



Protecting Ohio Schoolchildren

An OSBA Guide to School Safety and Security

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OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.



Table of Contents

| | |
|--|-----------|
| Introduction | 3 |
| Core components of school safety and security | 4 |
| Prevention..... | 4 |
| Preparation | 4 |
| Response | 5 |
| Recovery | 6 |
| School safety plans | 7 |
| Ohio law on school safety plans | 8 |
| Public records status of school safety plans | 8 |
| Environmental review of school buildings for school safety plans | 9 |
| Additional school safety plan considerations..... | 10 |
| Threat assessment and school safety plans | 10 |
| School safety plans and staff training..... | 11 |
| School resource officers | 12 |
| A look at the issue of arming school staff | 12 |
| The law on weapons in schools | 13 |
| Policy issues surrounding arming staff | 14 |
| Importance of input from local stakeholders | 14 |
| Local policy adoption..... | 15 |
| Coordination with existing comprehensive safety plans | 15 |
| Employee issues with armed staff | 16 |
| Determining which employees are authorized to carry concealed handguns | 16 |
| Compensating employees who carry a gun as a job duty | 17 |
| Workplace concerns if employees are armed..... | 17 |
| Requests to change class assignments..... | 18 |
| Student welfare and issues | 18 |
| The law on sharing student information: FERPA..... | 19 |
| Informing parents and communicating in the event of an emergency..... | 20 |
| Parental access to children via mobile phones..... | 20 |
| Insurance and liability | 20 |
| Questions for consideration | 21 |
| Conclusion | 22 |
| Additional resources | 23 |
| Selected statutes | 24 |
| Ohio Revised Code..... | 24 |
| Federal law..... | 24 |



Introduction

The nation was shocked by the tragedy that unfolded at Sandy Hook Elementary School on Dec. 14, 2012. Twenty-six students and staff members were killed by a gunman that day — one of the deadliest shootings in U.S. history.

The community of Newtown, Conn., received an outpouring of support following the tragedy and schools across the country were given a stark, somber reminder about the importance of school safety and security. Sadly, this was not the first reminder. Outbreaks of school violence have occurred throughout the nation — even in Ohio. While it is important to remember these high-profile incidents are rare and schools remain one of the safest places for children, school districts need to do everything possible to ensure the highest level of safety and security in their buildings.

In the wake of Newtown, districts across the country are doing just that — discussing and reviewing strategies and procedures used to protect students and staff. Ohio school districts and school boards are extremely engaged in this conversation. The Ohio School Boards Association is involved in the discussion about school safety and security at the state level. The association's Board of Trustees directed OSBA staff to prepare this white paper to assist member districts with the work they face in reviewing, discussing and making decisions about school security.

This white paper addresses a wide range of topics, including core components of school security, legal requirements of school safety plans and considerations before arming staff members. A variety of schools in Ohio and the U.S. have recently discussed or taken action to arm staff members. OSBA strongly believes the decision to arm staff should be made only after a thorough and deliberate review of all aspects of the school safety and security plan. This white paper seeks to address school security as a whole, including the possibility of armed staff. It offers useful information and resources about safety issues for school board members and school administrators.

It is important to remember school security is not a single-issue conversation. Districts need to look at the entire spectrum of options available to address school security. There are no easy answers to the complex problem of school safety and school violence. School board members, administrators and community members should work together with legal counsel, law enforcement and security experts to determine the best way to ensure student and staff safety in their district. The options, protocols and procedures adopted must reflect the school district as a unique entity and local school community.

Note: This is a developing area. The Ohio Attorney General's School Safety Task Force continues its work. Gun control legislation, mental health resource development, and insurance and legal issues continue to evolve. As the landscape of school safety and security changes, this document will change to ensure it contains updated information.



Core components of school safety and security

There are a wealth of considerations involved in any school safety plan. It can be overwhelming to tackle all of the issues at once, so it helps to break them up into logical categories. School security planning efforts can be divided into the following four core components.



Prevention: Prevention involves assessing your school district buildings; using building safety reviews; developing crisis response plans for different types of situations; threat assessment; communication planning; and developing all aspects of the safety plan. Preparation should involve conversation and developing protocols with local law enforcement and other public safety personnel, such as firefighters and public health agencies.

Practical example — prevention: Connecticut school districts are not required by state law to have a school safety plan or crisis management response plan, but the Newtown Public School District did have such a plan. Its plan was current, responsive to specific buildings and practiced and drilled for staff and students. The district's plan included threat assessment and a command structure, and was specific to district buildings and updated and reviewed regularly. The fact that the district had and used the plan was a function of law enforcement and school officials driving the issue.

Preparation: Preparation requires active leadership and involves developing the response protocols; training staff and students; practicing the plan with staff, students, first responders and even parents; and making sure the district is aware of vulnerabilities and has addressed them to the extent possible, including building design and traffic patterns.

It also involves addressing these questions:

- Do you have an accurate building floor plan with all chemical hazards, shutoff valves, fire



extinguishers, exits and evacuation routes designated?

- Do you have a plan for each type of crisis and does everyone know how to implement it?
- Do your students' parents know how the district will reach them and where they can call in the event of a crisis?
- Does everyone know where assembly points are?
- Does local law enforcement know all this same information and do you know how you will interact with them during different types of crises?

Practical example No. 1 — preparation: The National Incident Management System (NIMS) is a comprehensive approach to incident management using best practices for establishing an incident command system. NIMS deals with all weather and hazard events, including responses like lockdown, shelter in place and evacuation. To learn more about NIMS, see the “Additional resources” section on page 23.

Practical example No. 2 — preparation: Building the communications layer of the crisis plan is critical in preparing your plan. Talk about the district staff's role in this phase of the plan. Who will speak for the district and offer updates when an event occurs? Who will authorize other speakers and communications? Who is on the contact list and how will they be contacted? What is the role of your board attorney? Communications experts advise that the board attorney should not be designated a point of contact unless it is necessary.

