

School and Campus Safety Taskforce

Public Safety Workgroup

January 24, 2013

MINUTES

Members Present

The Honorable Marla Decker
Leah Hamaker for Amy Atkinson
Weet Baldwin
High "Skip" Blanchard
Chief Craig Branch
Kathy Butler
Captain Steve Carey
Chief Jim Cervera
John Childrey
Dewey Cornell, Ph.D.
Lee Day
Gene Deisinger, Ph.D.
Sheriff Danny Diggs
Fred Ellis
Colonel Bobby Northern for Colonel W. Steven Flaherty
Robert H. Foresman
Mark Gooch
John Lindstrom, Ph.D.
Donna Michaelis
Chief Doug Middleton
Chief Chris Perkins
Dr. Deborah Pettit
The Honorable Margaret Ransone
Michael T. Reilly
Shannon Taylor
Garth Wheeler
Chief Jim Williams

Andre Simons, FBI Behavioral Analysis Unit

Andre Simons, of the FBI Behavioral Analysis Unit, presented information on mass shootings. He presented these key considerations:

- Focus not only on crisis management responses but in equal degree on proactive preventative strategies

- Multidisciplinary threat management teams featuring trained professionals can contribute to the identification and disruption of targeted violence; law enforcement, mental health, administrative, and education professionals should routinely collaborate to provide holistic threat management services
- There is no “one size fits all” approach when assessing and managing targeted violence; checklists of concerning behaviors have limited value and should not replace a thorough and professional threat assessment
- Caretaking, monitoring and follow-up are often required when managing persons who exhibit concerning behaviors; short-term, long-term and post-intervention threat management required attention, time and commitment from school and campus safety stakeholders

Questions/observations from Workgroup

With regard to threat assessment teams, just because someone has a background in mental health does not make them qualified to do a threat assessment. There is threat assessment training available; it must be ongoing. It is probably best to have classroom instruction that is supported by an on the job team that continues on in mentorship or apprenticeship way. One challenge that we face is that kids get pretty good treatment that helps to keep them out of trouble while in schools, but once the person leaves school and either goes to higher education or out in the community, they struggle with other aspects of life. While they are in public school, school is taking care of them; once they leave, no one is taking care of them.

Mr. Simons’ presentation will be posted.

Review and Discussion of Workgroup Recommendations

The Workgroup was presented with 54 recommendations collected from Workgroup members, partner agency representatives and others. Of the 27 recommendations with legislative impact, the workgroup discussed 18 of them (5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, and 26). Several were passed “as is” or with a caveat of language adjustments and or amendment(s) (5, 10, 12, 13, 14, 19, 21, 22); Several were combined and passed because of similar language as well as a caveat of language adjustments or amendments as appropriate (7, 8 and 9 as well as 10 and 12); Two with mental health implications (15 and 16) will be referred to the Mental Health workgroup; Intent for one will be clarified with the recommending agency (18); and three were moved to the non-legislative section (20 (Passed), 24 and 26).

Time permitting, the Workgroup will hear the remaining 9 legislative impact recommendations (1, 2, 3, 4, 6, 11, 23, 25, 27) and any additional recommendations received (with a legislative impact) Tuesday’s meeting. Recommendations with no legislative impact will be heard by the Workgroup after January 31.

Review and Discussion of Legislation Referred to Workgroup

Delegate Cole presented HB 1730 to the Workgroup:

HB1730 would add a school resource officer in its standards of quality for every public school in the Commonwealth. Doing this would be expensive, but nearly half of the schools in the Commonwealth already have SROs assigned through local agreements with schools and sheriff’s offices. Delegate Cole

suggests that it is time to incorporate that instead of just leaving this to localities to work out and pay for. It will have a significant fiscal impact, and maybe should be phased in. It would go into the SOQ position, just like the support positions in schools.

Secretary Decker thanked Delegate Cole for coming, and indicated that when the Workgroup has its discussion about SROs, it'll keep his bill in mind.

Delegate Marshall presented HB 1557 to the Workgroup:

This bill directs that public schools have at least one person authorized and trained to carry a concealed weapon. The individuals fulfilling this mandate would have the same training as a deputy sheriff. To that extent it would be the toughest requirement in the US. Five states authorize schools to make a determination to come to school with concealed carry permit, but none of them require the training that this bill does. Under this Bill, a local school division is to identify at least one volunteer per school . This identified volunteer can be anyone who has worked for the school for at least three years; who has served as a parent volunteer for at least three years; or is a retired law enforcement officer who has been in the area for three years. This is because of the importance of earning the public trust, and having familiarity with the building and the people who were there.

