

Safe Schools and Secure Students

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Presentation Agenda

- 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?

- 7.1% 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).
- 19.6% reported being bullied on school property - 14.8% reported being bullied electronically (previous 12 months before the survey).
- 8.1% reported being in a physical fight on school property (previous 12 months).
- 6.9% reported being threatened or injured with a weapon on school property one or more times (previous 12 months).
- 5.2% reported carrying a weapon (gun, knife or club) on school property on one or more days (previous 30 days).

● *Data from the CDC Youth Risk Behavior Surveillance System, Grades 9-12 surveys, 2013.*

Violence Against Teachers

- Each year, 253,100 (7%) teachers are threatened with violence by students at school.
- Each year, 127,500 (3%) teachers are physically attacked by students at school.
- Experts say rate of school shootings is statistically unchanged since the mid-to-late 1990s – still troubling.
- **Note:** Assault and Battery on School Personnel is a separate criminal offense in New Mexico. See NMSA 1978 § 30-3-9.
 - *Data from a 2013 survey of the American Psychological Assoc.*

Threats of Violence

- 812 threats against schools across the country between Aug. 1 and Dec. 31 of 2014.
- 70% were directed at high schools (320 arrests).
- Nearly half of all threats were bomb threats (44%).
- 73% of threats made were Bomb or Shooting in nature.
- Approximately 30% caused school evacuations.
- 37% of all threats were made through combined social media, text, email & other on-line resources. 28% of threats came from social media alone.
- Top social media sites included Twitter, Snapchat, Facebook and Insta-gram.
- ***The majority of these threats were ultimately determined to be hoaxes.***

Data from Campus Safety Magazine, February 2015 edition.

Types of School Violence

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

Risk Factors for violence

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

School District 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.

Know Your Safety Plan

- Take that binder off the shelf and brush it off.
- If you do not practice, you will be ineffective in the case of an actual emergency in your school/district.
- Create and utilize threat assessment teams as part of your school safety plan.
 - Multidisciplinary team convened to conduct a fact-based investigation to determine how likely the person is to carry out a threat/act of violence.
 - Do not simply guess whether a student's threat is serious or not – have a protocol and follow it.
 - Require a mental health clearance before return to school.
 - Have a written safety plan for that student – locate and utilize ongoing mental health services for that student.

Obligations cont.

- 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.

More Obligations

- 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 incidents
 - A requirement that anti-bullying be included as part of the health education curriculum
 - Must investigate
 - Must train staff to recognize cyber/bullying

The OCR is going to ask these questions.

- What happens when an incident of bullying or cyberbullying is reported to administration?
- What procedure is in place for investigating and documenting the investigation of these reports?
- Does the school culture encourage students to recognize and report acts of bullying?
- Are teachers and administrators trained on the difference between bullying and teasing?
- How often does training occur?
- Is there a protocol for handling reports? Who is responsible?

Bullying Behavior Off-Campus

- Can the school show:
 - The speech “materially and substantially interfered” with the educational process; or
 - The speech is reasonably forecasted to materially and substantially interfere with the educational process.
 - Courts differ on standards for “substantial disruption”
 - OCR will ding you for doing nothing.
 - Have a social media policy.

You can and should impose discipline for behavior occurring off-campus that interferes with the educational process.

Emergency Drills

- **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

Practice makes Better...

- The law requires that you practice – is this practice monitored and enforced across your campuses?
- Do students and staff know what to do in a lock down?
- What is policy for use of cell phones during lock down drills? Are these policies followed?

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.

Remember: All of these are searches...

- Types of Searches:
 - Pocket/Backpack Searches
 - Strip Searches (DON'T)
 - Drug Sniff Dog Searches
 - Locker Searches
 - Vehicle Searches
 - Student Drug Testing
 - Breathalyzer
 - Prom/Graduation

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.

Who Should do the Searching?

- SROs should not search a student unless under the supervision of a school administrator and directed to do so.
- Police officers require probable cause for a search.
- A school administrator who has reasonable individualized suspicion to search has adequate cause to impose school discipline if contraband is located on the student.
- Remember – do not line up students and search everyone. Must be individualized.

Search and Seizure Cont.

- **22-5-4.7. Additional student discipline policies; weapon-free schools.**
- **A. In addition to other student discipline policies, each school district shall adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. The local school board or the superintendent of the school district may modify the expulsion requirement on a case-by-case basis.**

Special Ed students and weapons

- B. Student discipline policies shall also provide for placement in an alternative educational setting, for not more than forty-five days, of any student with a disability who is determined to have knowingly brought a weapon to a school under the jurisdiction of the local board. If a parent or guardian of the student requests a due process hearing, then the student shall remain in the alternative educational setting during the pendency of any proceeding, unless the parent or guardian and the school district agree otherwise.

Weapons definition

- C. For the purposes of this section, "**weapon**" means:
 - (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and
 - (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.

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.

NMPSIA Regs.

- **6.50.17.8 POLICY ON USE OF SCHOOL FACILITIES BY PRIVATE PERSONS:**
- **G.** In addition to the safety rules included in the site use agreement, any user of school or school district facilities must agree to the following liability and risk related rules.
- **(1)** The use of alcohol, illegal drugs and tobacco are prohibited on all school property at all times.
- **(2)** Guns are not permitted on school property except for those in the possession of authorized law enforcement personnel.

And another note on weapons...

- School property that is shared with other public entities, i.e. county and district shared park or recreation facilities
 - Must have clear signs prohibiting weapons.
 - Schools should have clear signs prohibiting weapons, including weapons in vehicles.
 - Failure to give proper notice could void insurance coverage if an incident were to occur on district property.

What Have We Learned Today:

- **Districts are obligated to create and conduct**
 - Safety Plans
 - Discipline Plans
 - Emergency Drills
 - Anti-bullying policies
- Staff and administration must receive regular and ongoing training in order to maintain student safety on campus
- Security staff shall not conduct student searches without the direct supervision of a school administrator
- Threat assessment teams are critical to handling threats of violence and they need to be trained.

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