

Arming Educators  
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This research was supported through the efforts of staff and faculty members throughout Washington County School District.

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### Abstract

States like Georgia have brought policy change allowing schools to arm teachers. However, ramifications of unforeseen costs and possible legal issues this could bring are still unclear. Since no school that out has openly armed their faculty and/or staff has been in an active shooter situation it is unclear whether this policy is effective. However, there have been injuries and damage to property caused by the accidental discharge of weapons in these situations (Arlinda Smith Broady, 2018).

This brief looks at the legality and ramifications of arming public school teachers. What legal matters must be addressed? What is a reasonable standard of safety? What costs, financial and otherwise, will be incurred? How will this effect education directly or indirectly?

*Keywords:* firearms, arming, teachers, educators

### Arming Educators

The first real incidence of what I think of as a school shooting is when on April 20, 1999, 13 people were killed and 20 injured at Columbine High School, just outside of Denver Colorado. This was certainly not the first school shooting ever, but possibly the first of its kind. Two students enter a high school for what eventually was later determined as a method to go down in infamy (History.com Staff, 2009).

This case was not the first and certainly is not the last. The frequency of school shootings of all kinds has increased in the almost two decades since the Columbine Massacre. One of the more politically divisive events came from the mass shooting of 20 elementary children and 6 faculty members in Newton, Connecticut on December 14<sup>th</sup>, 2012 (History.com Staff, 2013). On one side of the debate is to push more legislation fighting for restrictive gun measures. However, for those resisting these restrictive laws, another solution has come forward. A desire to arm teachers as a method for increasing security in schools allowing for an armed security personnel to be more readily available in the case of such an event (Weiler & Armenta, 2014).

Though not much has been done at a federal level, many states have enacted laws and policies that address this issue based on one or the other of these solutions. Some states choose to tighten the belt on who can have a firearm, what kind you can have and where you can have them. Others states like Utah already have laws on the books that allow teachers with conceal carry permits to bring their own firearms to school if they so choose (Kessler, 2018).

After a reigniting of this same debate due to incidents of 2018, many districts like Washington County School District in southern Utah are focusing on enforcing and tightening district-wide and school policies already in existence geared around prevention and mitigation in case of dictators of all sorts especially concerning active shooters (Ricks, 2018). The school

district will the active shooter drills, practicing procedures for school lockdowns (Washington County School Board, 2017).

Other states like Georgia have brought policy change allowing schools to arm teachers. However, ramifications of unforeseen costs and possible legal issues this could bring are still unclear. Since no school that out has openly armed their faculty and/or staff has been in an active shooter situation it is unclear whether this policy is effective. However, there have been injuries and damage to property caused by the accidental discharge of weapons in these situations (Arlinda Smith Broady, 2018).

This brief looks at the legality and ramifications of arming public school teachers. What legal matters must be addressed? What is a reasonable standard of safety? What costs, financial and otherwise, will be incurred? How will this effect education directly or indirectly?

## **Research and Literature Foundation**

### **Legality**

**Federal gun free schools.** In 1990 Congress attempted to pass the Gun-Free School Zones Act which prohibited anyone from knowingly having a firearm on school property. Later, in 1994 Congress enacted the Gun-Free Schools Act (GFSA) which essentially requires, "Each State receiving Federal funds under any title of this Act (to) have in effect a State law requiring local educational agencies..." to ban students and unauthorized personnel from having a firearm on school property. Here provision is made that non-student personnel can be authorized to have a firearm on school property by the school or district ("Subpart 3 - Gun Possession," 2005). This provision was primarily meant to cover police or other possible security as a district deems necessary. Based on the wording of this law, states have the option to bow out with

understanding that funding will end. This provision allows states to make laws allowing non-students, therefore teachers, to be authorized to carry weapons onto school property.