Del. Marshall offered John Lott as his expert for the bill.


Public Comment

Greg Trojen spoke in favor of Del. Marshall's bill. He is with the Virginia Citizens' Defense League.

Sheriff Brian Roberts spoke in opposition to the Bill. The training that would be required to properly arm volunteers is extensive. The only people who should be in schools with arms are SRO.

Sheriff Kenneth Stolle spoke in opposition to the Bill. He recommended that the Workgroup not recommend the introduction of legislation, as it is too complex and has so many consequences that there is not sufficient time to uncover.

Liberty Counsel, Attached



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Reply to: Virginia

January 15, 2013

Via U.S. Mail

Attorney General Kenneth T. Cuccinelli, II
Office of the Attorney General
900 East Main Street
Richmond, VA
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RECEIVED

JAN 22 2013

Office of the Attorney General

RE: Governor's Task Force on School Safety

Dear Attorney General Cuccinelli:

I write to congratulate you on your recent appointment to the Governor's Task Force on School Safety, and to submit certain policy ideas for the consideration of the Task Force, in light of the pressing need to ensure the safety of Virginia students in the wake of the attack upon the children and teachers of Newtown, Connecticut.

As you may know, Liberty Counsel is a national public interest law firm with offices in Florida, Virginia, the District of Columbia, and in Jerusalem, Israel, with hundreds of affiliate attorneys nationwide. Liberty Counsel's practice emphasizes constitutional law, with a mission to protect life, liberty and the family. Liberty Counsel has experienced great success in defending constitutional rights in these areas. Liberty Counsel supports the sanctity of innocent life, as well as the right to defend it.

Liberty Counsel applauds selfless teachers like Vicky Soto and others, who defended their students at risk of and while losing their own lives. In our culture, the right to life in general is under attack on all fronts, whether in the womb, in old age, or in early childhood, as these recent tragic events bear out. The attacks on the children of Sandy Hook bear witness to the existence of evil, and as history shows, evil must be defended against. The right to defend life is granted by God, and, here in Virginia, this right is enshrined in both the Second Amendment and in Section 13 of the Virginia Declaration of Rights. Willing, competent teachers need not be helpless in the face of threats to their lives and the lives of innocent children who trust them. Teachers should be allowed to defend themselves and their children with the most effective means of doing so – lawful concealed handgun carry.

One option for protecting our children is the "Utah Model" - the State of Utah has permitted licensed concealed carry of handguns by adults in all public schools since 2008, with no special restrictions beyond a concealed handgun license. There have been no

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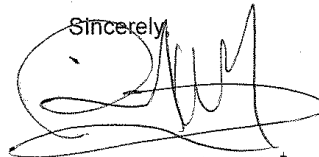
reported safety incidents since enactment of that policy, and this has led to an increase in security in the schools of that state at virtually no cost to its citizens. As you know, this would take an act of the Virginia legislature to accomplish, and could take some time, leaving our children unprotected indefinitely.

Another option is the Custer County, Colorado Sheriff's Volunteer Posse program ("Sheriff's Posse Model") - in which trained, armed, uniformed volunteers provide security at all school functions. Sheriff Fred Jobe currently administers this ten-year-old program, which consists of 20 volunteers, for the most part retired, drawn from the surrounding community. Although there is much to be said for this idea, particularly in the area of fiscal responsibility, as above, there are some negatives, such as that it, too, would take some time to be developed, would depend upon individual sheriff's good graces, and could leave our children unprotected indefinitely.

A third option is the "Harrold ISD Model" - in which the School Board of the Harrold, Texas Independent School District has created a safety program/emergency risk management plan that provides for trained, concealed-carry licensed, armed teachers, pursuant to board policy. This policy was enacted by Harrold ISD in 2008, and has had no reported safety incidents since enactment of that policy.

After reviewing these available options, particularly in light of the need for proactive measures in school safety to be taken now, it is apparent that the Harrold ISD Model has much to recommend it. While the ideal is the Utah Model (no special restrictions on concealed carry by concealed handgun licensee teachers and others in schools), the fastest way to protect children without waiting for the legislative process is the Harrold ISD Model (school board approval pursuant to a school program that envisions armed teachers).