The district needs to plan to stay ahead of the tide of requests for information and not allow the news media and other agencies to communicate on its behalf. Counsel should review official district statements, if possible. Specific things to consider may include a regular place where news media will be addressed with real, timely information and making sure the main spokesperson or designees are available regularly to address the news media. Communications experts advise giving reporters consistent information quickly and regularly at a consistent point of contact, instead of dealing with individual reporters.

Response: Response is the implementation of the plan when an issue, incident or emergency occurs and in its immediate aftermath.

Practical example No. 1 — response: Ohio's Chardon Local (Geauga) School District responded admirably following the school shooting there in 2012. The prompt response of staff and law enforcement saved lives and led to the quick arrest of the suspect. Previous crisis planning and disaster drills prepared the district to react quickly and effectively. School officials worked tirelessly to provide information to parents, the community and the news media.

Practical example No. 2 — response: Sandy Hook Elementary School followed its lockdown procedures and safety drills when confronted by a gunman, which helped save lives. Newtown Public School District's safety plan help guide its response to the tragedy. The district was inundated with news media requests for public information from all over the country, and responding to those requests was a burden in and



Protecting Ohio Schoolchildren: An OSBA Guide to School Safety and Security

of itself. School officials worked with local law enforcement to share news and information with parents, community members and the media.

Consider aspects of the immediate aftermath of a crisis that may not be part of your plans. In a school shooting situation, how will staff be mobilized to deal with a large volume of public records requests from national news media, requests for interviews and reporters camped out in front of school district buildings? Where will news media be addressed? Who is the spokesperson? In the Newtown district, staff generally did not speak to reporters; have you addressed this issue with your staff?

Recovery: Recovery will be geared toward returning to the business of educating students. It involves addressing issues such as building damage and finding alternative facilities; bringing in grief counselors and other experts; staff availability to work; insurance claims and possible litigation; police access to buildings and records; participating in investigations; and much more.

Practical example No. 1 — recovery: Newtown Public Schools had to quickly secure another location for Sandy Hook Elementary School, since the school building itself was a crime scene and many parents and students did not want to return after the scene was released. Has your district considered what alternative arrangements might be available for each building? Another consideration is that there may be employee requests for time off due to the trauma and distress of the event.

Practical example No. 2 — recovery: Managing donations and volunteers can become unwieldy when the nation responds. Many people want to volunteer, but some of them are vendors who may later ask for compensation for their services. People, including vendors, may wish to give equipment, services or products to the district. Has your crisis communication plan dealt with accepting donations, managing what may be a large volume of donations and coordinating a great number of volunteers? A lawyer representing the Newtown district suggested volunteers sign an agreement acknowledging that services rendered are not going to be compensated so there are no misunderstandings later. He also suggested the board of education accept all donations and write a letter to donors acknowledging the contributions.

In developing school safety and security plans around these four core components, some elements can and will overlap.

Let's take the example of communication from the school during an emergency. Communication is addressed in each component. In the area of prevention, communication will include your stakeholders, law enforcement and public safety personnel; developing programs in school to identify students who may be at risk; training your staff; and other issues.

Communication in the preparation stage will involve a host of factors, including developing contact lists; designating a spokesperson; making sure parent notification is set up; identifying a media contact area; working with staff to ensure only the spokesperson and designees comment; and having counsel review official statements.



Response plans for communication involve implementing your communication plan accurately and successfully. In the area of recovery, communication will be an ongoing effort with staff, students, parents, reporters and law enforcement in the aftermath of a crisis.

A school safety plan that addresses prevention, preparation, response and recovery helps districts prepare as much as possible for the unforeseeable future.

School safety plans

The strength of the district's school safety plan is its structure. How complete is it? How much time have you and your staff put into making sure each element is studied, a customized approach developed and the plan has been practiced? Is it broken down into sections, making it easy to find information quickly? How often is your plan updated? How much a part of your school culture is your school safety plan? If you, your staff and your students don't know what to do, then the plan will fail to provide the best possible outcome in a crisis.

No plan guarantees safety. However, the Newtown Public School District had a safety plan, trained and practiced the plan and implemented it when the shooter entered the building. "Code Blue" was the district-specific communication code for an active school shooter in a building. Code Blue meant there was an imminent threat and that staff was to clear the halls, close and lock doors, cover windows with dark paper, maintain silence and turn off lights.

Teacher Victoria Leigh Soto put students in lockers, cubbies and cabinets, and maintained silence. She even told the shooter her students were not in the classroom and had gone to the gym. The shooter killed Soto, but her actions helped save lives.

The shooter, according to information available at this time, had 150 rounds of ammunition. Due to quick implementation of the plan, lockdown, prompt notification of law enforcement and police response, the shooter turned a gun on himself when confronted. He had 75 rounds left. The district's plan and its implementation and the immense bravery of staff slowed the shooter down and saved lives.

Initiatives Ohio schools are exploring to boost safety

- improving mental health support and developing resources and protocols;
- thoroughly assessing potential school security vulnerability;
- considering increasing the number of security personnel (security officers/school resource officers);
- ensuring emergency response plans are up-to-date with current thought and practices of first responders;
- ensuring emergency response plans are understood and able to be implemented immediately by school staff;
- assessing the ability of staff to follow safety and security plans, including drills;
- considering arming authorized school personnel on site;
- reviewing existing theories of school preparedness, including lockdown and building and grounds design.



Ohio law on school safety plans

Ohio Revised Code (RC) 3313.536 states that each school building must have a comprehensive school safety plan. The statute requires the involvement of law enforcement and safety officials, parents and all staff assigned to the building.

Key stakeholders in the plan are the law enforcement administrators and other first responders in your district. You may wish to include the county prosecutor and the school board's attorney. The community also may want to engage in a dialogue with the school board and administration on school safety and security or particular aspects of it. These aspects could include arming school personnel and hiring school resource officers and/or law enforcement officers to provide security, as well as how those people are armed. Other areas of consideration for discussion may include whether the district should implement an active shooter response or other crisis training.

