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Providing Clarity for State Policies*

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Arming Teachers for School Safety: Providing Clarity for State Policies

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In early 2018, following the tragic shooting deaths of 14 students and three teachers at Marjory Stoneman Douglas (MSD) High School in Parkland, Florida, students across the nation began to rally against gun violence in their schools in ways the country has never witnessed. This particular shooting, which occurred almost 19 years after the Columbine High School shooting, mobilized students and emboldened a movement after a group of MSD students began to publicly call for action from fellow students, legislators, and the adults whom they believed should be keeping them safe. Survivors spoke out via social media, in addition to television and print media, calling for legislative changes to prevent future gun violence in schools. Other responses from legislators, as well as concerned citizens, had a different focus—arming school personnel to respond with force to eliminate the threat in an active shooter situation or to act as a last line of defense by protecting students with a firearm in the classroom. This response was quite different from the reactions of most students who had lived through the trauma of a gunman in the hallways of their school, but the call to arm teachers, or at least staff members working in the school, became a central focus for some who are at the epicenter of policy-making in our country.

Policies that allow for arming teachers vary across the United States because they are written at the state level and implemented at the local school district level, rather than the national level. No one policy or formula for policy exists, but similarities are present in these laws that are often labeled as “School Marshal” or “Guardian” policies (Texas Senate Select Committee on Violence in Schools and School Security, 2018). Texas is one such state where these types of policies are currently implemented at the district level and are the topic of much debate. Arming school personnel or bringing guns into schools as a way to counter school shootings elicit strong reactions on both sides of the debate. In a 2018 survey by the National Education Association, 64% of the respondents said they would feel less safe if faculty/staff were armed, and 82% responded that they would not carry a gun (NEA, 2018a; 2018b). A Gallup poll conducted during the same time period echoes the same results with 73% of teachers opposing being armed (Brenan, 2018). Lawmakers in each state are also debating how or if to arm school faculty/staff, and in 2019, the Texas State Legislature introduced nine bills, which was more than any other state, related to guns in schools (Education Commission of the States, 2019). Since Texas is on the forefront of making such legislation, the laws and enacted programs could serve as a template for other states. By looking at how Texas is finding a way to arm faculty/staff, an understanding can be formed regarding similar laws being written in several other states. As gun violence increases in schools (K-12 School Shooting Database, 2019), the call to arm faculty/staff will continue to be on the forefront of the debates, and all stakeholders (i.e., teachers, students, administrators, and parents) should be aware of how these policies are written and the intent behind putting guns in the hands of the very people entrusted to teach multiplication, chemistry equations, and reading. In this editorial, we aim to bring awareness of the types of

legislative initiatives currently being introduced to these very stakeholders so that they might be able to discern which policies should receive their support and which should be opposed.

School Marshal Plan and Guardian Plan in Texas

Texas Governor Greg Abbott released his proposal "School and Firearm Safety Action Plan" for Texas school districts in May 2018—less than two weeks after the Santa Fe High School shooting in Santa Fe, Texas, that killed eight students and two teachers. This action plan, however, was not the first time that Texas lawmakers had responded to school shootings with policy initiatives. In fact, almost a decade earlier in 2007, what is now commonly referred to as the “Guardian Plan” (School Safety Training; TX Code 411.1901), was created following the Pennsylvania Amish School shooting and the Virginia Tech shooting. Several years later in 2013, the Texas Marshal Plan (Protection of Texas Children Act; TEC 37.0811) was introduced in response to the killing of 28 children and educators at Sandy Hook Elementary in Newtown, Connecticut. Both of these plans passed through the Texas legislature and were in effect prior to the 2018 Santa Fe school shooting, but each plan has a different focus.

The Guardian Plan (School Safety Training; TX Code 411.1901, 2007), for example, requires participants to go through 16 hours of training by a certified instructor and requires a strict live fire qualification that includes simulation training. This training focuses solely on stopping an active shooter. The sole purpose of this plan is to train and equip educators with the ability to serve as the last line of defense and protect the school environment until law enforcement arrives. The local school board members solely select those participating in the plan; no other specifications exist for the selection and training of these participants. This process varies by school district because school boards can determine their own selection process and criteria due to the vague language of the law. Typically, school boards hold closed door meetings to study the issue, evaluate the district needs, and discuss how the policy would be implemented if passed. If the school board decides to bring a policy up for a vote, a public meeting is legally required to allow for constituents to hear the proposed policy and provide comments for or against. It is important to note that aspects of districts’ potential plans that fall under these state codes are often kept confidential due to efforts to protect the identities of guardians and school marshals. Therefore, the public is not privy to details that pertain to the selection, qualifications, and training outcomes of individuals who serve as guardians or school marshals.

