

Arming School Personnel Consensus Question Research

TOPIC 2: Cost and Liability

4. If a district decided to arm school personnel this would incur significant cost including implementation, equipment, training, liability and maintenance. How should this be funded?

- A. The cost should come out of the current budget.
- B. A levy should occur to provide additional resources.
- C. School districts should seek private funding.
- D. The state government should provide funding.
- E. The federal government should provide funding.
- F. Funding should be a combination of federal and state.
- G. The cost should be shared with the community law enforcement agencies.
- H. Approved armed school personnel should cover their own costs.
- I. Arming school personnel should not be permitted.

Research:

The Democrats on the House Education and Labor Committee released a copy of a July 16, 2018 memo written by Jason Botel, a Trump political appointee, that essentially suggested a compromise whereby the Education Department would allow funds to be used to train school personnel but would prohibit the use of the funds to purchase weapons. Also stating that this “middle ground would support one necessary component of arming school staff but not expose the Department to the political liability were the funds to be allowed to purchase weapons themselves.”

As recently as April, 2020, Ms. DeVos defended her announcement at an education committee hearing in Congress that she would not stand in the way of states that wanted to use federal education grants under Title IV of the Every Student Succeeds Act to buy guns; stating that “we have totally respected that particular setup. We have not advocated for or against.”

<https://www.politico.com/story/2019/04/10/betsy-devos-block-guns-schools-memo-1342592>

The American Bar Association in their report to the House Delegates opposes laws and policies allowing armed school personnel and further opposes the use of government or public funds to provide firearms.

https://www.americanbar.org/groups/public_interest/gun_violence/policy/19M106A/

School bonds (levies) are a source of funding for school districts. A school bond is slated to meet a specific need. It is voted on by the community, requiring a three-fifths (60%) super-majority then funded by property owners in the community.

<https://www.thoughtco.com/successfully-pass-a-school-bond-issue-3194411>

Friends of NRA host fundraising events in banquet halls or school gyms, with the support and coordination of local officials, selling guns as a fundraiser to support “the philanthropic efforts of the NRA Foundation and promote shooting sports and gun safety at the grass-roots level.”

https://www.washingtonpost.com/investigations/the-nra-foundation-is-raising-money-by-auctioning-off-guns-in-schools--to-the-dismay-of-some-parents/2019/11/04/1edfa13a-d704-11e9-ab26-e6dbebac45d3_story.html

5. Who should be held legally liable for armed school personnel?

A. School District Administrators	Yes	No	No Consensus
B. School Board	Yes	No	No Consensus
C. Armed School Personnel	Yes	No	No Consensus
D. All of the above	Yes	No	No Consensus
E. None of the above	Yes	No	No Consensus

Research:

School personnel, with written consent from an Ohio school board to carry or have access to a loaded, functional firearm, have some provision of legal security on a state level. That consent is for the purpose of providing security in the school district. Maintaining order and security in the classroom and on school grounds is an integral part of public education therefore the school district is obligated to provide legal defense and pay any award of judgement against the teacher. (Craycraft v. Simmons, Mont. Cty No. 24313, 2011-Ohio-3273)

Especially notable is that the laws may provide state protection but “there is no immunity under Chapter 2744 of the Ohio Revised Code for either the board of education or its employees for Federal claims.”
http://www.epcschools.org/documents/contentdocuments/document_23_5_698.pdf

Insurance companies are being forced to weigh the risks of arming school personnel. Some are balking due to the lack of evidence that more guns in schools make them safer. (i.e.. Several armed school personnel vs one or two trained SROs.)

Mass shootings in schools and public places have put pressure on the insurance industry to take a stand as they face huge potential liabilities. “Active Shooter” policies are newer lines of coverage being offered in some places in the U.S. Some school districts are opting into “Risk Pools” with other school districts. Any additional coverage increases costs for the school districts.

Some states have strong immunity laws that limit the payout should a public employee do something wrong. In these states the potential risk liability for insurance companies is limited.
https://www.washingtonpost.com/business/economy/one-roadblock-to-arming-teachers-insurance-companies/2018/05/26/59d6c704-5f7e-11e8-8c93-8cf33c21da8d_story.html

In Parkland, FL, the parents of the Margory Stoneman Douglas High school shooting victims looking to sue learned from the schools insurer that the school’s liability for damages could not exceed \$300,000.
<https://www.politico.com/story/2019/04/10/betsy-devos-block-guns-schools-memo-1342592>

Parkland security officer, Scot Peterson, was charged with 7 felonies for failure to act as a caregiver responsible for a child’s welfare, raising concerns about future officers being charged with child neglect.
<https://www.nbcnews.com/news/us-news/charging-ex-parkland-security-officer-scot-peterson-child-neglect-could-n1014231>
<https://www.nbcnews.com/news/us-news/former-parkland-security-officer-scot-peterson-charged-neglect-not-entering-n1013831>

Researchers Note: Arming school personnel policies that are poorly thought out and inadequately vetted may leave the district legally exposed. The district may be civilly liable and the armed school personnel may expose themselves to criminal liability if the policy is in any way inconsistent with state law.