Legal Vortex with Matt Carver, legal services director



Safety first

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While tragedies, such as the one recently experienced in Parkland, Fla., cause us to collectively mourn and wonder what might have been done to prevent such a senseless taking of life, they also bring stories of courage and sacrifice. They cause debate among our students and citizens on topics, such as gun regulations and mental health that would not occur so freely in many countries around the world. At this time when students wish to share their voices, how might that occur in a safe and constructive manner?

Please don't consider this column an all-inclusive list and I am not a school safety or public relations expert, but here are a few things to consider. I'll say again, I'm not going over every consideration, I'm just covering some that I find most critical.

1) Share with students, staff, families and the community the importance of expressing love and care for all students. I know I am preaching to the choir on this one, but when I get calls about students who are particularly troubled and acting out in a violent way, there is almost always a love deficit or abuse in that student's life. I am not using this as an excuse for any act of violence, and there are undoubtedly dangerous students and adults who have been loved abundantly, but harmed others due to mental illness, but hopefully this time of great concern will cause students and adults to reflect on whether they are appropriately caring for and loving those individuals who need it the most.

2) See Something, Say Something – Governor Reynolds recently emphasized this point, and rightly so. I could share numerous examples during the last couple weeks, even a couple occurring just before the Parkland shooting, when students had the courage to talk to parents or school employees when they saw something troubling on social media, through direct messaging or conversation with other students. Who knows if lives may have been saved by these lowa students? Students, community members and staff members should all err on the side of sharing with law enforcement or school officials when someone else appears to be a threat to perform self-harm or harm others. While students may at times feel they are betraying a friend's trust by sharing personal messages, they need to know that such sharing may not only save the lives of others, but at the very least result in a friend receiving much-needed help.

3) Err on the side of involving law enforcement – When safety is in question, never hesitate to involve law enforcement. As you know, this does not mean that a student or adult is always going to be arrested or taken into custody. However, law enforcement officials deal with threats in your neighborhoods and communities far more than you might imagine. They will greatly assist with assessing the credibility of a threat and have the ability to potentially enter a student's or adult's home to determine accessibility of firearms. Finally, law enforcement authorities are regularly involved when individuals need to be taken into custody to protect those individuals or others, and have a greater familiarity with the involuntary committal process than many school officials.

4) Ensure that your facility is secure during school hours – While we still have a long way to go, I have seen improvement in this area as I have visited schools over the years.

5) Safety plans – Ensure you have a safety plan that covers contingencies from active shooters to natural disasters, which was developed in collaboration with law enforcement, fire safety and other experts in the area. Again, I don't consider myself an expert, but I think it is safe to say that plans that are easy to understand are far better than books that likely will never get read or remembered. There are a variety of resources out there to help with safety plans. Here are examples from the lowa School Safety Alliance, AASA, NAESP and NASSP. In cooperation with your first responders, you will need to determine what fits best for your particular district and/or building.

6) Drill your plan – The military and first responders are experts at performing drills and training. Take advantage of their tips relating to the best means to perform drills and drill your plans. In addition to performing drills with your students and exercising your emergency notification system with parents/guardians, consider performing additional tabletop exercises and drills with key members of your staff, if not your whole staff. After the drill, do an after-action review where you determine what went right, what went wrong, and how you might improve your emergency plan and response. If at all possible, have first responders participate in the drill as well. However, if this occurs, ensure that it is absolutely clear to students, staff and parents/guardians that first responders are assisting with a drill, so you do not unintentionally cause panic in the community. 7) Gun safety – Remind community members of the importance of securing firearms and ammunition in a locked safe or vault. As an additional caution to parents/guardians, they need to realize that even if their student may not be a threat, s/he may have a friend who is a threat and unwittingly provide that friend with access to the firearm. This was the exact scenario during a recent incident in our own state, where the student's plan included getting a firearm from a friend who had a weapon in his home. Fortunately, the student was taken into custody before this ever came to fruition. Parents/guardians should talk with their children about never providing firearm access to other students, unless it is under the watchful eye of a responsible adult (e.g., hunting, trapshooting, range shooting, etc.). I would also question ever providing a child with independent access to an assault rifle. Finally, on the topic of firearms, I know some administrators have been approached with requests to carry firearms on school property. There is a provision in Iowa law that permits approval of such carrying, but I would work closely with local law enforcement prior to approving for someone other than law enforcement to carry on school property. While these community members may mean well, law enforcement may determine that they could do more harm than good should an active shooter scenario arise. Again, please coordinate with local law enforcement regarding this topic.

