

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish, on a temporary basis, a Metropolitan Police Department School Safety Division that will be responsible for providing security to District of Columbia Public Schools, to provide that the School Safety Division shall be directed by a Director appointed by the Chief of the Metropolitan Police Department, to require the Metropolitan Police Department to create a training curriculum for school resource officers and school security guards who will provide security to District of Columbia Public Schools, to require the Metropolitan Police Department and the District of Columbia Public Schools to enter into a Memorandum of Agreement for the provision of school security services; to require the Mayor to submit a deployment recommendation and a comprehensive implementation plan to the Council and the Board of Education, to immediately transfer the responsibility for issuing an RFP for security services to begin January 1, 2005, from the DCPS to the MPD; and to make conforming amendments to the District of Columbia Procurement Practices Act of 1985.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Safety and Security Contracting Procedures Temporary Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "DCPS" means the District of Columbia Public Schools.
- (2) "MPD" means the Metropolitan Police Department.
- (3) "School resource officer" means a sworn MPD officer assigned to DCPS for the purpose of working in collaboration with DCPS and community-based organizations to:
 - (A) Prevent crime through community-oriented policing strategies;
 - (B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned;and

(C) Ensure that DCPS schools and grounds are safe environments for students, teachers, and staff.

(4) "School security guards" means un-armed personnel, trained and hired by the MPD School Safety Division.

(5) "School security personnel" means school resource officers and school security guards.

(6) "Superintendent" means the Superintendent of the District of Columbia Public Schools.

Sec. 3. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

(a) There is established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.

(b) The School Safety Division shall be directed by a Director appointed by and reporting to the chief of police with rank equal to an assistant chief.

(c) The School Safety Division shall:

(1) Hire all school security personnel for DCPS;

(2) Deploy school security personnel to DCPS;

(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, monitor and provide oversight over any contract for school security personnel; and

(5) Create and implement security and emergency operations plans for DCPS in concert with the Superintendent.

Sec. 4. Training for school security personnel.

The School Safety Division shall develop a training curriculum for all school security personnel providing security for DCPS. The curriculum shall focus on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

(1) Child development;

(2) Effective communication skills;

(3) Behavior management;

(4) Conflict resolution;

(5) Substance abuse and its effect on youth;

(6) Availability of social services for youth;

(7) District of Columbia laws and regulations, including Board of Education regulations; and

(8) Constitutional standards for searches and seizures conducted by school security personnel on school grounds.

Sec. 5. Comprehensive plan on school security; Memorandum of Agreement.

(a) By March 1, 2005, the Mayor shall recommend to the Council whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD for Fiscal Year 2006 and beyond.

(b) By June 1, 2005, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this act and submit the plan to the Board of Education and the Council. The plan shall contain the following:

(1) The qualifications and hiring process for school security personnel;

(2) The transfer of personnel, property, funds, and records including an ongoing procedure for allocating DCPS capital funds to MPD for security needs; and

(3) Lines of authority, supervision, and communication between the MPD and DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD and DCPS shall enter into a Memorandum of Agreement that shall specify security terms and responsibilities as outlined in the recommendation and plan submitted by the Mayor pursuant to subsections (a) and (b) of this section.

(e) Both the comprehensive implementation plan and the Memorandum of Agreement required by this section shall describe in detail the following:

(1) How school security personnel deployed at each school will provide security in coordination with the school's principal; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A)); and

(2) How the operating and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS will be utilized to carry out the provisions of this act.

Sec. 6. Authority to issue RFP's for school security related contracts.

The responsibility for and issuance of a Request for Proposals for any security guard or security related contract for DCPS for a contract term to begin January 1, 2005, or later shall transfer to the MPD as of August 2, 2004. The awarding and funding for a contract issued pursuant to any RFP under this section shall be the subject of the Memorandum of Agreement between DCPS and MPD.

Sec. 7. Applicability of sections 3 and 4.

Sections 3 and 4 shall apply as of the first day of October 1, 2005, or upon the submission by the Mayor to the Council of a supplemental budget to effect the transfer of funds from DCPS to the MPD, whichever occurs first, and Council approval pursuant to section 5(c).

Sec. 8. Section 104(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85, D.C. Official Code § 2-301.04(d)), is amended to read as follows:

“(d)(1) Except as provided in this subsection, this act shall apply to the Board of Education.

“(2) The Board of Education shall have no authority to solicit, award, and execute contracts for the provision of security for the District of Columbia Public Schools.

“(3) Regarding contracts not prohibited by paragraph (2) of this subsection, the Board of Education shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.”.

Sec. 9. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia