



Current Issues in School Safety

New Jersey School Boards Association

Spring School Law Forum

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Why consider school safety?

Our clients are paying more and more attention to school security

We know why, and it's not pleasant



Good News

Schools are generally safe havens from gun violence.

Giffords Law Center to Prevent gun Violence

In addressing security measures, we have tried to make our schools like castles—beautiful, safe and secure—not like prisons.

Forte & Wagner, School Leader, May/June 2018



New Jersey Laws

Fundamental school district duties:

Duty to provide a safe school environment

Duty to supervise students on, and off
(*Jerkins v. Bd. of Ed. of Pleasantville, 2007*), school grounds



School Safety and Security Plan

Boards of education must develop a school safety and security plan.

N.J.A.C. 6A:16-5.1

Elements:

- Protection of health, safety, security and welfare of the school population;
- Prevention of, intervention in, response to and recovery from emergency and crisis situations;
- Establish and maintain climate of civility; and
- Support services for staff, students and their families.



Training

Training on school safety and security, including school security drills, required for all fulltime school district employees

N.J.S.A. 18A:41-7

N.J.A.C. 6A:16-5.2(d)



Training

One fire drill and school security drill must be held every month

N.J.S.A. 18A:41-6

School security drill: “an exercise...to practice procedures that respond to an emergency situation, including but not limited to, a non-fire evacuation, lockdown, or active shooter situation and that is similar in duration to a fire drill.”



Security Personnel

School Safety Specialist

Certification available through new
NJDOE School Safety Specialist
Academy, N.J.S.A. 18A:17-42

School Resource Officer

N.J.S.A. 18A: 17-43.1



Security Personnel

Special Law Enforcement Officer
(active officers)

N.J.S.A. 18A:17-43;

N.J.S.A. 40A:14-146.8 *et seq.*

“any person appointed to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a municipality or county, or to provide assistance during unusual or emergency circumstances....”

Security Personnel

Class III Law Enforcement Officer (retired officers)

N.J.S.A. 40A:14-146.10(g);

N.J.S.A. 40A:14-146.11(a)(3)

< age 65

part-time

can carry firearm

must complete training course for SROs



Student Discipline

Any pupil who is convicted or adjudicated delinquent for **firearm** possession or a crime while armed with a firearm, or found knowingly in possession of a firearm, on school property, on a school bus or at a school-sponsored function, **shall be immediately removed from regular education program pending a board hearing to remove for a minimum of one year; expulsion not prohibited.**

N.J.S.A. 18A:37-8 and -10

N.J.A.C. 6A:16-5.5

Student Discipline, contd.

- Removal is to alternative education program
- If alternative educational program unavailable, may receive home instruction “or other suitable facilities and programs” until a placement is available
- Student with disabilities: may be removed for up to 45 days to an interim educational setting if carries or possesses a weapon, without a manifestation determination
 - also removal if student inflicts serious bodily injury on another person at school, or is involved with illegal drug-related activities 20 U.S.C. §1415(k)(1)(G)

What's considered a firearm?

N.J.S.A. 2C:39-1(f):

Handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument ... from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or igniting flammable or explosive substances. Also, air gun, spring gun or pistol or other weapon of a similar nature.

See also 18 U.S.C. §921.

Student discipline, contd.

Any pupil who commits an **assault** on anyone at school with a **weapon**, on any school property, on a school bus, or at a school-sponsored function shall be **immediately removed** from the regular education program pending a board hearing; **expulsion not prohibited.**

N.J.S.A. 18A:37-2.2 and -2.4

N.J.A.C. 6A:16-5.6

What's considered a weapon?

Weapon (not a firearm) means anything readily capable of lethal use or of inflicting serious bodily injury, and includes components that can be readily assembled into a weapon; knives of many types; stun guns; and any device that projects, releases or emits tear gas or any like substance intended to produce temporary physical discomfort or permanent injury through vaporization.

N.J.S.A. 2C:39-1(r)



About attackers in schools

From a 2002 federal study based on 37 incidents across 25 years:

1. There is no accurate or useful “profile” of students who engaged in targeted school violence.
2. Many attackers felt bullied, persecuted or injured by others prior to the attack.
3. A history of mental disorder diagnosis did not appear to be prevalent; most attackers showed some history of suicide attempts or thoughts or extreme depression or desperation.

About attackers in schools

4. Over half demonstrated interest in violence through movies, video games, book and other media.
5. Most attackers had no history of prior violent or criminal behavior.
6. Most attackers were known to have had difficulty coping with significant losses or personal failures.
7. Incidents of targeted violence at school rarely are sudden, impulsive acts.

About attackers in schools

8. Prior to most incidents, other people knew about the attacker's idea and/or plan to attack.
9. Most attackers did not threaten their targets directly prior to advancing the attack.
10. Most attackers engaged in some behavior, prior to the incident, that caused others concern or indicated a need for help.
11. In many cases, other students were involved in the attack in some capacity.



About attackers in schools

12. Most attackers had access to and had used weapons prior to the attack.

13. Despite prompt law enforcement responses, most attacks were stopped by means other than law enforcement intervention.

What works to create safe schools?

Prioritizing school security

Staff training

Good staff-student relationships (monitor the buzz)

Community policing/SRO

Evaluation of range of safety risks

Attention to mental/behavioral health

Safe gun storage ordinances

Community task force with multiple stakeholders

Environmental design

Some current challenges

Should teachers be armed?

Should all schools have metal detectors?

How can schools better support students with mental health challenges?

Should students be disciplined for threats of violence that don't result in harm?

Should school districts spearhead a community task force to address school safety?



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