In light of this situation, Liberty Counsel has drafted the attached Policy, that could be enacted by Virginia school boards as soon as the next school board meeting. The attached Policy complies with the federal Gun Free School Zones Act, as well as the code of the Commonwealth of Virginia. We submit it for your consideration, and look forward to working with your office to securing the safety of schoolchildren across Virginia, and, through leading by example, around the nation.

Sincerely,

Richard L. Mast, Jr.[†]

RLM:jml

[†] Licensed in Virginia

**SCHOOL EMERGENCY OPERATIONS, CONTINGENCY, AND SAFETY
MANAGEMENT PROGRAM**

I. PREAMBLE

The following Policy shall be titled the "Emergency Operations, Contingency, and Safety Management Program."

To provide enhanced protection to the students, teachers, and staff in the _____ School District ("District"), the _____ School Board ("Board") hereby expressly repeals current Board Policy _____, which bans the possession or use of firearms by the staff of District schools.

II. RECITALS

Whereas, the attack upon the children and staff of Sandy Hook Elementary School in Newtown, Connecticut is the latest in an unfortunate increase in the occurrence of armed attacks upon American schools, including Virginia Tech University, Columbine High School, and the University of Texas;

Whereas, the number of fatalities and injuries at Sandy Hook Elementary School, Virginia Tech University, and Columbine High School was exacerbated by the inherent time limitations of law enforcement response and the prohibition against qualified individuals present on school campuses from possessing and carrying authorized firearms capable of reducing the number of fatalities and injuries;

Whereas, the University of Texas attack was stopped with the assistance of armed private citizens;

Whereas, teachers occupy a position of trust and confidence and have already undergone screening, fingerprinting, and a background check pursuant to Va. Code Ann. § 22.1-296.2 as a condition of their employment;

Whereas, teachers are already on-scene daily and stand in a position to act as capable and trained "first responders" to unanticipated acts of violence or terrorism directed at the children, teachers, and staff of the District;

Whereas, the District's school campuses are dispersed within _____ such that a response from emergency responders, including armed backup law enforcement personnel, will likely arrive after a security threat has occurred;

Whereas, Harrold ISD in Harrold, Texas enacted a similar security policy in 2008, with no reported safety incidents since enactment of that policy, which has provided additional protection to those entrusted to that school district's care and protection;

Whereas, the State of Utah has permitted licensed concealed carry of handguns by adults in all public schools since 2008, with no special restrictions beyond a concealed handgun license and with no reported safety incidents since enactment of that policy, which has increased security in the schools of that State;

Whereas, Liberty University in Lynchburg, Virginia has permitted licensed concealed carry of handguns by faculty and staff since 2011, with no reported safety incidents since enactment of that policy, which has increased security on the campus of that University;

Whereas, the Office of the Virginia Attorney General has stated that the general statutory prohibition on firearms possession ~~within~~ a school is inapplicable when “a person [is] engaged in any of the activities specifically exempted in [Va. Code Ann.] § 18.2-308.1(B).” *See Crimes and Offense Generally: Crimes Involving Health and Safety—Other Illegal Weapons*, Op. Va. Att’y Gen. 00-022 (2000).

Whereas, Board Policy _____ specifically requires District schools to establish School Crisis, Emergency Management, and Medical Emergency Response Plans, instructs the Board to review each District school’s emergency response plan annually, and authorizes the Board to create a model School Crisis, Emergency Management, and Medical Emergency Response Plan;

Whereas, the Board believes that the possession of authorized firearms by qualified and authorized persons at District facilities would substantially increase the security of faculty, staff, students, and visitors at District facilities;

Whereas, the Board, pursuant to its authority under Board Policy _____, believes that every District school’s School Crisis, Emergency Management, and Medical Emergency Response Plan should be supplemented by this Policy;

Therefore, the Board adopts the following Policy to address concerns about effective and timely response to emergency situations at District facilities, including armed attacks or any other situations that present a substantial and direct threat to the life, physical health, and safety of the students, teachers, staff, and visitors present at District facilities.

