

MSBO Annual Conference

2022



A Look at School Safety

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9:25 – 10:05 a.m.

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School Violence Statistics

- 34 School Shootings
 - 15 Killed
 - 12 students
 - 3 employees
 - 52 Injured
 - An increased trend from 2018 to now
- 80% of schools record one or more incidents of violence, theft, and crime per school year
- 529 bomb threats made to schools and reported to BATS
- Students' perception of violence in schools on the rise

Source: Education Week, March 9, 2022 and U.S. Department of Education, National Center for Education Statistics (2021)



Michigan Emergency Operations Plan MCL 380.1308b

- As of January 1, 2020 Michigan schools are required to develop an emergency operations plan.
 - Input from the public required
 - Schools must work with at least 1 law enforcement agency to review plans biannually
 - Board must approve plan
 - Protected under FOIA

Michigan Emergency Operations Plan MCL 380.1308b

- The emergency operations plan developed and adopted must include guidelines and procedures that address all of the below issues.
- A school that adopts any state-wide school safety information policy is in compliance with the law.
 - School violence and attacks and threats
 - Bomb threats
 - Fire
 - Weather-related emergencies
 - Intruders
 - Parent and pupil reunification
 - Threats to a school-sponsored activity or event whether or not it is held on school premises
 - A plan to train teachers on mental health and pupil and teacher safety
 - A plan to improve school building security
 - An active violence protocol
 - Continuity of operations after an incident
 - A vulnerability assessment

Michigan Emergency Operations Plan MCL 380.1308b

MDE also encourages districts to also include the following elements in their EOPs:

- Safe evacuation and transport of students and staff with special needs
- A plan for first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) training for staff
- Staff training to recognize signs of trauma
- Collaboration with local mental health care providers to provide aftercare of students and staff following an incident
- Identification of other response and support agency plans that directly support the implementation of this plan (e.g., city or county EOP and/or school EOPs from schools co-located on the campus)

Guns and Schools

MCL 123.1101 and 1102

- A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.
- “Local unit of government” defined as city, village, township or county.

MCL 28.425o

- Individual licensed to carry a concealed weapon shall not carry on the premises of a school.
 - *Except* not precluded from carrying while in vehicle, dropping off, or picking up
 - *Except* if police official / retired police official

MCL 380.1313

- If a dangerous weapon is found in the possession of a pupil at school or on school bus, school shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.
- School official may confiscate the dangerous weapon and shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon.
- A law enforcement agency that takes possession of a dangerous weapon shall check all available stolen weapon and stolen property files to determine the legal owner of the dangerous weapon.
- "Dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

Guns and Schools

- **Michigan Gun Owners, Inc. v. Ann Arbor Pub. Sch.**, 502 Mich. 695 (2018)
 - Ann Arbor and Clio Area School Districts had a policy banning firearms on school property
 - No firearms on school property but for specific individuals with concealed pistol license
 - No open carry permitted
 - In the lower courts, District Court ruled in favor of Ann Arbor and against Clio
 - Court of Appeals affirmed Ann Arbor decision, reversing Clio
 - On appeal, Plaintiff's argued that the state has "occupied" the field of firearms

Guns and Schools

- **Michigan Gun Owners, Inc. v. Ann Arbor Pub. Sch.**, 502 Mich. 695 (2018)
 - Court held no express preemption
 - No implied conflict preemption
 - No state-law right to openly carry on school property
 - Court deemed plaintiffs' arguments waived
 - No implied field preemption
 - Legislature's decision not to include schools in MCL 123.1102 is a clear desire not to entire the field
 - The expression of one thing, suggests the exclusion of another
 - Overruling *Mich. Coalition for Responsible Gun Owners* to the extent is supported a conclusion of field preemption

Michigan Open Carry Inc. v. Clio Area Sch. Dist., 318 Mich. App. 356, aff'd sub nom. Michigan Gun Owners, Inc. v. Ann Arbor Pub. Sch., 502 Mich. 695, 918 N.W.2d 756 (2018)

- Plaintiffs argued MCL 28.425o(1)(a) expressly allowed concealed pistols on school grounds
- Court held “the Statute does not expressly forbid additional regulation or declare that its subparts supersede any other school-related firearms rules”
- The policies at issue here provided the exceptions provided under the statute and therefore were found to be acceptable by the Court