**Should we care?** Don't be fooled by the title, of course, we care as to whether or not our students are safe. We certainly don't want these tragedies happening. The real question is what specifically is the legal requirement of teachers, administrators, as well as the local and state school boards?□

According to Gereluk, Donlevy, and Thompson school boards have both a duty-of-care and a specific standard-of-care they must meet in regards to student safety. They continue to define these so as to understand the differences and how to be sure we are providing both. Duty-of-care refers to the idea that people or organizations must take reasonable care to prevent damage to the body or property of others. Schools have the further duty that comes *within loco parentis* giving school boards the duty to act in lieu of parents while students are in their care.

Standard-of-care refers to, "...what, within a balance of probabilities, a reasonable person would do or not do." This is not to be confused with what an individual or a school thinks is reasonable, but what society deems reasonable. Despite the personal beliefs of a school board as to providing security measures, a court could deem them less than reasonable opening them up to litigation.

Based on this principle school boards must ensure they take proper precautions that seem reasonable, based on state and federal guidelines. Much like meeting OSHA standards, in the case of firearms, there must be proper preventative measures in place to mitigate the risks of school shootings. Such as one unlocked door, background checks on employees and volunteers, lockdown drills, etc.... (Gereluk, Donlevy, & Thompson, 2015).

Concerning the arming of teachers, there are a number of questions that can arise. Does this increase the standard-of-care? Should it be required based on the reasonableness principle? If implemented what are reasonable requirements and standards that must be met by individuals armed. □

### **Raising the Bar**

**Preventing problems.** Proponents for arming teachers certainly believe that it is an easy solution to fix the problem that seems to be on the rise in our country. First, we must establish what arming teachers can and can't do for stopping mass shootings. Though arming teachers may prevent a person from thinking of doing harm to students from entering school grounds if they are aware of potentially armed personnel. In that, they understand they must constantly watch their back or they won't succeed (Winston, 2016). This may only detract the shooter for a time and they will seek to do their killing at another school or public location. If this is the case a gun in a principal's office with a sign out front may have the same or better effect than just allowing a teacher to carry a firearm if they choose to do so. □

**Ending problems.** Proponents of arming teachers understand what Gary Kleck Professor of Criminal Justice at Florida State University shares:

The terrible reality is that powerfully motivated and premeditated violence, especially that carried out by killers willing to die, by their own hands or those of the police, are among the hardest violent acts to prevent, regardless of what measures one might use to do so (Kleck, 2009)

Instead of preventing the unknown, what arming teachers is more likely capable of doing is ending a mass shooting more quickly with fewer casualties. The idea is that in the case of an active shooter teacher with a weapon would be capable if not responsible to seek out and

confront the shooter. The idea being that we actively engage the shooter rather than wait in hiding. This lowers response time, as police officers often are not located on school facilities or they rotate around schools (Winston, 2016).

Assuming both or either of these measures works without inherent problems of their own it could be reasonable to conceive that they would raise the standard-of-care in safety and security provided by the schools. □

### **When things go wrong**

**Making split-second decisions.** As I ponder this situation I think about my own military background and training in situations of a somewhat stressful situation involving firearms. In high-stress situations where perceived threats are imminent human physiology can easily send us making life or death situations that in hindsight are the wrong choice, but in the situation seem like the best course of action. A video demonstrating what this might be like can be found at <https://youtu.be/yfi3Ndh3n-g> (FOX 10 Phoenix, 2015).

Police go through training of this sort to help make these split-second decisions on a regular basis. There is little to no precedent as to how much and how often a teacher should receive training and what type of training as they are not asked to perform regular law enforcement duties (Rajan & Branas, 2018).

**Specializing in threat management.** Further police receive specialized training for dealing specifically with active shooter situations. Specialized teams have been created for dealing with mitigating these threats safely (Winston, 2016). All teams that work with actively pursuing an imminent threat whether it be S.W.A.T., Army Rangers, Navy Seals, FBI, etc.... practice to the point that their actions become second nature. They work together and move as a team, so they don't hurt themselves or each other. Arming teachers provide a situation where a

teacher may be shot, teacher on teacher or police on teacher, based on the fact that it is unclear who the shooter is and any armed person is a potential threat.