The statute requiring school safety plans also requires districts to include protocols for responding to serious threats or emergency events involving students, staff and school property. The protocols must include notifying law enforcement, emergency response personnel and parents. The school safety plan statute requires parents and students to be notified about the protocols for threats and emergencies before the first day of school every year.

Ohio law requires safety plans be updated at least once every three years *and* whenever a major building modification takes place that may require changes to the procedures.

Boards of education must file a copy of the plan and a copy of the school building blueprints with each local law enforcement agency and fire department upon request. The current safety plan and a floor plan of the building must be filed with the Ohio attorney general's office (not the blueprint), which posts that information on the Ohio Law Enforcement Gateway. If your district revises its plan, remember to file the updated plan with local law enforcement officials and the attorney general.

The statute also requires districts to allow law enforcement agencies to train in each school building to respond to threats and emergencies. This training is to be held outside of school hours, with a board employee present.

Public records status of school safety plans

The school district is not obligated to disclose its safety plan to anyone but required individuals. The school safety plan is not a public record (RC 149.433). This statute exempts security and infrastructure records from public records status. The school safety plan contains confidential information about the district's response to a crisis of any kind, including a school shooter, chemical emergency, fire, tornado, terrorist event and other types of emergencies. The exemption includes vulnerability assessments and specific response plans intended to address acts of terrorism, and covers communication codes and any deployment plans for law enforcement or other public safety agencies.

The comprehensive review and discussion of the school safety plan begins with some basic questions (*see box on page 9*). This list is not all encompassing, but is intended to begin an inquiry about areas that should be reviewed. This data will be invaluable as you refine the plan.



Environmental review of school buildings for school safety plans

Unique environmental factors in your school district can have a major impact on your school safety plan. Some schools find themselves in high-crime neighborhoods or areas where emergency personnel access may be impaired by heavy traffic or railroad crossings, which increase response times. These local factors are all part of the assessment and inquiry into your school buildings' safety and security. Reviewing these things now, especially if your community has grown and changed, is an important piece of assessing the situation in your district.

One system of inquiry and assessment of school building safety and security is Crime Prevention Through Environmental Design (CPTED), a review of school sites that identifies and reduces environmental risk factors. The goals of CPTED are to make it harder for a criminal to access your buildings, make it easier for people inside or outside to notice unusual activity and improve the ability to respond to a threat.

The review involves assessing the school buildings and grounds using the following concepts.

- Natural access control: Use walkways, fences, lighting, signs and landscaping to clearly guide people and vehicles to and from the proper entrances. It also could include visitor management systems such as badges and remote control of designated doors to monitor who is entering the building.
- Natural surveillance: Provide clear lines of sight in and around school buildings by installing effective lighting, trimming or removing trees and shrubs, and placing staff in areas where they can observe entrances and exits. Individuals are less likely to commit a crime if they think someone can see them.
- Territorial reinforcement: Well-maintained properties deter vandalism and increase safety. Other strategies include posting signs, restricting access to the grounds, directing visitors and defining clear property boundaries with a fence or hedge.
- Target hardening: Reduce the chances for criminal activity by making the school site less vulnerable. Implement measures like locks, security patrols, video surveillance, alarm systems and metal detectors.

For more information on CPTED see the "Additional resources" section on page 23.

Questions to ask when reviewing school safety plans

- Has there been a thorough review of current access control measures?
- Has the school district embraced a sound process of assessment such as CPTED?
- Has the entire school safety plan been reviewed with the proper people (police, fire, custodians, other staff)?
- Has or will the district consider expending funds for a school resource officer?
- Has the district taken a comprehensive look at the mental health needs of students, gathered resources and initiated discussions with the proper parties (school nurse, psychologist, guidance counselor, community partners, children services, other agencies)?
- Has the district reviewed the disaster response plan and communications plan?
- Has the district determined an active shooter response, such as lockdown or evacuation?



Coordination with law enforcement and other first responders during this discussion is imperative. For the safety of students, employees and responding law enforcement, protocols must be established and practiced. One example of how critical it is to work together came from a real-life situation.

Practical example: A school district had a crisis plan for evacuating students and staff to a particular part of the school parking lot in the event of a fire. The plan called for staff getting students to a predetermined location and checking that everyone was accounted for.

Sounds good, right? The community's fire department also had a crisis plan for a fire at the school. That plan designated where fire trucks would pull in to stage the response. The problem was that the plan called for fire crews to stage their equipment at the exact place where students were to assemble after evacuating.

Both entities had good plans, but coordination was needed to avoid the inevitable chaos that comes with a real crisis.

Additional school safety plan considerations

Threat assessment and school safety plans

The FBI report "The School Shooter: A Threat Assessment Perspective" provides valuable insights to take into consideration when developing a school safety plan. The research in this report is worth reviewing, even though it was published nearly 15 years ago. For example, it discusses some widespread, but incorrect beliefs about school shooters, such as:

- School violence is an epidemic.
- All school shooters are alike.
- The school shooter is always a loner.
- School shootings are exclusively revenge motivated.
- Easy access to weapons is *the* most significant risk factor.
- Unusual or aberrant behaviors, interests and hobbies are hallmarks of a student destined to become violent.

The report discusses different types of threats and factors to consider in evaluating them, including classifying threats as low, medium and high risk. When the person making the threat is known, it is important to assess that individual's personality, family dynamics, social dynamics and school dynamics.

The FBI report describes certain traits that may further illuminate factors indicating a threat may be genuine. Personality traits and behaviors that should be considered include "leakage," defined as making vague threats or predictions, creating drawings or writings with themes of destruction, acts of violence or possession of weapons and a history of self-inflicted injuries.