Student and staff speech

Now let's discuss walkouts, sit-ins or other means of speech relating to gun violence in our schools, or any other topic for that matter. This obviously is not a new topic, as we have seen it before concerning a variety of student concerns (e.g., the closing of a building, the reduction or termination of a popular teacher, etc.). I know that a number of you have already experienced student walkouts in the past couple of weeks, and from my vantage point, you have each done a great job handling it in your community. Here are a number of things to consider relating to walkouts or sit-ins:

1) Safety first – As someone who considers himself a justice fighter, I appreciate how our students are rising up and attempting to bring about change; however, I am a bit troubled by the fact that specific dates have been set for walkouts, effectively telling the world and all those who may want to do harm to students that hundreds will be exposed in the open on particular dates. This might be a point to discuss with students. Beyond that, if you become aware that a walkout is likely to occur on a particular day, I would be in contact with law enforcement, so they may be present to protect students, even if that protection is just from vehicle traffic in the area. Also, I encourage school officials to supervise the students. If the students plan to march across town and that supervision is going to be transferred to law enforcement (after coordination with law enforcement) once the students leave school grounds, I would make parents/guardians aware of it ahead of time.

2) Consequences – It is perfectly reasonable to apply consequences if students are leaving class during a school day. I know that some districts have given the students unexcused absences. If the students cause a greater disruption, which interferes with classroom instruction or causes staff members to be away from other duties for an extended period of time to supervise protesting students, you might decide to move forward with the next level of discipline due to the increased disruption. I would have this discussion as an administrative team ahead of time, and consider the pluses and minuses depending on what level of discipline is used, even if it just relates to application of your attendance policy. As always, attempt to be consistent and consider the implications of your decisions for this particular protest, as there might be another protest on a different topic next month or semester. Please, please, please communicate with students and parents/guardians in advance regarding your awareness of a potential protest and what the range of consequences may be, depending on the actions of the students and the length of the protest. These consequences might also relate to participation in school activities, depending on your local policies or student handbook, so you might want to remind interested parties of that as well.

3) Alternative means of protesting – Since you sometimes become aware of scheduled protests in advance, it is perfectly appropriate to discuss alternative means students may use to get their message across. Student-led petitions, social media campaigns or attendance at a legislator's town hall meeting come to mind. If one of the Kardashian-Jenners is able to cause Snapchat's stock to go down \$1.3 billion with one tweet, how much more impactful might millions of social media posts or petitions be from students throughout our country? Separately, students may not consider the safety issues created by walkouts or the practical impact it has on staff members who wish for the students to remain safe. They also may not take into account that the school still has a duty to educate those students who remain in classrooms, so the staff is stretched incredibly thin if school officials attempt to provide the appropriate level of supervision outside, while still instructing inside.

4) It is OK not to protest – While it is an awesome thing that we live in a country where students have a voice and want to share that voice with others, another thing that is great about our country is that others might have a different perspective and choose not to participate. A clear message should be sent that students should not feel compelled to participate in a protest. No reprisal should come to those students should they choose not to participate or if they hold an opposing view on a given topic. Coerced speech is not free speech, and hopefully students understand how critically important it is for other students to have freedom of thought and an ability to hold an opposing position or even agree with a particular position, but simply choose not to protest.

5) Staff involvement in protests – Remind staff members that their duty is to supervise students and educate them based on the curriculum that the district has decided to use. While staff members may have their own opinions on a variety of social topics, it is not appropriate for them to use their position to coordinate or participate in student demonstrations. If staff members are asked to assist in supervision during a protest, I would remind those staff members that they are there to supervise and not to participate in the protest itself. There are appropriate times outside of work when staff members may participate in protests on their own, as long as they understand that they are not to speak in their official capacity during those protests. There may be consequences for their actions if they do something illegal or their actions create inefficiency in the workplace. Like students and parents/guardians, make staff members aware of potential consequences relating to their actions during or outside the workday and what restrictions apply.

6) Communication with the media – While some districts have communications directors, many of you do not. The AEAs are often able to help with media communications, so keep them in mind as a resource. Beyond communicating with parents/ guardians, consider whether it makes sense to issue a news release if you know a protest is going to get media coverage. As I have alluded to a couple of times, I am not a big fan of publicizing when a protest may occur, as it may jeopardize the safety of students. Also, if you release something ahead of a protest, you might want to be clear that the communication is covering the district's focus on safety and that protests are not district coordinated, nor do they represent the district's position on a topic. If the release occurs after the fact, you might give more detail concerning the length and location of the protest, and let the community know that appropriate actions were taken to safeguard students, as well as to ensure that instruction continued to occur in the classroom. Finally, you will want to clarify with staff members who the point person is to communicate with local media, if news media wishes to interview staff members. If for some reason a staff member agrees to participate in an interview, they need to consider the points raised in #5 above and that it would not be the appropriate time for them to weigh in with their personal views regarding a particular matter.

OK, I promise next month's column will be shorter, but as you all know, we had some critically important things to cover, and I have received many calls during the past couple of weeks on these topics.

Thanks for all you do to keep students safe, care for them and provide them with a great education. Go Cubs Go!!!