

Public School Safety

Laws, Rules, and Regulations

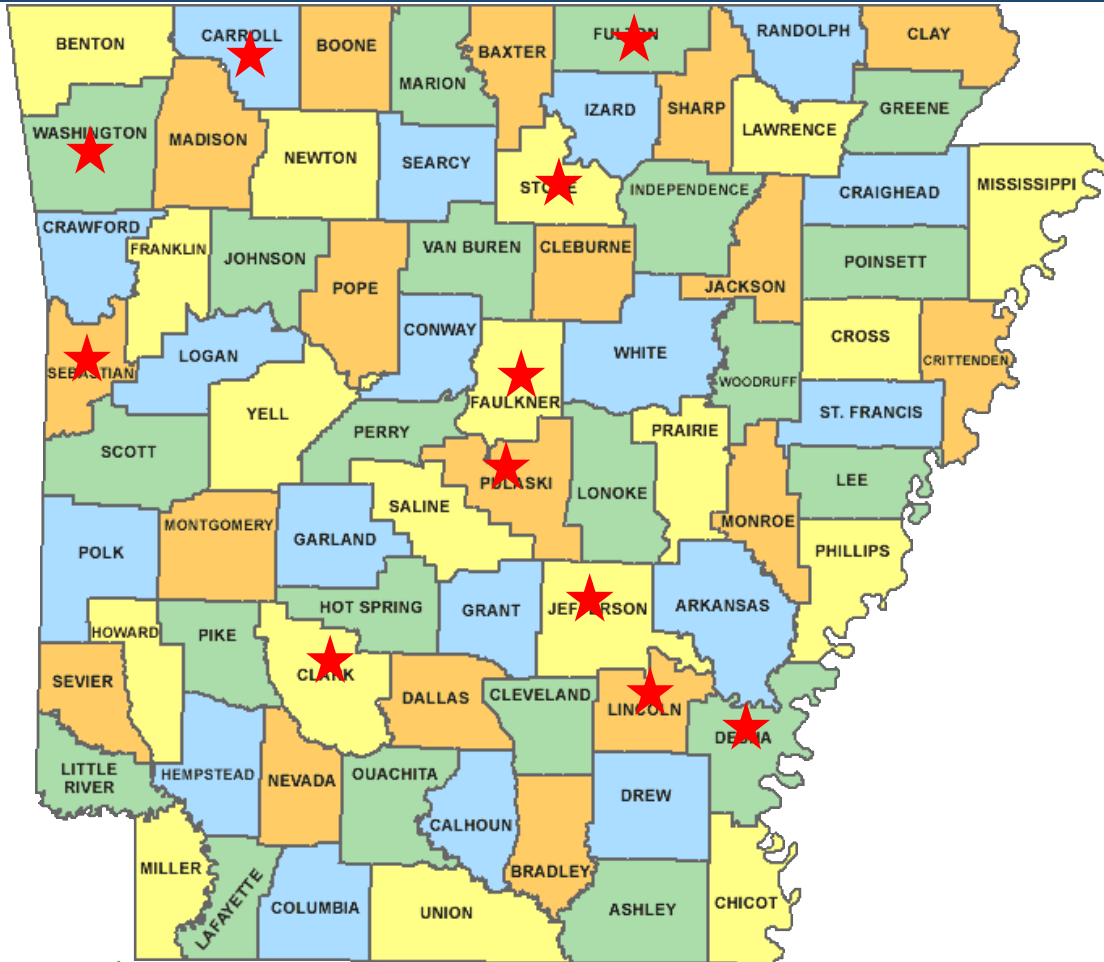
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2018 Headlines

- Student posted a picture on Snapchat saying "shoot up the high school like they did in Florida".
- 16-year-old student arrested after threatening the school.
- 17-year-old student made threats to cause harm to others in the school.
- Student arrested for a possible active shooter threat at school.
- Student arrested when he was found with a gun and extra rounds in his bookbag.
- 15-year-old student arrested for posting a threatening video on Snap Chat.
- 18-year-old student arrested after he was found with a loaded gun on a bus.
- Student with an unloaded gun in a backpack was arrested for possession of a gun on school property.
- School district made a report to authorities about a possible threat at the high school.
- Student made a statement about shooting up the school.
- Middle school student made threats on social media.





Ark. Code Ann. § 6-15-202 / ADE Standards for Accreditation

2-E.2 Each public school and public school district shall maintain appropriate materials and expertise to ensure the safety of students, employees, and visitors. *(D-S/C-P)*

6-A.2 Each public school district shall adopt and implement school safety policies and procedures in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/P)*



Ark. Code Ann. § 6-15-1005

Safe, equitable, and accountable public schools

- Safe and functional facilities that meet existing state and federal requirements
- Policies to ensure the safety of every student during school hours and at school-sponsored activities, and address weapons, violence, gangs, drugs, and sexual harassment.
- Code of behavior for students that maintains a safe and orderly environment.
- Policy on addressing disruptive students.
- Alternative education programs.



Ark. Code Ann. § 6-15-1303

Safe Schools Initiative Act

- Annual training for employees and students, to the extent practicable, in preventing and responding to acts of violence, terrorism, and natural disaster.
- Subject to funding, CJI shall provide training and education.
- Subject to funding, each school/district may install communications equipment that is interoperable with the AR Wireless Information Network System.