Other factors include low tolerance for frustration, poor coping skills, lack of resiliency, being an "injustice collector," signs of depression, a failed love relationship, dehumanizing others, narcissism, alienation, lack of empathy, having a sense of entitlement, an attitude of superiority, externalizing blame, intolerance, manipulating others and anger management problems.



The report suggests forming an interdisciplinary team to address threat assessment.

School safety plans and staff training

Training is a key component to any school safety plan. It is important that school staff be familiar with safety and security procedures and informed of any revisions or updates. Many Ohio school districts have taken advantage of active shooter training programs. ALICE (Alert, Lockdown, Inform, Counter, Evacuate) is one of several training programs designed to move beyond lockdown and encourage employees and students to actively disrupt the expectations of a shooter to try to gain time, get away and save lives. One of the points of this system is to force the shooter to contend with distraction and surprise so that it disrupts his plan.

The shooter must engage in a physical process to accurately fire his or her weapon, and part of the ALICE training is to interrupt that process, even if he or she continues shooting. The goal is to change the situation so even if he or she continues to shoot, he cannot accurately hit a target. If victims are running and throwing things at the shooter, it can create a sensory overload. Disruption of his or her plans may not be what the attacker is expecting. ALICE training suggests not complying with the demands of the shooter, since doing so does not appear to have changed outcomes in school shooting cases.

ALICE teaches that people in the building during the shooting are the real first responders. Their goal is to survive, escape, slow the shooter down, defend themselves, limit the shooter's ability to accurately fire, help the injured and allow law enforcement time to get into the building.

ALICE is only one type of training that advocates active resistance to a school shooter. The training is mentioned because there is a level of familiarity with the term in Ohio. There are other philosophies on the best way to deal with a school shooter and each approach has pros and cons. Some contend that a lockdown is the best approach, and teachers should

Did you know that ...

- Incidents of targeted violence at school rarely were sudden, impulsive acts.
- Prior to most incidents, other people knew about the attacker's idea and/or plan to attack.
- Most attackers did not threaten their targets directly prior to advancing the attack.
- There is no accurate or useful "profile" of students who engaged in targeted school violence.
- Most attackers engaged in some behavior prior to the incident that caused others concern or indicated a need for help.
- Most attackers had difficulty coping with significant losses or personal failures. Moreover, many had considered or attempted suicide.
- Many attackers felt bullied, persecuted or injured by others prior to the attack.
- Most attackers had access to and used weapons prior to the attack.
- In many cases, other students were involved in some capacity.
- Despite prompt law enforcement responses, most shooting incidents were stopped by means other than law enforcement intervention.

Source: "The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States," by the U.S. Secret Service and U.S. Department of Education.



move students from hallways and secure them in classrooms. Others believe evacuating the school is the most effective way to deal with a shooter. Both methods have been credited with saving lives in crises. It is up to each school district to determine the best strategy for dealing with an active shooter, incorporate the strategy in its safety plan and practice it.

School resource officers

School resource officers are another option districts are using in conjunction with their safety plans. These officers serve a variety of roles in a building and can help districts prevent school violence, as well as respond to an incident. Roughly two out of five Ohio school districts have school resource officers, but many more districts are interested in acquiring them, according to a March 2013 poll conducted by OSBA. The electronic survey received nearly 300 responses.

Forty-two percent of superintendents and treasurers reported using school resource officers to help ensure school security. The survey found police officers and sheriff's deputies are most commonly used (90%), followed by security guards employed or contracted by the district (10%). Sixty-three percent of the districts with school resource officers have a single officer, 28% have two or three officers and less than 10% have four or more officers.

Fifty-six percent of Ohio school district leaders said their school resource officers are funded by the school district; a quarter said their school resource officers are funded through a shared service agreement. Among districts that do not currently use school resource officers, 58% of school leaders said they are interested in acquiring them. Given the funding challenges facing Ohio schools, some districts simply do not have the funding to acquire or sustain school resource officers.

OSBA believes school resource officers are one way for districts to ensure security, and it is up to each school board to determine if and how they fit into the district's safety plan.

A look at the issue of arming school staff

Having armed school personnel on site at schools is controversial and a departure from Ohio's traditional approach to school security. Keeping guns *out* of schools (with the exception of trained law enforcement personnel) has been the traditional approach in Ohio.

Ohio Attorney General Mike DeWine has said discussions on authorizing certain school personnel to be armed are important. DeWine has convened the Attorney General's School Safety Task Force, of which OSBA is a part. The task force's purpose is to gather, centralize and disseminate current research, thinking and information to local school boards to assist them with discussions in their communities.

The Ohio School Boards Association does not have an affirmative or negative position on arming school personnel or the possession of firearms on Ohio school campuses. Instead, in accordance with its adopted legislative agenda of local control, OSBA believes each district should be able to assess and decide the issue based on what best represents the local school community.

Ohio Attorney General Mike DeWine's office said he believes any decision as to whether school employees should carry or have access to firearms in school buildings is a decision that should be made



by local school boards. DeWine has stated that if he were on a local school board, he would consider employing a person with extensive peace officer training for security purposes, such as a retired police officer. He does not consider Concealed Handgun License (CHL) instruction adequate training for such purposes.

OSBA wants to provide members with concrete, reliable information to help school boards and management teams assess school safety and security and engage stakeholders in discussions and deliberations. District discussions on the feasibility of arming school employees must be professional and deliberate. The focus is on whether arming and training staff benefits the school safety plan. It is not a debate on guns.

The law on weapons in schools

There are both federal and state restrictions on possessing firearms on school property or defined school safety zones.

At the federal level, the Gun-Free School Zones Act of 1990 prohibits possession of a firearm in a school zone unless one of several exceptions is met. A school zone is defined as in or on the grounds of a public, parochial or private school or a zone within 1,000 feet from the grounds of a school (18 United States Code (USC) 922).

