

# *Legal odds and ends*



UL Lafayette  
5th Annual Louisiana K-12 Law Conference  
May 8, 2019

# Arming Educators?

- Is it a deterrent?
- Is it a force multiplier?
- Is it a quicker response to a threat?
- School homicides account for less than 1% of the total homicides for youth. Media intensifies schools!
- Soft control efforts include teaching students how to resolve conflict in non-violent ways and hard measures to promote student safety deal with others.



# School Safety efforts - Now

- ID cards for students and staff
- Locked entrances
- Gated campuses
- Visitor sign-ins
- Metal detectors and x-ray machines
- Clear backpacks and lockless lockers
- Security cameras, resource officers staff training
  
- Some negative impact is student fear of crime at school and not being safe



# Policy Changes & issues

- Arming educators: (1) How are educators selected; (2) Verification of qualifications for educators; (3) training of educators; (4) is weapon provided by the school or the educator; (5) where is the weapon stored
- What are the benefits and what are the potential costs?
- Superintendent perceptions: Geographically limited to isolated schools to resolve before law enforcement; Generally supported by community and parents; takes time to implement; volunteers should be interviewed; extensive and regular training.

# Challenges

- Can't cut corners on training – most state laws require less training than police officers
- 1 superintendent had to fire a staff member who was armed
- Time for law enforcement to respond?
- Can a teacher ever be properly trained to shoot another individual
- What happens when law enforcement arrives and finds people with guns (are they teachers or shooters?)
- Is message schools are safer or more dangerous?



# Terrorism on Campus

## The People v. Landen



- The Facts – Sounds like Die Hard with a Vengeance
- Restitution arguments: Serves the probationary goal of rehabilitating the defendant and making him confront the harm his actions have caused.
- Rekey classrooms, security costs, relocation of students cost, extra construction, administrative cost to stabilize work force over the weekend and relocate students, Average Daily Allowance revenue due to drop in attendance creating
- financial crisis, chemical testing, and lockdown kits:

# Louisiana School and Student Safety Act of 2018

- 17:409.1 – 409.6 – Mandatory Reporting of threats of violence or threat of terrorism (oral, written or electronic) – HB 193 DA may file petition.
- To local law enforcement if credible & imminent.
- To school administrators if not imminent
- Policy to investigate
- If reported to law enforcement, cannot return to school until formal mental health evaluation completed. Law enforcement shall file a petition with district court for medical, psychological and psychiatric evaluation
- Includes Charter Schools

# Questions about 17:409.1-409.6?

- Who pays for the evaluation?
  - Medicare? The student?
- Who files the action in court (Police, Sheriff, D. A.)?
  - HB 193 proposes that if Law enforcement determines threat is credible and imminent, it shall report it to the DA, who may file a petition.
- How do school districts stay informed?





# Children's mental health history

- School registration question: Has the child seen a counselor or a therapist or a psychiatrist?
- Stigma? – Grouped with requirements to report arrests and expulsions
- Concept was to help students by knowing so students get access to more care
- Patient Privacy?
- Law provides \$70 million to increase access to mental health services in school
- Broward County is adding 50 staff members
- Will parents check YES on the registration form

•

•

# House Bill 283



- Proposed after a special needs elementary school student was handcuffed to a chair after he was accused of trying to headbutt and hit teachers.
- A lawsuit is pending now by the parents.
- He believes being able to record classroom activity of students with disabilities will benefit all parties.
- He says cost is around the \$2 million mark to add surveillance to an average of one classroom on school campuses across the state.
- Funding for the cameras would come from the general budget.



# House Bill 338

- Adds topics for yearly training regarding bullying
- 1. Student family engagement
- 2. Discrimination on the basis of race, nationality, gender, English Language Learner, disability
- 3. Faculty and Staff diversity
- 4. Prevent and eliminate discrimination
- 5. Fostering inclusive environment for minorities and female students



# House Bill 337

- Present law grievance procedures for observation and conference score with local superintendent
- Proposed adds grievance procedures for Measure of Effectiveness (Value Added)
  1. State Superintendent or designee
  2. Right to data used to derive rating and present response
  3. A representative
  4. Right for rating to be fair, objective and consistent



# House Bill 240

- Movement in Music class & Marching band would count as physical activity for purposes of law requiring students to receive at least 30 minutes of physical activity each day.



# House Bill 239

## R.S. 17:270(B)(3)(e)



- Requires instruction in personal financial management for students to include information on student loans in addition to components below.
- Present law requires all students receive instruction in personal finance and it is required for graduation for any student entering 9<sup>th</sup> grade after 7.1.2019
- Integrated with existing course of study
- BESE charged with adopting rules that include specific components of (a) Income; (b) Money management; (c) Spending and credit; (d) Saving and investing. BESE is also charged with setting up a clearinghouse for instructional material.

•

•



# Contact Information

- Nathan Roberts
- Dean, College of Education
- UL Lafayette
- [nroberts@louisiana.edu](mailto:nroberts@louisiana.edu)
- 337-482-1026

