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Beyond Crisis Planning:

Creating a Climate of Safety in Your School District

What this presentation will Cover?

- Overview of school violence statistics
- Board obligations related to school safety.
- Search and Seizure of students
- Suggestions for creating a climate of safety in your school district.
- Arming school administrators and teachers



Violence On Campus

What does it look like for students?

- 5.6% did not go to school on one or more days because they felt unsafe at school or on their way to or from school (previous 30 days). (down from 2014)
- 20.2% reported being bullied on school property – 15.5% reported being bullied electronically (previous 12 months before the survey).
- 7.8% reported being in a physical fight on school property (previous 12 months).
- 6.0% reported being threatened or injured with a weapon on school property one or more times (previous 12 months). (down from 2014)
- 4.1% reported carrying a weapon (gun, knife or club) on school property on one or more days (previous 30 days). (down from 5.2% in 2014.)
- https://www.cdc.gov/violenceprevention/pdf/School_Violence_Fact_Sheet-a.pdf

Violence Against Teachers

- 10% of teachers are threatened with violence by students at school.
- 6% of teachers are physically attacked by students at school.
- 20% of teachers reported being verbally abused.

○ **Note:** Assault and Battery on School Personnel is a separate criminal offense in New Mexico. See NMSA 1978 § 30-3-9.

- <http://www.apa.org/education/k12/teacher-victimization.pdf>



Is this the Age of Mass-School Shootings?

- Since 1990, there have been 22 shootings at elementary and secondary schools in which two or more people were killed, not counting those perpetrators who committed suicide.
- Whereas five of these incidents have occurred over the past five-plus years since 2013, claiming the lives of 27 victims (17 at Parkland), the latter half of the 1990s witnessed seven multiple-fatality shootings with a total of 33 killed (13 at [Columbine](#)).
- Over last 25 years, about 10 students killed in school shootings each year. (about 100,000 public schools in U.S. with 55 million students)
- About 100 school age children killed riding bikes or walking to school each year.

Threats of Violence

- Since Parkland, schools in the U.S. are receiving an average of 50 threats of violence every day compared with 10 per day at the end of 2017.
- There has been an average of one violent incident for every day of the school year in 2018, so far
 - Almost half of these involved a gun being found or fired in a school.
 - Authorities fear that copy-cat attackers might have been inspired to carry out their own attacks by the Parkland shooting.
- ***Still the vast majority of threats were ultimately determined to be hoaxes.***

Types of School Violence

- **Peer Conflict/Fighting**
- **Bullying/Cyberbullying**
- **Dating (Domestic) Violence**
- **Gang Violence**
- **Homicide**
- **Suicide**



Risk Factors

- Prior history of violence
- Delinquency
- Drug, alcohol use
- Gang involvement
- Poor family functioning
- Poor grades in school
- Poverty
- Mental Illness

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“No, I can’t explain my D in math. That class teaches us about numbers, not letters!”

Your Obligations

- NMAC 6.12.6.8
 - School safety plans required at all public schools focused on supporting healthy and safe learning environments.
 - Plan must be submitted to PED for approval on a 3-year cycle and include an Emergency Operation Plan.

Emergency Operations Plan

- the document which outlines and explains functions, resources and coordination procedures for responding to and supporting crisis, emergency, terrorist-response, and disaster operations, and is that portion of a safe school plan that details risk assessments and establishes the plans or procedures to manage a crisis, emergency, terrorist or disaster event before, during and after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry. NMAC 6.12.6

Obligations Cont.



- NMAC 6.12.7.8
 - Cyberbullying and Bullying policies and programs in effect by 2013-14.
 - Anti-bullying policy must include:
 - Procedures for reporting incidents of cyber/bullying
 - Consequences for knowingly making false reports
 - A requirement that staff report incidences
 - A requirement that anti-bullying be included as part of the health education curriculum
 - Must investigate
 - Must train staff to recognize cyber/bullying

SB 239: School Capital Outlay for Security

- Adds a new section to Public School Capital Outlay Act, at 22-24-4.7 NMSA that:
- Provides a grant to district for security system projects. PSCOC to develop guidelines
- District applies on a form that includes an assessment of existing security system and an opinion by the district that the project will improve security. PSFA verifies District's assessment and ranks all applications in accordance with its developed methodology.
- After a public hearing, PSCOC makes project grants to districts it determines are willing and able to pay their portion of the project cost not funded with the grant and in accordance with the ranking.
- Grant money to be spent within 3 years
- Up to \$10MM of the public school capital outlay fund may be expended each fiscal year from 2019 through 2022 for school security system project grants.



