Mississippi Ed Law Conference 2019

 **ROUGH DRAFT/WORK IN PROGRESS**

**Developing a School Safety Plan: A Review of a “Few” Components Necessary in Formulating an *Effective School Safety/Crisis Management Plan***

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Pease note: The intent of this presentation and related document is **not** to cover *all* of the components of a school district’s/school’s safety plan/crisis management plan within the conference’s assigned time slot. In fact, to cover all of the *selected topics* within the assigned slot is not possible.

**It is essential to examine each component of a school’s safety/crisis management plan as so pertaining to elements such as the following (*not intended to be a comprehensive list)*:**

1. Legal (e.g. U. S. Constitution & state constitution, federal & state laws, & judicial decisions) rationale and related implications

 A. U. S. Constitution: 1st Amendment, 8th Amendment, 4th Amendment, and

 14th Amendment

 B. Mississippi laws: 37-7-301: General powers and duties of school boards;

 37-7-321: Employment and designation of peace officers, minimum level of basic law enforcement training required; operation of radio broadcasting and transmission station; inter-local agreement with other law enforcement entities for provision of certain equipment or services; 37-7-323: Application and enforcement of general criminal laws of the state; 37-9-14: General duties and powers of superintendent of school district; 37-9-69: General duties of superintendent, principals, and teachers; 37-9-71: Suspension of pupils; 37-11-18: Expulsion of student possessing controlled substance a weapon or committing violent act on school property; 37-11-18.1: Expulsion of habitually disruptive students age 13 years or older upon third occurrence of disruptive behavior within school year; 37-11-19: Suspension or expulsion of student damaging school property, liability of parent or custodian; 37-3-93: School crisis management program, quick response to teams, toll-free telephone service for reporting school violence (House Bill 1283-2019); 95-15-1: Limitation of liability for report of suspicious activity or behavior (House Bill 1283-2019); 45-1-2: Executive director of department of public safety to be commissioner, organization of department, commissioner of public safety, statewide safety training officer (House Bill 1283-2019); 97-35-47: False reporting of crime (House Bill 1283- 2019); 37-11-29: Reporting of unlawful activity or violent act on educational property or during school related activity, authority of law enforcement officers, reporting disposition of charges against student, liability of school personnel participating in reporting; 97-5-24: Sexual involvement of school employee with student-duty to report; 37-11-35: Penalties for failure to file reports pursuant to Section 37-11-29 or 97-5-24; 37-11-57: Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension, and expulsion of students; 37-11-67: Bullying or harassing in public school prohibited; 37-11-5: Instruction fire drills and emergency management; and 97-29-3: Adultery and fornication between teacher and pupil

2. School district policies and administrative procedures (e.g. establish of a need/rationale, development, revision, orientation, documentation, and consistent implementation/enforcement)

3. Prevention, intervention, and response (e.g. suppression, follow-up, evaluation, revision, and media (electronic & print) and public relations (internal & external)

4. Necessity of school-community ownership (e.g. first responders, school district employees, citizens in general, students’ parents/guardians, and students)

5. Interdependence of a school district’s/school’s safety plan and crisis management

6. Tort liability (Elements of tort liability): 1. Duty, 2. Injury, 3. Breach of duty, and

 4. Nexuses between injury & breach of duty (linked within the framework of “totality of circumstances” and “reasonable-prudent person standard”)

7. Delicate balance of personal moral code/ethics, professional ethics, law, and the expectations of a school district and/or the community that the school district serves

 **Three (3) vital legal principles to keep in mind as so pertaining to managing student conduct and attempting to provide a safe and secure educational setting (**Legal Principles Related to School Violence, Safety, Security, and Student Management-Discipline, J. R. Purvis)**:**

1. School officials are generally not liable if they cannot *“reasonably anticipate”* an *“incident”* prior to it breaking out or happening

2. School officials should be sure that *all* school district employees know and understand the *“scope of their duties”* aka *“scope of their responsibilities”*

3. School officials *“may”* be held liable for negligent hiring and /or retaining employees who are incompetent and/or commit an illegal or unprofessional act

**A few (not intended to be comprehensive) components necessary in formulating an effective school district/school safety plan/crisis management plan:**

1. School district’s **mission statement** that includes “safety and security” (each school’s mission statement reflect the district’s mission statement)

2. School district policy(s) mandates (requires) school district’s/school’s

 safety-security/crisis management plan

3. **All** school district policies have “administrative procedures” in place to administratively manage said policies, which in-turn increases the odds associated with the **“consistency of following/enforcing”** school district policies and associated “strategies”

4. **Documents! Document! Document!**

5. School district’s school safety-secure/crisis management *must* include a public relations component associated with “dealing with” the media (electronic/print) and internal (employees and students) and external public

6. Committee (representing all departments-also include cooperating first responders) serve on school district and each school safety/security/crisis/student management planning committee

7. Assignment of central office employee responsible for district plan and to monitor each individual school’s safety-security plan-also each school has an assigned employee responsible for each school’s safety-security plan

8. **All** strategies pertaining to implementing the school district’s school safety/security/student management plan *“must”* include “prevention/intervention/suppression-follow-up/evaluation strategies/techniques— develop plan in such a manner that it will include both on school campus and off campus “conduct”—include a “catch all phrase” that would encompass unanticipated conduct (“any other conduct that is deemed a safety-security issue”)