In a survey of principals concerning the arming of teachers at their schools, the shooting of a student or someone other than the perpetrator was considered the biggest concern. One principal explained it best in the following summation, "The thought of me attempting to shoot someone and hitting a child by accident is something I could never live with—even if I successfully killed or stopped a gunman. I could never live with the fact that I killed a child. [For this reason] I have to believe the safety measures we have in place will save the greatest number of lives and that our practice and ongoing awareness will help kids be safe."

**Dealing with litigation.** Since the few laws that do exist refer primarily to permission to carry only, if guidelines are met teachers, schools and school boards open themselves up to litigations or possibly even criminal prosecution in the event things do go wrong. In recent year police have come under fire for being too liberal with firearm use however with police that follow proper procedures, even if it leads to a death that maybe didn't need to happen, are protected otherwise they would not be able to do their duty effectively. Currently, laws are not written providing the same protections for teachers who might get jumpy and accidentally shoot the wrong person. Or perhaps, if a teacher has a gun but fails to act, or stop the shooter, lawsuits may ensue (Rogers et al., 2018).

Further potential litigation issues arise with improper handling issues. Accidental discharge in a classroom could result in property damage, student or personal injury, or even death. Further, schools often have stressful situations where high emotions are involved. Having a gun present in these situations can lead to it being used to enforce a standard, or taken



by a student and turned on the teacher or other students. In proper storage of the weapon, further offers the potential for harmful use. Again all of these open schools up to litigation. □

**Rajan and Branas point out** concerns over a drop in the educational standard-of-care as students and faculty feel less safe in an environment where loaded weapons are always present (Rajan & Branas, 2018). In all of these cases, it must be asked is the possible rise in the safety standard-of-care justify the possible decline in educational standard-of-care due to change in environment, and money spent on possible litigation or insurance coverage.

### **Field Activity**

Even though there are some possible legal concerns that could arise with arming teachers or allowing teachers to bring firearms with them to school, it is important to note how teachers feel about being armed. The main point is to see, from the teacher point-of-view, if the stated standard-of-care for student safety is being met.

Teachers surveyed included 25 teachers, 19 of the teachers work for Washington County School District, 1 teaches in Pekin, Illinois, 4 teach in Idaho Falls, Idaho, 1 teacher is retired. Of the 25 teachers surveyed 7 were male and 18 were female, all 25 have taught for at least 5 years. Surveys were offered in the following formats: in-person group, in-person individual, email, and by phone.

One survey already mentioned was conducted of a sampling of school principals by Spencer C. Weiler and Anthony D. Armenta entitled “The Fourth R—Revolvers: Principal Perceptions Related to Armed School Personnel and Related Legal Issues”. From this, I borrowed and modified questions for this survey more directed at teachers (Weiler & Armenta, 2014). The questions that were asked sought to determine:

1. Do you think teachers should be armed?

Yes	No	Undecided
3	4	18

- A follow-up question was asked in some of the in-person conversations. "What would be required to possibly make your answer yes?" Answers include: □

- Proper training
- Only certain staff like the principal
- Safe storage for firearms at school (not locked and loaded)
- One jested saying “as long as I get a gun”

2. Based on the shootings, how safe do you feel in your school and how likely is a shooting at your school?

	1-Very Unsafe/Very likely	2	3-	4	5-Very Safe/Very Unlikely
Safe	0	0	1	18	6
Happening	0	1	4	14	6

3. Would they feel safer if they or other teachers were armed?

Yes	No	Undecided
6	4	15

Note: Many of the teachers during in-person and phone conversations were wishy-washy about their answers to this question. Most settled on undecided, but even among those who settled on yes or no answers struggled to decide where they landed. □

4. Would you be able to shoot an armed intruder even if it was a student or another teacher?

	Yes	No	Unsure
Unknown intruder	8	1	16
Student	3	4	18
Teacher	4	2	19

Note: this was also a hard one for teachers to settle on an answer. There was a large number that at first said I do what it takes to save children. But after being more specific about students and teachers, some even asked to change their answers about strangers. One teacher stated, "I guess you just never know what you will or won't do when push comes to shove." □

5. What issues would arise if teachers were armed? Answers varied, but fell under primarily three categories:

- I. Accidental shootings
- II. Lawsuits against teachers and schools
- III. Teachers becoming shooters

6. How comfortable would they feel if asked to not only carry a firearm?

1-Very Uncomfortable	2	3-	4	5-Very Comfortable
1	4	12	5	3

Note: Many of the teachers felt they could if asked but wouldn't necessarily volunteer to have the weapon. Many said if I'm trained I could do it.