Student Search Requires Reasonable Individualized Suspicion

- **New Jersey v. T.L.O**, 469 U.S. 325 (1985)
 - Adopted the “**Reasonable Suspicion**” standard for searches in public schools.
 - Search must be:
 - Justified at inception – *Reasonable grounds* for believing that search will reveal evidence of violation of law or school rules
 - Not excessively intrusive in light of age and sex of the student and the nature of the infraction.
 - A mere “hunch” is not a proper basis for a search.

Search and Seizure Cont.

- NM PED Regulations on Search & Seizure
 - [NMAC 6.11.2.10 \(B\)](#)
 - *Search and seizure*: School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.
 - *Notice of search policy*. Students shall be given reasonable notice, through distribution of [written policies](#) or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.



Emergency Drill Requirements

NMSA § 22-13-14 and NMAC

6.29.1.9(N) Emergency Drills Required

An emergency drill shall be conducted in each public and private school of the state: *(12 total)*

- *At least 1X each week during first 4 weeks* of the school year; and *at least 1X each month thereafter* until end of school year (13 total)
- *2 Shelter-In-Place* Drills
- *1 Evacuation* Drill (Off-site locations)
- The remainder shall be *fire* drills



Rancho Tehama Elementary School Shooting-Lockdown

- Rural school, under 100 students, 9 employees, 4 classrooms.
- Before classes began in morning, staff heard gunshots, school secretary ordered a lockdown. Staff started corralling students and parents into school w/o waiting for law enforcement notice.
- Gunman crashed truck through school security fence, started shooting up and trying to access building but got frustrated and left when he couldn't gain access.
- One student shot

Aztec Shooting and Lockdown

- Custodian pursued shooter yelling “lockdown” and “active shooter.”
- 74 year old substitute teacher didn't have a key to lock the computer lab so she hustled kids into a storage room and barricaded the door.
- Shooter came into that room hollering “I know you're in there,” and fired multiple rounds through the walls. No one hurt in that classroom.
- Do your secretaries, custodians, teachers, substitute teachers know how to call a lockdown and know what to do in a lockdown?

School-Wide Discipline Policies

○ NMSA § 22-5-4.3A

District-wide student discipline policies shall be adopted by the school board, and filed with PED, in order to be enforceable.

How to create a Climate of Safety?

- 1. Do your schools have written policy/procedure for programs and incidents?*
- 2. Do you have a practice and protocols that all schools follow when circumstances present themselves?*
- 3. Are schools teaching cyber/bullying curriculum in grade schools?*
- 4. Is staff being trained to correctly assess the difference between - Bullying v. Teasing v. Peer Conflict v. Dating Violence?*
- 5. Does staff member behavior mirror curriculum taught? Is workplace bullying/harassment being addressed by administration?*



What else can you do?



- 1. Do you have a policy, procedure and practice for progressive discipline.**
- 2. Are victim-support programs in place?**
- 3. Do staff encourage student bystanders to safely help victims?**
- 4. Do you promote a culture where students will report concerns about other students to teachers/administration/campus security?**
- 5. When reports are made of bullying and harassment, are they investigated thoroughly? Are those investigations documented?**
- 6. Do school officials have positive working relationships with SROs or local law enforcement?**

Assessing Dangerous Behavior



Threat Assessment

- **Process of identifying, assessing, and managing individuals who might pose a risk of violence to an identified or identifiable target.**
- **Effective threat assessment can only occur within the larger context of school safety.**
- **Cultures and climates of safety, respect, and emotional support can help diminish the possibility of targeted violence in schools.**





Threat Assessment Teams

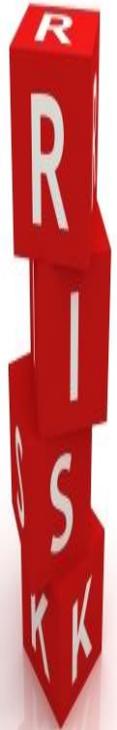
Multidisciplinary team convened to conduct a fact-based investigation to determine how likely the person is to carry out a threat/act of violence.