Ark. Code Ann. § 6-19-101 et seq.

School bus safety

- Commission for Arkansas Public School Academic Facilities and Transportation.
- Drivers, design and operation, mirrors, safety equipment.



Ark. Code Ann. § 6-21-112

Division of Public School Academic Facilities and
Transportation (DPSAFT)

Arkansas School Facilities Manual

Sec. 7400 – Electrical

- Contains standards for emergency lighting, site lighting, and security systems (door contact switches, motion detectors, etc.)



Ark. Code Ann. § 6-15-1302

Emergency plans and panic button alert system requirements

- School shall have a panic button alert system if funding is available.



Ark. Code Ann. §§ 6-18-501 through 516

Student discipline policies

- Must address:
 - Assault
 - Possession of a firearm or weapon
 - Alcohol and drugs
 - Damaging, destroying, or stealing school property
- Must be written and filed with ADE



Sec. 4141 of ESEA – Gun-Free Schools Act

State law must require expulsion for at least one (1) year if student brings a firearm to school or possesses firearm at school, but may allow superintendent to modify on a case-by-case basis.

District and State must report incidents.



Ark. Code Ann. § 6-18-513

Parental notification

- Report to law enforcement concerning student misconduct.
- Granting law enforcement access to student.
- Knows student has been taken into custody by law enforcement during school day.
- Exception:



Ark. Code Ann. § 6-18-514

Antibullying policies

- Complaints must be promptly investigated.
- Clearly define conduct that constitutes bullying.



Ark. Code Ann. § 6-10-125

School district floor plan on file with emergency management coordinator

- District may file floor plan with local/jurisdictional emergency management coordinator.



Ark. Code Ann. § 6-18-221

Operation Stay in School Program

- Cooperative agreement between school and law enforcement to ensure students are in school during appropriate days and times.



Ark. Code Ann. § 6-10-128

School resource officers

- Law enforcement officer
- Assist with school security, safety, emergency preparedness, emergency response, etc.
- District should have an MOU with agency



Ark. Code Ann. §§ 17-40-330 et seq.

Authorizes ASP to issue authorization to carry a firearm in the form of a Commissioned School Security Officer:

- Employees of the district
- Serve educational and law enforcement role
- Considered “school officials”
- Under supervision and control of school district



Ark. Code Ann. § 6-17-113

Duty to report and investigate student criminal acts

- A principal with knowledge or reasonable belief that a person has committed or threatened to commit an act of violence or a crime involving a deadly weapon on school property or under school supervision, shall immediately report to superintendent and law enforcement.



Student Searches

- School district personnel standard: Was the search **reasonable** within the context in which it occurred?
- Police officer standard: Did the police officer have **probable cause** prior to conducting the search?



The Every Student Succeeds Act (ESSA)

- Requires state report cards to include information on school-related arrests and referrals to law enforcement.
- Infraction information related to referrals to the police has been added to the SIS manual and will be collected in cycle 7 (June 15) beginning this year. The following fields will need to be completed if the incident was reported to police:
 - reported to police,
 - date reported and police department, and
 - police action.



Ark. Code Ann. § 6-15-1304

Emergency or security records or information –
Disclosure exempted

- Public pre-K and K-12 school/district security records exempt from FOIA.

CONFIDENTIAL



Ark. Code Ann. § 6-15-1301

Safe Schools Committee

- Develop model policies and procedures, including emergency plans, for districts.
- Make recommendations to State Board of Education and House and Senate Committees on Education.



Ark. Code Ann. § 6-21-608

Concealment of guns or drugs

- Unlawful for any student or person using school-owned property to conceal any gun, drug, or other contraband in/on school-owned property.
- School officials in a supervisory capacity may investigate upon receipt of information without obtaining search warrant.



§ 5-73-306. Prohibited places

A concealed carry license does not permit a person to carry a concealed handgun into a school.



§ 12-18-402. Mandated reporters

- Counselors
 - School officials
 - Teachers
 - Mental health professionals
- Must report to Child Abuse Hotline if reasonable cause to believe that child maltreatment is occurring.



Other State Law Requirements

- Ark. Code Ann. § 6-10-121: Tornado safety drills
- Ark. Code Ann. § 6-10-122: Automated external defibrillators
- Ark. Code Ann. § 6-10-110: Fire marshal program
- Ark. Code Ann. § 6-21-106: Fire hazards inspection prior to closing for breaks

<http://www.arkansased.gov/divisions/communications/safety/school-safety-laws-rules>



Family Educational Rights and Privacy Act (FERPA)

34 CFR §§99.1 through 99.67

- In general, FERPA restricts the release of student education records to anyone without consent.
- Exceptions:
 - School officials with a legitimate educational interest
 - Directory information
 - Health or safety emergency



Individuals with Disabilities Education Act (IDEA)

- IDEA does not prohibit referral to law enforcement for criminal act
- IDEA incorporates FERPA's confidentiality requirements
- “An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime . . . only to the extent that the transmission is permitted by FERPA.” 34 CFR 300.535



Individuals with Disabilities Education Act (IDEA)

IDEA Discipline

- 10 days
- Manifestation Determination Review
 - FBA and BIP
- 45 days
 - Drugs
 - Weapons
 - Seriously Bodily Injury





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