There are exceptions to the prohibition on possessing a firearm in a school zone, which include:

- being licensed to possess the firearm by the state or a political subdivision of the state;
- using a firearm in a program approved by the schools;
- being a person employed by a school pursuant to a contract;
- being a law enforcement officer;
- being on private property not on school grounds, or possessing the unloaded weapon across school grounds for the purpose of getting to public or private land for hunting, if such access is authorized by school authorities;
- if the firearm is unloaded and in a locked container or a locked firearms rack in a vehicle.

The law also prohibits discharging or attempting to discharge a firearm in a school zone. Exceptions include individuals participating in programs approved by the school (such as a re-enactment or demonstration), individuals employed pursuant to a contract between the school and an employer, a law enforcement officer acting in his or her official capacity or individuals on private property not part of school grounds (18 USC § 922(q)).

Ohio has a statute that makes it a crime to convey or possess a deadly weapon, dangerous ordnance or an item indistinguishable from a firearm in a school safety zone (RC 2923.122).

A deadly weapon is defined as any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon (RC 2923.11(A)). The statute defines various types of firearms. It also provides exceptions from those definitions for antique weapons, weapons that fire with black powder or inert or inoperable weapons.

Additionally, the Gun-Free Schools Act requires school districts to adopt a zero-tolerance policy that prohibits students from possessing guns on school property and mandates a one-year expulsion for doing



so (20 USC 7151).

Ohio law follows the Gun-Free Schools Act requirement that calls for the statutory prohibition on students bringing guns to school and the punishment, a one-year expulsion (RC 3313.66(B)(2)(a)). Ohio's statute also allows a school district superintendent to expel for one year a student who brings a firearm to an interscholastic competition; any other school program or activity not on property owned or controlled by the school district; property owned or controlled by the board; or extracurricular activity. The expulsion may be reduced on a case-by-case basis based on the board's adopted policy.

Policy issues surrounding armed staff

Generally, Ohio law does not permit the possession of firearms, concealed or in plain view, on school property (law enforcement officers exempted), although a board of education may authorize certain individuals to do so. A board may authorize carrying firearms in schools by staff members only by taking some form of action. Normally, this is either by resolution or adoption of board policy. Currently, Ohio law requires only an affirmative action by the school board, not the specific adoption of board policy, so a resolution would seem to be all that is legally required.

However, possession of a concealed firearm requires an individual to possess a CHL, which can be obtained only through the state. Therefore, while a school board *may* authorize staff to carry firearms, it does not have the power to allow staff to carry concealed firearms unless those staff members have a CHL.

The subtle point about authorization is important, because board policies are public records and, therefore, subject to scrutiny by anyone who asks. This extends to regulations and related exhibits contained in the board policy manual.

District-specific procedures and plans should be viewed as separate and distinct from board policy. Some of these, such as comprehensive security plans, are not considered public records or are deemed confidential. Therefore, OSBA believes most details related to authorizing certain, qualified staff members to possess concealed firearms on school premises should be part of a district's safety and security plans and not adopted as board policy. It makes little sense to tell any potential criminal which staff members are armed, thanks to a public record search or request.

Many required board policies on this topic include the information required to appear in the plan. For example, "emergency/safety plan, board/regulation," would often list the components of emergency safety plans. The details for each component appear in the actual plan itself, which is not a public record. Another point about any safety plan is to remember that it will need to be periodically reviewed and updated. Separate safety plans also provide more flexibility than board policies, which often are adopted by the board after two readings. By carefully differentiating which particulars go into policy versus district-specific plans, boards can maintain both flexibility and confidentiality while still ensuring student and staff safety.

Importance of input from local stakeholders

When school districts begin to consider alternatives or modifications to their safety or security plans,



they need to seek and carefully measure input from the community and other stakeholders. Just as districts in Ohio vary greatly in size, so do local perspectives on what changes should be made and which are acceptable.

Arming staff may be especially divisive, since any discussion about firearms and student safety tends to be emotional. Therefore, districts are advised not to rush into any decisions before stakeholders have had the opportunity to offer comments. Districts also need to fully elicit and consider the community's opinions on issues.

Since school board meetings are subject to Ohio's Open Meetings Laws and districts are required to have policies on public participation at board meetings, garnering input should not be difficult. However, be mindful that a stakeholder group may be broader than those who typically attend board meetings. Some extra effort may be needed to identify other interested individuals or groups and encourage them to attend and participate in the board meetings. A board also could call a special meeting specifically to discuss this topic or create a board committee to gather stakeholder input, but all legal requirements related to Ohio's Sunshine Law still apply.

Local policy adoption

As previously mentioned, Ohio law requires a board of education to authorize employees to possess firearms on school property. Authorization does not require adopting a board policy, but may be accomplished by a resolution. Boards *may* adopt a policy, but a policy is a public record and, for many districts, will require two readings prior to adoption.

If a board decides to authorize certain staff members to possess firearms by adopting a policy, it should be based on specific and comprehensive recommendations made by the superintendent. Ideally, the superintendent's recommendation also would include additional qualifications or training that staff members are required to have and references to appropriate Ohio laws, rules, regulations and other district policies or plans. Once adopted, the policy also will have to be dated, properly coded for the district's system and added to the board policy manual.

OSBA does not offer recommended model policy language or a sample policy for this purpose. However, since a few Ohio school districts have already adopted a policy for arming staff, OSBA's policy services staff can provide members with contact information for those districts. There is no assurance that these examples would be appropriate for any specific district, so it is recommended that each district consult with its board attorney.

It is very important to note that adopting an authorization for staff to carry weapons should be one of the last steps in a comprehensive review. That review should examine district safety and security; law enforcement engagement; stakeholder input; legal issues; insurance considerations; and crisis management plans. It also should address specific school safety plan issues such as weapon storage and cleaning; contingency plans for armed staff absences; staff training and qualification.