T/A Team should consist of:

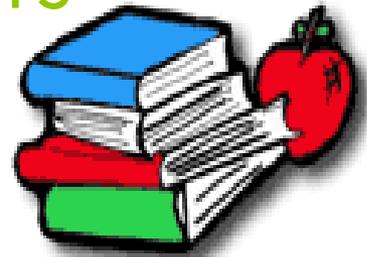
School administrator, LE/SRO or P/O, School Security, Mental health professional, School Guidance Counselor, Teachers, School Nurse, District Media PIO, Other contributing persons

Ways to minimize risk

- Create cultures and climates of safety, respect, and emotional support.
- Use policies, procedures and protocols, in conjunction with a threat assessment team, to determine level of risk and next steps.
- Improving access to mental health services – in school and within community.
- Social/emotional learning programs in schools.
- Teaching problem-solving and conflict-resolution skills before the high school years.
- Improved staff training in Threat Assessment and emergency response.



Arming School Administrators and Teachers



- Hot topic in light of continued school shootings- not advisable.
- Most educators prefer to be armed with books and knowledge.
- Allowing administrators and teachers to be armed is essentially deploying those school employees in a public safety capacity to protect the masses.
- May violate state law
- May not be covered by insurance.
- Assumes that by arming educators they can provide protective services

New Mexico Law related to carrying weapons on School Premises

N.M. Stat. Ann. § 30-7-2.1 (1994).

- A. Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises **except by:**
 - (1) a peace officer;
 - (2) school security personnel;
 - (3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
 - (4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or
 - (5) a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

- B. As used in this section, “school premises” means:
 - (1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board; or
 - (2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed.

- C. Whoever commits unlawful carrying of a deadly weapon on school premises is **guilty of a fourth degree felony.**

Firearms not allowed on school property, except in limited circumstances.

- N.M. Stat. Ann. § 29-19-8(B) (2003)
("Nothing in the Concealed Handgun Carry Act shall be construed as allowing a licensee in possession of a valid concealed handgun license to carry a concealed handgun on school premises as provided in Section 30-7-2.1 NMSA 1978.



Arguments against arming teachers: accidents happen

- <http://www.ksbw.com/article/seaside-high-teacher-accidentally-fires-gun-in-class/19426017>
- https://idahostatejournal.com/news/local/isu-prof-with-concealed-weapons-permit-who-accidentally-shot-his/article_18228ab2-3383-11e4-af7e-001a4bcf887a.html
- <http://www.msnbc.com/msnbc/utah-teacher-shoots-herself-the-leg-while-school>
- https://www.youtube.com/watch?v=QNa5n2I_DUw

More arguments against:

- More than one armed person stalking the halls when law enforcement shows up.
- Wrong person/student gets ahold of gun
- Don't want to increase the number of school disputes being resolved by someone with a gun.
- Workplace disputes when firearms present.
- Expensive, maybe cost-prohibitive training required.

NMPSIA NEW BEST PRACTICES STANDARDS FOR SCHOOL SECURITY PERSONNEL

- Recognition of concern with protecting students from Imminent Violent Threats.
- Strong preference for sworn law enforcement officers to respond to threats posed to students and personnel.
- Also recognizes that in districts and schools in rural areas, law enforcement response time may exceed 30 minutes.
- Lays out three options for armed security presence at schools.

NMPSIA Option 1: SRO's

- The first option for creating School Security Personnel authorized to carry firearms on school property and at school events is to contract with a local certified law enforcement agency for a School Resource Officer or other sworn law enforcement officer whenever possible.

NMPSIA Option 2: Licensed Private Security Guard

- If not feasible to obtain SRO, contract with an outside security company, licensed through the State Regulation and Licensing Dept. as outlined in NMAC 16.48.1 and pursuant to the NM Private Investigators Act (61-27B-1 NMSA), and specifically trained to be stationed among students in a campus setting.