7. Do you believe that arming teacher would increase or decrease the standard-of-care of providing a safe environment in school and of providing education?

	Decrease	No Change	Increase	Unsure
Safety	4	3	6	12
Education	5	7	0	13

8. Are your school’s/district’s current policies and practices sufficient to meet a reasonable standard-of-care.

1-No	2-Probably Not	3-Unsure	4-Probably	5-Yes
0	1	2	5	17

Note The one teacher who indicated "probably not" understood that courts systems would not agree and that this was just their opinion. □

(Personal Communication, 2018)

### Theory to Practice

After my survey, I took time to compare my findings with those from Weiler’s and Armenta’s survey of principals. Not all questions were similar enough to compare results but of those that were, there were similar results in answers. For questions 2 and 3 both groups primarily felt safe in the schools and felt that a school shooting was unlikely to occur at their school. Though the other questions did not match well enough to fully compare with the original survey they give insight into perceptions and opinions on standard-of-care.

Immediately after a shooting, emotions are high and people become scared. Many people offer solutions during these times based primarily on those emotions. This survey allowed insights

into a certain population's thoughts on the matter at a time when emotions have had time to settle.

Many of the teachers on their own brought up some of the same concerns with arming teachers that have been brought up during research, mainly shooting the wrong people and litigations. Almost felt that their school's current policies were sufficient, those in favor of arming teachers felt it would only increase that standard-of-care beyond minimal requirements of reasonable care.

### **Relevance to Professional Goals**

My professional goals are to continue teaching students in public schooling and later pursue an administrative position. As a teacher and future administrator safety and reasonable standard-of-care are currently and will be even more so a part of my duties and responsibilities. It is unlikely that shootings like these will stop. It's a matter of when and where not if. However, though we should wear seat belts in the unlikely event of a car crash, we must have safety measures in place. The key, in this case, is to determine if arming teachers would detract from everyday living and education due to overburdening the system with training, costs, and legal issues. Is it reasonable to offer this service? Is it reasonable not too? This brief is not so much meant to share an opinion on the matter but share facts for helping to make decision-based on those factors. □

### **Why this is Important for PreK-12 Students**

One week after the Florida school shooting in February 2018, our school had a lockdown, defined as doors remain locked and no one leaves the building but classes continue normally

otherwise (“Florida school shooting: At least 17 dead - CNN,” 2018). During the lockout, a student of mine freaked out thinking they were going to die. This became worse when this student noticed a police officer walking around the building. It was later determined that what someone thought sounded like a gun being fired in the vicinity of the school was a car backfiring. The gentleman around the corner from the school was working on his son’s car. My student was reacting to fears that school shootings can happen at any time in any place. Students watching the news may become concerned with the political debates on how to deal with these shootings. On one hand, it can help them see that people are working through issues, but it more than likely will polarize them in feeling like one of the emotionally charged political options must be done in order for them to feel safe. What students should see is that there is a plan in place, they should learn it, take drills seriously, offer ideas, and report concerns to their teachers and administrators.

### **Conclusion**

I personally have gone back and forth on whether this is a good idea or a bad idea but usually, I am undecided. I know for me if I were ever in an active shooter situation, I think I’d wish at that moment that I had a firearm that I was practiced on. However, the rest of the time I personally don’t feel safe with some teachers having firearms, especially without proper training and practice.

Ultimately this is a decision for everyone, policymakers, parents, students, teachers, administrators, and even the communities at large. These shooting impact our nation, and the world.

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