III. DEFINITIONS

A. “Qualified and Authorized Person” shall mean members of school personnel who have satisfied the requirements for a Virginia Concealed Handgun Permit as set forth in Va. Code Ann. § 18.2-308(G)(1-9), which authorizes an individual to carry a concealed handgun when such individuals are capable of providing proof that the individual has demonstrated competence with a handgun, and such individual may demonstrate such competence by one of the following: (1) Completing any hunter education or hunter safety course approved by the

Department of Game and Inland Fisheries or a similar agency of another state; (2) Completing any National Rifle Association firearms safety or training course; (3) Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services; (4) Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement; (5) Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services; (6) Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause; (7) Completing any firearms training or safety course or class, including an electronic, video, or on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor; (8) Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or (9) Completing any other firearms training which the Board shall deem adequate by a writing outlining the training deemed appropriate. "Qualified and Authorized Person" shall not include those individuals disqualified pursuant to Va. Code Ann. § 18.2-308(E).

B. "Authorized Firearm" shall mean a handgun as defined in Va. Code Ann. § 18.2-308(M), which defines handgun as "any pistol or revolver or other firearm, except a machine gun, originally designed, made and intended to fire a projectile by means of an explosion of a combustible material from one or more barrels when held in one hand."

C. "Emergency Situation" shall mean invasions, assaults, terrorist attacks, hostage situations, or other similar circumstances arising from armed outsiders, domestic or foreign terrorists, mentally unbalanced individuals, or any other situations that present a substantial and direct threat to the life, physical health, and safety of the students, teachers, staff, and visitors present at District facilities.

D. "Secured Compartment or Container" shall mean any compartment or container capable of being locked to prevent unauthorized access to the items stored therein while a qualified and authorized person is not in the room containing such secured compartment or container. A compartment or container shall also be considered secure as long as the qualified and authorized person is present in the room where the secured compartment or container is located.

IV. AUTHORIZATION

The Federal Gun Free School Zones Act provides an exception to the general prohibition of unlicensed firearms possession in schools, where possession is

pursuant to a "school use" in a program approved by the school. 18 U.S.C. § 922(q)(3)(b).

Va. Code Ann. § 18.2-308.1(C)(iii) provides an exception to the general prohibition of unlicensed firearms possession in schools to such persons who possess firearms as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises.

Pursuant to its authority under Va. Code Ann. § 18.2-308.1(C)(iii), the Board may authorize specific individuals to be a qualified and authorized person, as defined in Section III.A, to possess authorized firearms, as defined in Section III.B, on District property, at District-sponsored or District-sanctioned events occurring within the District, and at Board meetings. Interested District personnel shall notify the Superintendent or designee of their desire for Board authorization to possess an authorized firearm. A qualified and authorized person shall be approved by separate action of the Board in closed executive session, which shall be conducted pursuant to Va. Code Ann. § 2.2-3711 (A)(1) and (19). The Board shall issue written authorization explicitly granting an individual status as a qualified and authorized person.

Faculty, staff, and employees of the District who possess a valid concealed handgun permit issued by the Commonwealth of Virginia pursuant to Va. Code Ann. § 18.2-308, and who have been recognized as a qualified and authorized person are approved by the Board to carry and possess an authorized firearm on District property, in District facilities or vehicles, at District-sponsored or District-sanctioned events occurring within the District, and at Board meetings. A qualified and authorized person shall carry the firearm concealed on his or her person, or shall store the authorized firearms in a secured container or compartment, as defined in Section III.D while on District property. The authorized firearm shall not be openly displayed, carried, or used except when use of an authorized firearm becomes necessary by reason of an emergency situation as defined in Section III.C.

If a person previously granted qualified and authorized person status by the Board has his or her concealed handgun permit revoked pursuant to Va. Code Ann. § 18.2-308(J) by reason of being convicted of an offense that would disqualify that person from obtaining a permit under Va. Code Ann. § 18.2-308(E) or by reason of a violation of Va. Code Ann. § 18.2-302(F), such revocation shall automatically revoke that person's status as a qualified and authorized person for purposes of this Policy.

V. VOLUNTARY NATURE OF THIS POLICY

District employees shall not be compelled to apply for status as a qualified and authorized person, nor to carry an authorized firearm.

VI. TRAINING PROVIDED FOR QUALIFIED AND AUTHORIZED PERSONNEL

Any qualified and authorized person or those wishing to qualify for such status shall be provided additional training in crisis intervention, management of hostage situations, and other training as the Board or designee may determine necessary or appropriate.

VII. EXCEPTION

Pursuant to Board Policy _____, this Policy shall not apply to faculty, staff, or employees participating in programs authorizing the possession of firearms as a part of the curriculum or other programs sponsored by schools in the District or any organization permitted by the District to use its premises or to any law enforcement officer while engaged in his duties at District facilities.