan Police Department (“MPD”) to DCPS;

- Require MPD and DCPS to enter a Memorandum of Agreement to effectuate the transfer of the current security-related contract; and

- Require DCPS to develop a curriculum for training school security personnel.

I am available if you have any questions.

1 The term “school security personnel” means “individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.”
FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director

DATE: July 7, 2020

SHORT TITLE: B23-0760, the Fiscal Year 2021 Budget Support Act of 2020,

TYPE: Amendment #1

REQUESTED BY: Councilmember David Grosso

Conclusion
This amendment will not have an adverse impact on the District’s budget and financial plan because the costs associated with implementing this legislation are included in the FY21 Budget and Financial Plan.

Background
Currently, security at District of Columbia Public Schools (DCPS) is funded through a contract that is administered by the Metropolitan Police Department. DCPS sends the funds for the contract to MPD who oversees and administers the contract. This amendment would add a new subtitle that would return the authority to oversee the school security contract back to DCPS. The subtitle would further require DCPS to begin planning and community engagement to reimagine school security, including increased reliance on behavioral health, in future school years.

Administering the contract at DCPS requires 3 new full-time equivalents (FTE) at DCPS central office. The funding and authority for these FTEs is provided within the FY21 proposed budget and financial plan through a redirection of savings in the school security contract.

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Council of the District of Columbia  
Committee of the Whole

Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020  
Grosso Amdt #1 - School Security

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