The School Marshal Plan (Protection of Texas Children Act; TEC 37.0811, 2013) allows educators to act as armed security guards in the absence of police personnel. Those participating in this plan complete 80 hours of mostly classroom instruction provided by the Texas Commission on Law Enforcement (TCOLE), thus the training is held at an approved Policy Academy training facility. Volunteer participants for this plan are chosen by school board members and must qualify to have a license to carry a handgun (TX OCC § 1701.260, 2017). Additionally, volunteers go through psychological testing to establish that they are fit to carry out the duties of a peace officer, which include arrest procedures, the use of force, and handgun proficiency. Trained individuals are expected to keep firearms in a secured and locked safe box.

The Governor’s School and Firearm Safety Action Plan includes a recommended expansion of the School Marshal Plan that would allow teachers and staff to carry guns inside schools. Governor Abbott proposed this plan after meeting with school officials and law enforcement in the days following the Santa Fe shooting (Abbott, 2018). On the day following this meeting, the Governor led a series of roundtable discussions about mental health and firearm safety. One central idea was present during the Governor’s presentations: “The discussion focused on policies that could increase the safety of schools and communities while preserving Second Amendment rights” (Abbott,

2018, p. 2). The Texas Education Agency (TEA) was directed to issue a letter to all public schools in Texas asking them to identify faculty/staff to participate in this program, and training began in the summer of 2018 (Abbott, 2018, p. 7). At the time, the law provided for one school marshal per 200 students, and the plan proposed by the governor would allow one school marshal per 100 students. Additionally, the Governor proposed a policy change to allow firearms to be carried on the school marshal's person instead of being kept in a locked box. One criticism of the School Marshal Plan has been the burden of attending an 80-hour training session, with another being the lack of customization of training to school shootings and/or the type of district. The new proposal would streamline the training to include fewer hours with yearly refresher courses provided.

The Governor's plan proposed other aspects of school safety such as prevention and threat assessment. Gun legislation was briefly addressed with the call to limit access to guns for students labeled as a threat or with known mental issues. The Governor's proposal was a major focus at the Senate Special Committee hearings in June 2018 when the Lieutenant Governor formed the Senate Select Committee on Violence in Schools and School Security. Committee members heard testimony addressing mental health and "red flag" laws. "Red flag" laws, or Emergency Risk Protection Orders (ERPOs), allow law enforcement to intervene and temporarily remove firearms from an individual if a judge deems the person to be of danger to him/herself and/or others. In the end, the committee recommended that the state increase funding for school marshal programs (arming certified faculty/staff), but members did not propose implementing "red flag" laws (Senate Select Committee on Violence in Schools and School Security, 2018). Clarity was not provided by the special committee on how the training would be streamlined, and the only major change from the committee's recommendations and the Governor's plan was the lack of support on stricter gun legislation ("red flag" laws).

During the 86th Texas Legislative session in Spring 2019, multiple bills were introduced to modify the requirements for school marshals and a few of those bills were passed by the Senate. Texas Senate Bill 244 would remove the current cap of one school marshal per 200 students and would allow schools to appoint "one or more school marshals for each campus" (Texas S.B. 244, 2019). Although S.B. 244 was left pending in the House Public Education Committee, a companion bill in the House gained more traction. House Bill 1387, which initially would reduce the restriction on the number of school marshals allowed from one marshal per 200 students to one marshal per 100 students, was amended to allow "one or more school marshals for each campus" (Texas H.B. 1387, 2019). The amended version of H.B. 1387 passed through both the House and Senate and was signed into law by Governor Abbott.

Senate Bill 406 and Senate Bill 243 would allow school marshals to carry firearms on their person instead of requiring firearms to be locked in a secure location if the school marshal is in direct contact with students. S.B. 243 was left pending in the House Homeland Security Committee without a hearing and S.B. 406 was also left pending following the House Homeland Security Committee hearing. Therefore, school marshals are still required by law to secure their firearms in a locked location. The bills put forth during the 86th Legislative session did not appear to address training requirements for school marshals or other district personnel appointed to carry and/or use firearms on campus.