NMPSIA Option 3: School Security Personnel w/Level 3 Security Guard License

- Last resort and only after Options 1 and 2 have been thoroughly explored and found to be impossible.
- Allows districts and charters to designate a school employee or volunteer as a School Security Personnel (SSP) by separate contract with that employee or volunteer.
- Requires extensive training

NMPSIA: Option 3 cont'd

- SSP's only allowed to possess a Semi-Automatic Pistol or Revolver. No rifles or shotguns.

Private Property Owners

- NMSA 1978 § 29-19-12 allows the property owner to post signs prohibiting firearms on the property and/or to inform individuals directly that firearms may not be carried on the property.



Questions? Contact Us.

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- All slides after this relate to NMSPIA requirements for arming school personnel. Please refer to these slides if you are considering this options and call us if you have any questions.

NMPSIA Policy Requirements

- District/Charter must adopt the NMPSIA-recommended policy format, or one that satisfies similar requirements. All policies will be subject to the NMPSIA Board's approval.
- District/Charter policy must state that if teaching personnel are contracted to be SSP, then that contract must not contain any security-related duties that would interfere with the teacher's primary duty of care.
- All information pertaining to SSP at a District/Charter shall be kept separate from SSP's individual employee or volunteer file. SSP information shall be a part of, and kept with, the District/Charter Safe School Plan.

Policy Requirements cont'd.

- District/Charter policy must state an absolute prohibition of any SSP on school grounds until all outlined requirements are met through the New Mexico Regulations and Licensing Department and the employee or volunteer has a Level-3 Security License. Only New Mexico-issued licenses and registrations will be deemed valid; any license(s) or registration(s) from different states or territories will not be taken into consideration. A Level Three Security Guard must have obtained both a Level One and a Level Two license before qualifying for a Level Three license.

Requirements for Level 3 license: A Level 1 license

- Level 1 license–
- minimum 8 hr. training curriculum;
- criminal background check with fingerprints;
- rules and regulations exam;
- registration fee.
- NOT AUTHORIZED TO CARRY WEAPON

Requirements for Level 3 license: A Level 2 license

- Proof of a current registration in good standing as a level one security guard or proof of completing department approved level one security guard training;
- Criminal Background Check w/Fingerprint cards;
- Rules & Regulations Exam
- Registration Fee;
- Minimum required 16 hr. specified training curriculum before application;
- Proof of completing department approved weapon (non-firearm) training;
- An applicant for Weapon Endorsement must successfully complete training for each specific weapon endorsement:
 - Four (4) hour chemical agents training (specified curriculum);
 - Eight (8) hour defensive impact tools training (specified curriculum);
 - Eight (8) hour electronic non-lethal device training (specified curriculum);
 - Eight (8) hour restraint and control devices training (specified curriculum)

Requirements for Level 3 license:

- Proof of a current registration in good standing as a level two security guard or proof of completing department approved level two security guard training;
- Criminal Background Check w/Fingerprint cards;
- Rules & Regulations Exam
- Registration Fee;
- Minimum required 16 hr. specified training curriculum plus a minimum of four (4) hours dedicated to the laws pertaining to firearms and deadly physical force
- Proof of being firearm certified by an instructor recognized and certified by the New Mexico Law Enforcement Academy or the National Rifle Association Law Enforcement Activities Division;

Requirements for Level 3 license cont'd:

- Proof of level two weapon endorsement or proof of completing department approved weapon training;
- Proof of successful completion of a psychological evaluation as prescribed by the department to determine suitability for carrying firearms.

More NMPSIA Requirements

- Retired NM Law Enforcement officer in good standing with current commission may serve as SSP without becoming Level 3 Security Guard. Commission and required training must be current and available for inspection

More NMPSIA Requirements

- District/Charter policy will include prohibition of storing weapons or ammunition on campus. SSP will arrive armed and leave armed. SSP will only be armed on campus while on duty. In the event the SSP must stop carrying his/her firearm while still acting under their other duties as an employee or volunteer of the District/Charter, the firearm must be unloaded and properly secured out of sight in the SSP's locked vehicle.

More NMPSIA Requirements

- District/Charter policy will forbid the SSP from carrying a firearm on the grounds of another District or Charter absent an official Memorandum of Understanding. A SSP traveling to another District/Charter must abide by all policies of that District/Charter.

District Policy: Open or Concealed?

