

School Safety

As students across the country march in protest, the discussion regarding gun control and school safety continues on the federal, state, and even local level. This article will revisit current laws in place affecting Missouri schools and provide an overview of potential legislation on the horizon.

At the federal level, Congress passed a bipartisan bill—the STOP School Violence Act—on March 23, 2018. The Act allocates resources to public schools for the purpose of strengthening security infrastructure, increasing training, and fostering coordination between schools and local law enforcement. Specifically, the bill provides \$75 million in 2018 and \$100 million from 2019-2028 for:

- The development of school threat assessment teams;
- Specialized training for school officials responding to mental health crises;
- The development of an anonymous reporting system for threats of school violence, including mobile telephone apps and hotlines;
- Training for law enforcement to prevent student violence;
- Physical improvements to school buildings for purposes of increased security (e.g. metal detectors, locks, double entry systems, security glass); and
- Purchasing and installing emergency communication technology for use by school personnel.
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A similar bill, The School Safety and Mental Health Services Act, was introduced in the House of Representatives on March 7, 2018. This bill has a greater focus on expanding the use of federal funds to provide increased mental health services for students. Specifically, the bill allows Title II funds to be used to hire more school counselors and improve their professional development. It also authorizes new studies on the prevention of mental illness and the development and dissemination of mental health “best practices to schools.”



Significantly, neither the STOP School Violence Act nor The School Safety and Mental Health Services Improvement Act include measures related to firearms, including measures that would arm teachers or other school personnel to protect schools against mass shootings. Notwithstanding the omission of such measures at the federal level, several states across the country have either passed or proposed legislation that would allow school employees to carry guns. Perhaps the most aggressive example is in Kansas, where the state legislature has recently proposed a bill that would make school districts liable for a school shooting if the district has refused to permit teachers to carry firearms at school.

Missouri already has such legislation on the books. In 2014, Missouri became the 10th state to allow certain school employees to carry guns when it passed RSMo. § 160.655—a law that permits (not requires) school districts to designate trained personnel as “school protection officers” (SPOs). Under the statute, a SPO is a teacher or administrator who volunteers to carry firearms or a “self-defense spray device”, such as mace or pepper spray at school. All SPOs **must be designated by the Board** after the individual has met all the requirements of the law, including extensive training¹. Importantly, the law does not require school districts to appoint SPOs, but merely provides that option.

In actuality, most school districts have not opted and will not opt to designate school teachers and administrators as SPOs. The reasons driving the decision to opt out of designating SPOs are far-reaching and varied. However, a driving factor has historically been based on the bottom line. Many insurance carriers simply will not insure SPOs or insure any actions taken by an SPO, making the liability in appointing SPOs cost-prohibitive.

¹ Other legal requirements for teachers or administrators seeking to become a SPO include: (1) submitting a written request for designation to the Superintendent; (2) Providing proof that he or she has a conceal carry endorsement or permit to carry a firearm; (3) Providing proof that he or she has completed training requirements established by the Peace Officer Standards and Training Commission. Once someone has been trained and holds the correct license or permit, the District must hold a public hearing on whether to designate an employee as a school protection officer before making the designation. A hearing notice must be published at least 15 days before the date of the hearing in a newspaper of general circulation within the county the district is located. After the hearing, the Board may determine in closed session whether to designate the employee as a SPO. See RSMo. § 160.655.

Notably, some vendors have emerged offering to provide training and insurance, separate from the District's primary liability insurer, to cover teachers and administrators designated as SPOs. In reviewing some of the agreements provided, concerns arise as to whether the insurance offered by these companies accepts liability for the trained SPO, but not for the District as a whole. If that is the case, then serious concern would still exist with respect to possible liability for school districts in the event a SPO would discharge their firearm in a non-emergency situation, or if a student were to obtain a firearm.

- Beyond the obvious financial implications in arming school personnel, there are several other “softer” factors that weigh against arming teachers:
- Because most Missouri school districts have policies prohibiting firearms on school property except for authorized law enforcement, any district wishing to designate a SPO would need to revise its Board Policies to include additional exceptions.
- Bringing guns in the classroom, closer to students, could raise the potential of a student obtaining the gun either purposefully or accidentally.
- Teachers and many teacher associations are widely opposed to being armed in the classroom, arguing that arming teachers distracts from the task of educating students.
- Teachers and administrators are not accustomed to responding high-stress situations, such as an active-shooter situation, making it less likely that the training received would be effective and more likely that accidents might occur.
- Nearly all education-affiliated organizations have vocalized their position against arming teachers in the classroom.



For questions regarding School Safety, please contact:



Emily Wopata
Attorney
11111 W. 95th St.,
Ste. 201
Overland Park, KS 66214

916-766-0447
ewopata@edcounsel.law

The debate on arming school personnel aside, the Missouri legislature is going beyond permitting the designation of SPOs in an effort to make schools safer for students. In March, the Missouri House of Representatives proposed HB 2567, a more resource-focused bill intended to increase safety and emergency preparedness in schools. This bill, named The Missouri S.A.F.E. Act would repeal RSMo. § 170.315¹² and would impose more stringent security and training measures on schools. Being voted out of the Special Committee on Homeland Security on March 29, 2018, The Missouri S.A.F.E Act still must pass through several steps of the legislative process before it becomes law. However, as it is currently written the bill:

- Establishes “The School Safety Task Force” to study school-based mental health services funding, staffing, and intervention responsible for reporting its findings to the General Assembly by December 1, 2019;
- Requires each school district and each charter school to establish a school safety and emergency response procedures. Schools must consult with the department of public safety, law enforcement authorities, and/or emergency response agencies to develop and establish these procedures and programs;
- Requires each school district and charter school, in partnership with local law enforcement, to conduct an active shooter and intruder response training program. The training must be conducted on an annual basis for all school personnel and must allow school personnel to respond in a simulated emergency;
- Requires training on how to properly respond to students who provide information about a threatening situation in which there is a potentially dangerous or armed intruder, including techniques on how to address situations where an active shooter is present on school property;
- Requires school districts to foster an environment in which students feel comfortable sharing information they have regarding potentially threatening or dangerous situations.

Regardless of where the law lands at the national and state levels, it is important for school leaders to remain dedicated to improving school safety at the local level. Systems for reporting perceived threats, staff members that are well-trained and responsive, an open line of communication with law enforcement, and a proactive approach to facility and system improvements are all important components to sustaining and promoting a safe learning environment for students.

² RSMo. 170.315 became effective in August 2013 and required all school personnel to participate in a simulated active shooter and intruder response drill conducted and led by law enforcement professionals. However, many of its other provisions were discretionary. The Missouri S.A.F.E. Act, if signed into law, would make most of those measures mandatory.