Coordination with existing comprehensive safety plans

If a school district authorizes certain staff to possess firearms, that action will require an immediate update of the district's safety plan. Authorized staff members will need to be identified not only by name, but by physical location or building proximity, as well. Duties, responsibilities and expectations



of armed staff will need to be delineated in the plan, and perhaps their work schedules. If firearms are stored, who has access to them and under what conditions will need to be spelled out.

Armed staff may or may not deter an incident, but could provide a faster response time. Therefore, safety plans that include response times will need to factor in the presence of armed staff. One question to ask law enforcement during planning is: How will the armed employee be identifiable to responding police? Once police and the armed staff member make contact, what is next?

When revising comprehensive safety plans, consult local law enforcement and first responders. Their perspectives, experience, knowledge and suggestions need to be carefully considered and incorporated, as appropriate. Remember that a district's comprehensive safety plan is not considered public information and extra effort needs to be devoted to maintaining the plan's confidentiality on many levels.

For example, Ohio law stipulates that in addition to creating and filing these plans, the school board shall grant access to each school building so law enforcement personnel can conduct training exercises after student instructional hours. The presence of armed staff will need to be incorporated in these exercises; however, their active participation could jeopardize some of the confidentiality aspects of these safety plans. It makes little sense to reveal which staff members are armed, thanks to a publicly conducted training exercise (RC 3313.536).

Employee issues with armed staff

If a district authorizes certain individuals to possess firearms on school property, there are numerous personnel issues that will need to be addressed.

Determining which employees are authorized to carry concealed handguns

Once a district decides to authorize staff to possess firearms on school property, the immediate question then becomes "who." Districts may answer the question based on an employee's position or job within the district, his or her location or any other individualized basis. Regardless of how the decision is made, each choice will have certain advantages and disadvantages, as well as varying legal implications. From an employee relations standpoint, there are some collective bargaining concerns that may need to be addressed, such as:

- Requiring mental and physical evaluations of armed personnel

Q: May a district require tests or evaluations to determine an employee's mental and physical fitness if carrying a firearm is a job requirement? If such tests are required, then they must be related to the job, so how must the job description be altered?

A: Review your collective bargaining agreements, job descriptions and employee manuals.

- Use of criminal background check results

Q: How do current background checks relate to the qualifications needed to possess a CHL?

A: The requirements for issuing a CHL differ entirely from the lists of prohibited offenses for employment in a school district.

Q: If additional checks are required (or desired), who pays for them?

A: This will be a local decision.



- District training of employees authorized to carry firearms

Q: What additional training is the district requiring before authorizing employees to carry firearms on school property?

A: This question needs to be carefully thought out, developed in an administrative regulation that may be part of the school safety plan and developed with input from law enforcement and the district's legal counsel. The district must be able to demonstrate it has adequately prepared, trained and supervised employees authorized to carry weapons.

Ohio law does not currently mandate a particular course of training. However, districts must make this decision carefully, because from a liability standpoint, a district must be able to show it adequately trained and supervised employees in the course of their duties.

Q: Are certain skills required and what is expected of the employee to maintain those skills?

A: Ongoing training, requalification and supervision should be components of the school's safety plan to ensure that the school can demonstrate it has adequately ensured employees authorized to carry weapons are trained, supervised and prepared, and that the district is monitoring this training, supervision and preparation.

Q: Who pays for continued training and related costs, such as extra time commitments, ammunition, firing range time and other factors?

A: The district will need to consider and follow through on all aspects of preparing employees, including the ongoing costs of maintaining the weapons, ammunition and abilities of the employees.

Compensating employees who carry a gun as a job duty

OSBA strongly advises against compensating employees for carrying firearms as part of their job. In addition to the difficulties anticipated in drafting the necessary job description and qualifications, classifying the job as a supplemental or extra-duty contract may create posting problems, as well as jeopardize the security and confidentiality of safety plans. Remember, the amount to be paid will be subject to collective bargaining, even if compensation is determined to be a "stipend," and nonexempt employees under the Fair Labor Standards Act may be eligible for overtime pay in certain situations.

Workplace concerns if employees are armed

At a minimum, the decision to arm employees on school property may be considered a change in the terms and conditions of employment, and therefore subject to bargaining. This is certainly true if employees receive any form of compensation, but even employees who are not armed or compensated may have concerns about how the decision impacts them. If a district receives a demand to bargain from its union, it should consult with board counsel on how best to respond.

Districts also should expect changes in relationships among teachers, support staff and students. New discipline issues may arise for both employees and students. Having a firearm on one's person can affect interactions and create an imbalance of power between people. Many armed employees may be new to the concept of carrying a concealed firearm or even owning a weapon, so supervisors need to be aware of evolving interpersonal dynamics and the potential for abuse. Again, appropriate disciplinary measures need to be devised well before such situations occur.



Requests to change class assignments

All school districts have a general policy on assigning students to school buildings and classes. The exact process often is detailed in individual building procedures. Therefore, parents who have concerns or seek different assignments for their children because of the decision to arm employees will need to follow those procedures. However, administrators will have to take special precautions in talking with parents in order to avoid divulging confidential safety information. For example, if the names of armed employees are confidential, an administrator cannot confirm or deny which teachers are armed if a parent indicates he or she does not want his or her child in an armed teacher's classroom.

Student welfare and issues

In addition to deliberating on arming staff, school districts throughout the country are considering additional methods to improve student safety. Anti-bullying campaigns, ALICE training, violence prevention, expanded counseling and suicide prevention are some of the more publicized programs currently being looked at by Ohio's schools. While these programs have added costs and time requirements, they tend to focus on prevention, which is critically important for a comprehensive approach to school safety. Additional resources on identification and prevention can be found on the U.S. Department of Education and National School Boards Association websites (www.doe.gov and www.nsba.org).

There is some excellent U.S. government agency research concerning threat assessment of students and how to evaluate risk levels. Particularly compelling is a 2008 U.S. Secret Service and U.S. Department of Education publication titled "Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack." This in-depth study analyzed 37 incidents of targeted school violence from 1974 to 2000.