Lockdowns and Safety Drills

- **MCL 29.19(2) through (5)**
 - 5 fire drills
 - 2 tornado safety drills
 - 3 lockdown drills
 - Note: No drills permitted during mandated assessments



Fire Drills



- 5 drills per year (ideally in each month)
- **3 by December 1**
- “Reasonable” space between each of the remaining drills

Tornado Drills



- **2 drills per year**
- **1 in March**
- Drills shall be conducted to prevent injuries caused by severe weather

Lockdown Drills

- **3 drills per year**
- Occupants are restricted to the interior of the building and the building is secured
- **1 by December 1**
- **1 after January 1**
- At least 1 of the drills required by this section during a lunch or recess period, or at another time when a significant number of the students are gathered but not in the classroom
- Reasonable spacing interval between each drill
- Drill must include security measures that are appropriate to an emergency such as the release of a hazardous material or the presence of a potentially dangerous individual on or near the premises
- The governing body of a school shall seek input from the administration of the school and local public safety officials on the nature of the drills to be conducted under this subsection



Model Drill Guidance

Lockdown - Inside Threat Suggested Actions

Drills shall be conducted in coordination with your local emergency management coordinator AND the county sheriff for the county OR chief of police OR fire chief for the municipality where the school is located, or the designee of the sheriff, chief of police, or fire chief.

- **Event:** Intruder, active shooter or threat inside of building
- **Authority to Initiate:** (1) Staff (2) Public (3) Law Enforcement (4) Fire (5) Emergency Manager

Immediate Actions

- Activate notification system
- Call 9-1-1

Protective Measures

- Outside activities are routed to a safe location away from the building
- Check halls and rest rooms for students
- Close and lock interior doors and windows
- Move students to safe corner to reduce visibility
- Turn off lights (including computer monitors)
- Verify attendance
- Activate signaling system (see suggestions document)
- Remain in position until all clear and notified by law enforcement, fire, emergency manager, principal or designee (see note below)

Lockdown - Outside Threat Suggested Actions

Drills shall be conducted in coordination with your local emergency management coordinator AND the county sheriff for the county OR chief of police OR fire chief for the municipality where the school is located, or the designee of the sheriff, chief of police, or fire chief.

- **Event:** Potential intruder, active shooter or threat outside of building
- **Authority to Initiate:** (1) Law Enforcement (2) Fire (3) Emergency Manager (4) Staff (5) Public

Immediate Actions

- Activate notification system
- Call 9-1-1

Protective Measures

- Check halls and rest rooms for students
- Close and lock exterior doors and windows
- Move students to safe corner to reduce visibility
- Turn off lights (including computer monitors)
- Verify attendance
- Activate signaling system (see suggestions document)
- Remain in position until all clear and notified by law enforcement, fire, emergency manager, principal or designee (see note below)

Model Drill Guidance

Shelter in Place Suggested Actions

Drills shall be conducted in coordination with your local emergency management coordinator AND the county sheriff for the county OR chief of police OR fire chief for the municipality where the school is located, or the designee of the sheriff, chief of police, or fire chief.

- **Event:** Hazardous material or chemical incident outside of building
- **Authority to Initiate:** (1) Fire (2) Law Enforcement (3) Emergency Manager (4) Staff (5) Public

Immediate Actions

- Notification will come from emergency responder or administrator
- Activate notification system
- Call 9-1-1

Protective Measures

- Individuals outside of the building should be relocated to a separate area away from other building population (isolated)
- Close and lock exterior doors and windows (**NO** entrance or exit)
- Shut down air handling system/HVAC
- Ensure students and staff in safe area
- Verify attendance
- Remain in position until all clear and notified by law enforcement, fire, emergency manager, principal or designee

Model Drill Guidance

Notification

- Verbal or Electronic
- Use plain terms and language
- Fire alarm signal may not be used for other forms of drill