9. A school safety/security/student management plan must “open” for revision as laws change, strategies/techniques change, configuration of school facilities change, judicial decisions change the playing field, and so forth

10. School district’/school’s school safety/security/student management plan *“must”* include a comprehensive professional development plan with emphasis on the rationale of the strategies/techniques in the plan, orientation, training, and the importance of consistent interpretation/implementation of the plan

11. Special orientation for new school district employees in addition to “regular” employee professional development pertaining to the school district’s/school’s school safety/security/student management plan

12. School-community (parents/guardians and general community) orientation pertaining to the necessity of a school safety/security/student management plan and general components of the plan—plus their “role” in the plan**—“eyes and ears”** within

 the school-community

13. School district’s school safety/security/student management plan must also include the minimum items that must be in an individual school’s safety/security/student management plan—each school must include school’s safety/security/student management plan items that are relevant to their school setting and needs

14. **All** meetings pertaining to the development of school district’/school’s school safety/security/student management plan and associated professional development, meetings, etc. **must** have written agenda, documentation of date and time of meeting, list of those mandated to attend, sign in/sign out sheets, minutes of meeting, documents used/employed during the meeting, all professional development/informational meetings be video recorded, employees having an “excused” absence must watch video recording also with prescribed documentation, and so forth

15. As needed, provisions should be made for a **“memorandum of agreement”** with cooperating “first responder agencies/department”

16. Important to include **“an active shooter plan”** within the school district’s/school’s

 safety-security/crisis management plan

17. Electronic communication devices (e.g. employee to student/student to employee [on and off school properties], school owned devices, privately own devices, employee- parent/guardian, student devices on school properties, and employee devices on school properties)

18. Secure land-line central office and each school

19. Control entrances onto/from school campus and buildings at all times, especially once the school day begins (one or two entrances that are monitored/secured once the school day begins)

20. Contractors’ employees have IDs and background checks (as an example, this would be including within a school’s construction specifications)-also include those outside “entities” that provide deliveries and services to a school

21. Lighting (internal and external) during school day, school sponsored events, and after school hours

22. Community use of school facilities must provide proof of insurance, custodial services, and security

23. School security-safety checklist (minimum essential items-emphasis on expansion)

24. Insure that a school district’s school safety/security/student management plan and policies related to student behavioral management and school district employees’ job descriptions and related responsibilities are allied

25. Debriefing, follow-up, evaluation, and necessary revisions after “an incident” associated with the school safety/security/student management plan

 **A few more (sample) school district’s school safety/security/student management/crisis management plan items to consider:**

26. Child custody situation

27. School board meeting

28. School employee domestic situation

29. Student suspension hearing

30. Student expulsion hearing

31. School employee hearing (e.g. suspensions, expulsions, and assignment to alternative school)

32. Teacher/administrator parent/guardian conferences—especially an irate parent/guardian

33. Break-up of a student relationship

34. Restroom/locker room monitoring

35. School employee duty assignments (e.g. time present, time to leave, location, and duties)…be sure to include a diagram/plot of interior and exterior of school with assigned duty stations before and after school, during the school day, breaks, class changes, lunch time, etc.

36. School sponsored events (e.g. PTA/PTO meetings, parent/guardian-teacher conferences, music concerts [band and chorus], athletic events, open house athletic/band/cheerleader/etc. practice sessions, and so forth after the regular school day ends)

37. School employees working at school prior to the regular school day and after the regular school day

38. Student involvement in threats, fights, gang activity, violence, criminal activity, etc. after school hours that have a possible “carry-over impact” within the school setting

39. In regard to security cameras—plot location of all cameras, working order for each camera, maintenance schedule for cameras, security cameras are monitored, and recording/playback devices are in working order

40. Harassment, intimidation, and threats-include cyber bullying on and off campus

41. Crisis within the school-community (e.g. job loss due to cutback and closing, drive-by shooting a neighborhood, family feud-quarrel, separated-divorced-blended family conflict, and currently enrolled student conflict

42. Suicide, suicide attempt, and suicide threat (e.g. student, employee, and student or employee’s family member)

43. Death of a pet

44. Death [natural or accidental] (e.g. student, employee, and student or employee family member)

45. Child napping aka kidnapping—include unauthorized removal of a student, especially a “parent custody situation

46. Hostage situation within the school setting-including a “self-hostage” situation

47. Student “runaway” and missing student

48. Weapon on an individual’s person, vehicle, backpack, locker, etc.

49. “Registered sex offender” residing within the school service area of a school, movement within a school’s prohibited zone, currently enrolled student’s parent/step-parent, currently enrolled student’s parent/legal guardian “live-in partner/significant other”, etc.

50. Student attendance: student missing between home and school – a.m.; student “present,” but missing or “unaccounted for;” student missing between school and home – p.m.; etc.

51. School grounds and building diagrams (blueprints) and an *aerial photo* of each individual school and related grounds—keep updated

52. Students, employees, and visitors must **feel safe and secure (both in “reality” and “perceptionally”)** within a school setting

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