Key findings include:

- The perpetrators exhibited concerning behavior prior to the attack in 93% of the incidents. This suggests that attacks might have been avoided with proper observation techniques and sharing information more openly.
- Second, and more significant, at least one other person had some knowledge of the attacker's plan in 81% of the incidents and more than one person had such knowledge in 59% of the incidents. Of those individuals who had prior knowledge, 93% were peers of the perpetrators — friends, schoolmates or siblings.
- Data on the relationships between bystanders and attackers showed that 34% were friends with the attacker; 29% were roommates, coworkers or schoolmates; 6% were family members; and 31% were of another type or unknown.
- Only 4% of the individuals with prior knowledge attempted to dissuade the attacker from violence.
- School climate affected whether bystanders came forward with information related to the threats. Bystanders who reported threats had positive relationships with adults, teachers or school staff. One student who knew of a weapon on school property was reluctant to come forward because he expected a negative reaction: "When you say something, you get in trouble or interrogated by teachers."
- Some bystanders did not believe the attacks would occur and so they did not report them.
- Bystanders often misjudged the likelihood and immediacy of the planned attack.



Protecting Ohio Schoolchildren: An OSBA Guide to School Safety and Security

- In some situations, parents and parental figures influenced whether the bystander reported information to school staff or other adults in positions of authority.

This study highlights the importance of creating a school climate where “see something, say something” is fostered. Students may not trust authority figures, thinking adults would not listen, or that by saying something the students might be threatened, ostracized or targeted.

The report recommends that schools ensure a climate in which students feel comfortable sharing information they have about a potentially threatening situation. The student’s emotional connection to school and staff influenced whether he or she reported information, including confidence that the information shared would be believed and kept confidential.

Something as simple as ensuring all staff regularly greet students by name and talk to them may create the emotional connection that will encourage reporting planned attacks.

School districts also are encouraged to develop policies that address the many aspects of reporting a threat.

- Encourage students, staff, faculty, parents and others to report all apparent threats or disturbing behaviors.
- Provide several options for reporting threats, including reporting anonymously, if necessary.
- Ensure that all who report a threat or threatening situation are treated with respect and the information they provide is closely guarded.
- Emphasize that the school will take appropriate action on all reports and will, within the confines of privacy laws, provide feedback to the reporting student that the information was received and appropriate action was taken.
- Articulate what types of student information and knowledge can be shared, with whom it can be shared and under what conditions it can be shared.
- Be clear as to who is responsible for acting on information received about threats.
- Where the law permits, include law enforcement and mental health officials in the review process.
- Track threats over time so information collected about threats can be used in the decision-making process.

Boards of education also should consider the role dress codes can have on school security. Excessively baggy clothing — including pants, jackets and large, untucked shirts — may conceal weapons. School districts may reasonably regulate student dress to promote a safe learning environment. The student handbook should specify what types of clothing are prohibited. Dress codes can help further establish a positive school climate.

Research shows creating a positive school climate can be a game changer for your school district when addressing the potential threats of a school shooter who is a student at the school.

The law on sharing student information: FERPA

After the 2007 shooting at Virginia Tech, the federal government carefully considered and published guidance for school officials who believed they were prohibited by law from sharing information about the mental health and communications of a school shooter.



It is clearer now after the 2007 U.S. Department of Education guidance that the health and safety exception on information sharing in the Family Educational Rights and Privacy Act (FERPA), which generally requires districts to keep student information confidential, allows information sharing when there is such an emergency.

The law allows disclosure in an emergency of personally identifiable information from student records if necessary to protect the health and safety of the student or other individuals. Disclosure of the information may be made to law enforcement, public health officials and medical personnel. Release is limited to the period of the emergency and is not a blanket release of student records (34 Code of Federal Regulations (CFR) 99.31, 99.36).

It is important to remember that a school employee's individual observations of a student are not personally identifiable education records of that student, and that those may be disclosed in appropriate circumstances regardless of the FERPA health and safety exception. A teacher who overhears a threat or observes suspicious behavior may report it.

If the district has a law enforcement unit, the records of that unit are not considered education records under FERPA and may be disclosed to law enforcement without parental consent. This is true if the district employs off-duty police through a contract with a police department or has employed its own school resource officers designated as the district law enforcement unit (34 CFR 99.8).

Informing parents and communicating in the event of an emergency

School district safety plans contain specific procedures for contacting parents in the event of an emergency. Usually, the notification procedure will be somewhat different than the procedure the district uses for more routine emergencies, such as school closings related to calamities, and will often depend on the circumstances of that emergency. Many Ohio school districts use electronic notification methods, involving phones, emails, texts, tweets and other means. Keeping parents informed in the event of an emergency is a high priority and must be carefully planned and tested before a crisis arises.

Parental access to children via mobile phones

While it is not statutorily required, most school districts have adopted a technology use policy that addresses how and when parents can contact their children through their mobile phones. Some policies prohibit students from using and possessing mobile phones, while other policies allow possession, but specify when and where mobile phones may be used. Additionally, for districts that allow mobile phone possession but limit their use, building-level rules vary and usually are contained in student handbooks.

It is reasonable to assume that in the event of an actual emergency and regardless of a district's policy, parents and students will attempt to contact each other via mobile phones. Therefore, districts are advised to consider this reality in their safety planning and discuss the general impact this may have on districtwide emergency communications.

Insurance and liability

Insurance coverage is a critical piece of school safety and security. School districts face risks every day and routinely purchase insurance to cover most of those risks. For safety and security concerns, Ohio



school districts ordinarily rely on trained law enforcement, school resource officers, security guards and unarmed security staff. Any consideration of using ordinary school employees for the same purposes, especially when it involves the possession and possible use of firearms, requires careful consideration of the potential liability and insurance ramifications.