Timing

- As soon after return to school as possible

All Clear

- Suggestion not to open any door or window until receiving all clear

Other Emergency Plans

- Summer School Drills recommended
- Special Events planning
- Site-specific planning
- Know who is designated as in charge
- Keeping rooms secure
 - Work with emergency management to determine whether to close windows / blinds
 - Work with coordinator on lights on/off
 - Weigh limitation to internet access and limit messaging to limit misinformation

Cardiac Emergency Response

- Board must adopt and implement a cardiac emergency response plan for the school
- Shall address and provide for:
 - (a) Use and regular maintenance of automated external defibrillators, if available
 - (b) Activation of a cardiac emergency response team during an identified cardiac emergency
 - (c) A plan for effective and efficient communication throughout the school campus
 - (d) If the school includes grades 9 to 12, a training plan for the use of an automated external defibrillator and in cardiopulmonary resuscitation techniques
 - (e) Incorporation and integration of the local emergency response system and emergency response agencies with the school's plan
 - (f) An annual review and evaluation of the cardiac emergency response plan



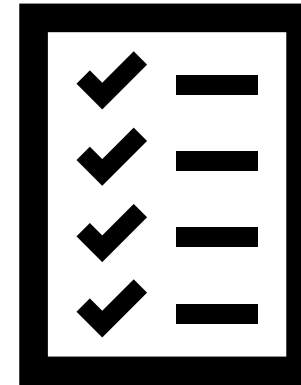
Document!

- **Calendar** of proposed drills required by September 15 of each year.
 - Provide list to the county emergency management coordinator
 - A scheduled drill that is not conducted on a scheduled drill day due to conditions not within the control of school authorities, will not result in a violation if:
 - the school conducts the minimum number of drills required ,
 - school reschedules the drill to occur within 10 school days after the scheduled date of the canceled drill, AND
 - the chief administrator notifies the county emergency management coordinator of the rescheduled date for the drill
 - Note – this is information exempt from disclosure under FOIA.



Document!

- Any drills conducted must be posted on school (or district) website within 30 days after the completion of the drill
- Maintain drill log for 3 years on website
- Log shall include:
 - Date and time
 - Type of drill
 - Number of completed drills at that point
 - Signature of school principal acknowledging the completion of the drill
 - Name of individual charged with completing drill



Other Considerations

Searches

- No presumption of privacy in school lockers. MCL 380.1306
- Policy must be adopted, but once adopted, can search a locker and its contents at any time
- No presumption of privacy when utilizing school technological materials

Report

- Must report crimes or attempted crimes to police. MCL 380.1308a

Bomb Threats

- School official shall not require an employee to remain in or search school unless ensured that employee has received proper training concerning bomb threats. MCL 380.1305

Mental Health Needs

- Training of your staff and personnel to identify mental health need.
- Availability of resources to prevent violence.
- Hotline

Preventing Violence in Schools

- Michigan Anti-Hazing Law
- Michigan Anti-Bullying Law
- Elliot Larsen Civil Rights Act
- Persons with Disabilities Civil Rights Act
- Title IX
- Student Disciplinary Procedures
- Parental Removal Procedures



Resources

- School Safety Legislation – Michigan State Police
 - <https://www.michigan.gov/msp/divisions/grantscommunityservices/school-safety/toggle/school-safety-legislation?msclkid=dc786677bc1911ec89683081a072eb19>
- School Lockdown Drill Policy Packet
 - https://www.michigan.gov/documents/safeschools/School_Lockdown_Drill_Policy_Packet_185417_7.pdf?msclkid=822d98d2bc3011ec8f4d12ded7fc782f
- Cardiac Emergency Response Plan (migrc.org)
 - <https://migrc.org/wp-content/uploads/Cardiac-Emergency-Response-Plan.pdf?msclkid=ad426da6bc3211ec9eee56e712dd9f73>
- K-12 School Security: A Guide for Preventing and Protecting Against Gun Violence (cisa.gov)
 - <https://www.cisa.gov/sites/default/files/publications/K12-School-Security-Guide-2nd-Edition-508.pdf?msclkid=2b966758b78811ecbe74d8e0a910fc00>
- Statewide school safety information policy (michigan.gov)
 - https://www.michigan.gov/-/media/Project/Websites/mde/2016/09/22/Statewide_School_Safety.pdf?rev=a1a42818ae574b1ab9ad5bc56969938e

Questions?

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