- Open-carry security personnel must wear specific clothing that easily identifies this person for responding law enforcement. What constitutes specific identifying clothing requirements is left up to the individual District/Charter.
- Concealed carry personnel must also possess and maintain a state Concealed Carry License (CCL). If the contracted SSP is a retired law enforcement officer in good standing; the Law Enforcement Concealed Carry license can be used in lieu of the state CCL.
- A firearm must not be carried in any off-body carry manner (i.e. bags, backpacks, fanny packs, briefcases, and purses); as well as must not be placed in any locking desk, drawers, or unanchored safes. Firearm to remain physically on the person of SSP at all times.

District SSP Policy

- District/Charter policy must state that the SSP is not a law enforcement officer and **will only utilize deadly force as a last resort self-defense option when the SSP has a reasonable belief a subject presents an imminent violent threat to the personnel, students, and/or guests of District/Charter.** The policy must also state that there is not a “stand your ground” law at the state or local level, and that the SSP must follow all applicable federal, state, and local laws with regard to self-defense laws, in his/her role as a SSP.

Additional NMPSIA Reqs.

- District/Charter must attempt to establish a MOU from all law enforcement agency leaders within the city, county and state jurisdiction where this campus resides, endorsing the arming of a school employee or volunteer and all applicable Standard Operating Procedures.
- All local law enforcement agencies will have full knowledge, identification, and pictures of any/all SSPs once that person(s) is licensed and working on school grounds in an armed capacity.

Additional NMPSIA Reqs.

- All expenses involved in obtaining and maintaining a firearm and ammunition will be paid by the personnel member who is contracted to be an SRO, SSP, or a private security guard.
- Unless otherwise stated by District/Charter, all expenses involved in obtaining the necessary permits and required training will be paid by the personnel member who is contracted to be a SSP.
- The SSP shall determine the model of the firearm they want to carry from a choice of 9mm, .38, or .40 and the ammunition shall be types (i.e. hollow point bullets) which are designed to minimize over-penetration which could lead to collateral damage. Hand-loaded ammunition is prohibited.
- At minimum, a Threat Level II holster shall be used by the SSP to secure their firearm on their person.

NMPSIA: SSP Eligibility

- Level 3 Security Guard or current law enforcement
- No disciplinary records that have resulted in suspension, removal from property or other situation that indicates danger to others
- Can comply with all federal/state laws to carry weapon

NMPSIA: SSP Eligibility Cont'd.

- Receive on-going professional development and training that shall include firearm safety, operational tactics, legal responsibilities and duties;
- Certified in Crisis Intervention Training to recognize and offer immediate, short-term help to individuals in mental health crisis;
- Certified in Nonviolent Crisis Intervention;

NMPSIA: SSP Eligibility Cont'd.

- Have completed training specific to providing armed security services while stationed among students and in a campus setting.
- Can complete continuing education training hours for license renewal (every 2 years) as required by NM Regulations and Licensing.
- No firearms on school grounds until all requirements satisfied. Documentation must be maintained by SSP, District, NMPSIA and available for inspection.
- Documents kept separate from other employment records and part of Safe School Plan.

NMPSIA: In the event of a Critical Discharge

- Any “Critical Discharge” requires notification and investigation by law enforcement. A “Critical Firearm Discharge” means the discharge of a firearm by an SRO, private security guard, or SSP, including unintentional discharges and discharges where no person is struck.
- Flawed discharge requires immediate corrective or disciplinary action including possible termination of employment.

NMPSIA: Events requiring suspension of firearm privilege

- Disciplinary action that results in suspension or administrative leave;
- Needless drawing of a firearm and/or misplacing their weapon on school premises;
- The discharging of a firearm in defense of persons within the duties of the SSP until such time as the SSP, administration, District/Charter Board, and NMPSIA's Risk Services, CCMSI have been debriefed;
- The breaking or violation of any criminal law outside of school employment;
- Any other serious situation as determined by the superintendent.

NMPSIA: Events requiring suspension of firearm privilege

- Upon occurrence of one of the previous events, the superintendent shall immediately suspend the SSP's privilege to carry a firearm and document the incident in writing. Upon notification, the SSP shall secure the weapon in their locked vehicle out of sight. After review of the circumstances by the District/Charter Board and the NMPSIA Board, the SSP's status may be revoked or reinstated by the Superintendent/Charter Leader.