The district's insurance policies — including general liability coverage, workers' compensation and school liability plans — may or may not include coverage for the various risks associated with the decision to arm school employees. The district's insurance carrier may or may not be willing to write coverage for those risks. Accordingly, this issue must be carefully evaluated by districts, their legal counsel and their liability insurance carriers to determine the overall feasibility of any course of action.

Claims and litigation after any incident in which a firearm is used in a school would be evaluated according to existing federal and state law. Under state law, school districts and employees are entitled to broad immunity for governmental or propriety acts that are done within the scope of the employee's duties and are not undertaken recklessly or wantonly or outside the scope of the district. Under federal law, the availability of immunity for firearm-related activities may be more limited. Regardless, the various avenues for liability may require consideration of multiple insurance policies, and school districts should not forget the more basic (and more likely) considerations, such as injuries to employees that occur in the course of security training.

The Ohio School Plan, which provides insurance for schools, has issued a list of questions to help guide schools considering arming staff. Those questions follow, and are used by permission. However, school districts should not look to these as an exhaustive list and, again, each district should speak with its insurance carrier and legal counsel before undertaking firearm-related activities.

Questions for consideration

Has the school district included an extensive review of access control measures?

- Was this review conducted with local law enforcement or other safety/security professionals?
- Were the guiding principles of CPTED or similar crime prevention protocols used?
- Were traditional armed security resources such as school resource officers or hired security professionals considered and eliminated as options?

Has the school district augmented its traditional response plans through ALICE or other active shooter response enhancement options?

- Has the district defined the type of weapons training for authorized individuals?
- Does training include tactical training in addition to standard CHL training?
- Has an ongoing frequency of training been established?
- Have training resources been identified?

Does the school district have deadly weapons control measures in place?

- Is use-of-force language, consistent with standard CHL training, documented in a policy?
- Is constant possession (on the body versus safely secured in an area with immediate access) defined?
- Are all buildings and grounds represented? If not, are excluded areas clearly defined and identified?

Has the school district identified key personnel to possess weapons?

- Are all buildings (floors, wings and other areas) represented?



- Have contingency plans been established for staff absenteeism and leave?
- Are all excluded areas defined and identified with signs or other markings?
- Is personnel limited (teachers, administrative or other staff)? Is the use of volunteers included?
- Has the school district's board of education provided written authorization to all persons possessing deadly weapons?

Have updated copies of each building's school safety plan been provided to all interested parties?

- Do they include a list of authorized persons and their typical locations?
- Have the new responsibilities of authorized persons been included in the response plans?
- Have lock-in and lockdown drills been scheduled with local law enforcement to conduct joint training of the new plan?

Conclusion

School safety and security is a complex issue with a wealth of considerations. Given the critical importance of ensuring staff and student safety, it is up to each school district to weigh all options carefully and determine the best course of action. While each district's school safety plan may vary, they all should address the four core components of school safety and security: prevention, preparation, response and recovery. School board members, administrators and community members should work together with legal counsel, law enforcement and security experts to determine the best ways to ensure student safety in their district.

The issue of arming school staff is particularly thorny, and school boards should engage in thorough discussion and review before taking action to do so. Arming staff, should a school board elect to do so, is only one component of a broader school safety plan.

Districts need to evaluate their security, update their crisis plans and conduct safety and risk assessments on a regular basis. While this white paper focuses on a variety of issues surrounding school security and safety, it is important to note it is not all-inclusive. Bolstering school safety requires a comprehensive approach, including efforts to curb bullying, improve school climate and increase access to mental health services.

As history has sadly shown, even the most prepared schools cannot always prevent an outbreak of school violence. Districts, however, can increase security, emphasize prevention, improve school climate and give their community confidence by taking the time to develop an in-depth safety plan.

OSBA is available to assist districts with their efforts to strengthen school safety. The association is part of the Attorney General's School Safety Task Force and is working diligently at the state level to address the issue of school safety. OSBA will update school districts as task force and other school safety meetings occur, and as more information is available.



Additional resources

"The School Shooter, a Threat Assessment Perspective"

www.fbi.gov/stats-services/publications/school-shooter

"The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States," U.S. Secret Service and U.S. Department of Education

www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf

"School Safety and Emergency Preparedness," Seamus O'Meara, O'Meara, Leer, Wagner, Kohl, P.A., NSBA Council of School Attorneys presentation, April 2013, available from NSBA

"Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack," U.S. Secret Service and U.S. Department of Education publication, 2008

www.secretservice.gov/ntac/bystander_study.pdf

"Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," U.S. Secret Service and U.S. Department of Education publication, 2002

www.secretservice.gov/ntac/ssi_guide.pdf

"Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools," U.S. Department of Education Family Policy Compliance Office brochure, 2007

www2.ed.gov/policy/gen/guid/fpco/brochures/elsec.html

Ohio Homeland Security "School Shooter Resource Kit"

www.osroa.org/links/2012-095%20FOUO%20School%20Shooter%20Resource%20Kit.pdf

"Primer to Design Safe School Projects in Case of Terrorist Attacks and School Shootings," FEMA-428/BIPS-07/January 2012, Edition 2

www.ct.gov/demhs/lib/demhs/bips07_428_schools.pdf

"Attorney General DeWine Sends Training Video to All Ohio School Districts"

<http://links.ohioschoolboards.org/72933>

The Centers for Disease Control and Prevention

<http://emergency.cdc.gov>

National Incident Management System

www.fema.gov/national-incident-management-system

"Using Crime Prevention Through Environmental Design," U.S. Department of Justice, 2007

www.cops.usdoj.gov/Publications/e0807391.pdf



Selected statutes

Ohio Revised Code

2923.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone.

3313.536 School safety plan for each school building.

149.433 Exempting security and infrastructure records.

3313.66 Suspension, expulsion or permanent exclusion — removal from curricular or extracurricular activities.

3313.661 Policy regarding suspension, expulsion, removal and permanent exclusion.

Federal law

The Gun-Free School Zones Act of 1990 (18 U.S.C. § 922(q))