Senate Bill 11, the most comprehensive bill introduced to address school safety, included many of the recommendations put forth by the Senate Select Committee on Violence in Schools and School Security. While this bill attended to numerous preventative measures from mental health, suicide prevention, and digital citizenship to school curriculum requirements, trauma-informed care and curriculum, and threat assessment teams, it also authorized funding for private security, school resource officers, and school marshals. S.B. 11 was passed by both the Senate and the House and was signed into law by the Governor.

Finding a Safe Solution

The response to gun violence in schools across the United States has been varied, but one commonality is the lack of clear, consistent plans to prevent, prepare, and react in the event of a school shooting. As a result, school safety measures in general, and arming school personnel in particular, is being decided on a state by state basis; currently, 10 states have policies or laws in place addressing the arming of faculty/staff (U.S. Department of Education, 2018). Many more states (up to 21 states) allow school personnel to have access to guns if needed (National Conference of State Legislatures, 2018). The legislative response in Florida (after the Parkland shooting) regarding arming teachers has been more specific than other states to date in that classroom teachers are excluded if they solely perform classroom duties, unless the classroom teacher is part of the Reserve Officers Training Corp (ROTC). Florida Senate Bill 7026:

[A]llows school districts to decide whether to participate in the school guardian program if it is available in their county. A school guardian must complete 132 hours of comprehensive firearm safety and proficiency training, 12 hours of diversity training, pass a psychological evaluation, and initial drug test and subsequent random drug tests. No teacher will be required to participate. In fact, the legislation provides that personnel that is strictly classroom teachers with no other responsibilities cannot participate, with specified exceptions (FL S.B. 7026, 2018).

In May 2019, the Florida legislature passed FL S.B. 7030, which is an expansion of S.B. 7026 that allows for any classroom teacher or school personnel to be considered for the guardian program and receive training from the county sheriff. At this time, no school requires faculty/staff to be armed while on campus (U.S. Department of Education, 2018).

Many districts argue that such varied policies and procedures are needed because a one-size-fits-all approach will not work for all districts, and that local control of policy is key to addressing different situations that arise. For example, rural schools theoretically do not have the same quick response time as urban and suburban schools such as MSD in Parkland, and therefore, might need more armed personnel on campus (U.S. Department of Education, 2018). The states that do have laws in place to arm school personnel typically have some level of training provided for participants, although the type, length, and who conducts the training varies. The Federal Commission on Student Safety released a 177-page report in December 2018, identifying recommendations and resources for keeping schools safe. The report outlined three broad categories: (1) prevent, (2) protect and mitigate, and (3) respond and recover (p. 13). Information taken from administrators, teachers, students, families, and state and local policymakers was used to identify the recommendations outlined by the committee (U.S. Department of Education, 2018). The arming of school personnel is discussed under the second category and only provides some considerations regarding the specifics of that community and state law. No additional guidance is provided. Few states have specific programs in place (or being designed), but there is considerable interest across the country for such programs to exist. Other programs in place include the South Dakota School Sentinel Training Program, the Alabama Sentry Program, and the Arkansas Commissioned School Security Officer program (U.S. Department of Education, 2018). Since so few programs currently exist, viewing the evolution of programs like the ones being shaped in Texas gives considerable insight into what other states could enact in the near future.

Gun violence in schools is a complex problem that will need to be approached with multifaceted solutions. Productive dialogue surrounding school safety and the prevention of gun violence in schools requires that stakeholders fully understand laws and policies already in place, as well as the content of proposed legislation. The notion of arming teachers and other school personnel as one solution is controversial and the topic of much debate. In addition to the issue of vague and unclear policies, there is a lack of research and data on the effectiveness of programs that include arming

teachers and school personnel on the prevention or interruption of active shooter situations in schools. Relatively little attention has been paid to the fact that these policies come with the expectation that teachers are able to instantaneously switch from classroom teacher to expert marksman in the chaos of an active shooter situation with panicked students in their presence. Research shows that regularly trained law enforcement officers' accuracy rate in active shooter situations ranges from 18% to 43% (Rostker, et al., 2008). The low accuracy rates are most often attributed to the high stress elements of these encounters (Lewinski, et al., 2013; Vickers & Lewinski, 2012) and are not a regular focal point of legislative hearings. The outcry from students for much-needed protection has been interpreted by legislators as an opportunity to arm faculty/staff, but understanding the reality of implementing such programs must be understood and evaluated by those who will actually carry guns—the teachers.

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