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SUMMER EDUCATION EVENT

The logo for the Oklahoma State Department of Education (OSDE) is positioned to the right of the event title. It features a stylized outline of the state of Oklahoma, filled with horizontal bands of yellow, orange, and purple. The letters 'OSDE' are printed in white on the purple band.

OSDE

TUESDAY, JULY 7 – THURSDAY, JULY 9, 2015

COX CONVENTION CENTER • OKLAHOMA CITY, OKLAHOMA

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The Oklahoma School Security Institute

A division of Oklahoma Homeland Security



*“To Create a Safe and Secure Learning Environment for
Every Child, Every Day, without Exception”*

What is OSSI ?

The Oklahoma School Security Institute (OSSI) was created by the Oklahoma State Legislature in the Spring of 2013 and officially became a division of the Oklahoma Office of Homeland Security on July 1, 2013.

The OSSI acts as the central repository for the public and private elementary and secondary schools of this state.

The goals and objectives of the OSSI include, but are not limited to:

1. Maximizing school security training and support to public and private elementary and secondary schools;
2. Assisting and coordinating with public and private elementary and secondary school administrators as required in the development and implementation of safety drills;
3. Facilitating efforts of public and private elementary and secondary schools to utilize any available programs or entities specializing in security issues; and
4. Creating and coordinating any working groups when necessary in order to continue developing and implementing new strategies and techniques for future recommendations on school security issues.



GUNS IN SCHOOLS

TITLE 21 OS 2011, Sections 1277-1280.1

Amended by HB 2014

A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:

3. *Any public or private elementary or public or private secondary school, except as provided in subsection subsections C and D*

*NOTE: No person can bring a firearm on school property.
This includes persons with a Self-Defense Act
Carry permit.*



SDA Exception #1:

A handgun may be carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.



SDA Exception #2:

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school.



EXCEPTION #3 from HB 2014:

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 3 of this act to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel (*with a valid SDA License*) either:

1. Possess a valid armed security guard license (72 hours of training w/ 8 hours CEUs) as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes (240 hours of CLEET Instruction with no annual CEU's but with annual re-qualification of firearm required dependent upon the sponsoring law enforcement agency)



POSSESSION OF FIREARM ON SCHOOL PROPERTY –

Property Defined

"School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;



What do I do next ????????

STEP 1:

Create a Policy and Procedure for this provision of law.

STEP 2:

Consider all the issues you can before drafting a policy.

STEP 3:

Go back to step 1.



What issues are we talking about when developing a sound policy?

When drafting a policy that would allow employees to carry firearms on school property, consider these issues as you reach your decision to implement this procedure and what your policy should address:

- ✓ What type of training will you require? Security guard or reserve officer status?
- ✓ Who will pay for this training? Both types require different types of annual re-certification or the requirement to achieve continuing education credits to maintain the certification. Who is expected to pay for any re-certification, annual firearms qualifications, ammunition, and whether or not paid time off is granted?
- ✓ Is this a process covered via workers compensation if any injury occurs during training, re-training or firearms qualification or practicing?



POLICY CONSIDERATIONS

- ✓ What type of firearm will you allow to be carried? The policy should mandate that the same firearm used for qualification is the only one that can be carried on school property to fulfill this function. What type of ammunition is allowed and the type of ammunition used to qualify should be the only type allowed to be carried.
- ✓ What type of holster is allowed? The holster type should require a certain level of qualified firearm retention. Will the training or the type of certification you require provide for weapons retention training and instruction?
- ✓ Your policy should cover when you will expect deadly force to be used. It should state whether or not you will allow warning shots to be fired. It should prohibit any type of horseplay with the firearm or non-authorized displays. Your policy should cover how the weapon will be secured as the statute requires this provision to be in place. Will the district provide a securely locked cabinet, gun locker or safe and who will be provided keys? Will this location be designated in policy? If not, is a locked classroom, desk or office sufficient to comply with the intent of the statute?

Policy Considerations---

- ✓ Will the firearm be allowed to be carried openly displayed or will it be required to be concealed?
- ✓ You should check with your insurance carrier to determine if your insurance rates will increase and budget accordingly. Will they require any other additional provisions in policy to assure coverage? Are there situations that they will NOT cover?
- ✓ Will there be any anticipated union negotiated issues? Some district labor groups have suggested stipends will need to be paid to individuals who obtain these certifications and who are expected to provide this level of security as an additional duty.

Policy Considerations---

- Participation by an education employee is “voluntary” and cannot be the basis for hiring or termination of employment. Your policy should include the fact that participation in this program is **voluntary**. Understand that once a person has obtained the training and the assignment, if they refuse to continue to participate, this decision cannot be the basis for termination of employment. In fact, any action taken against an employee under these conditions that could be interpreted as disciplinary could result in legal action against the district.



Immunity from civil or criminal liability provision--- Section E of the statute

- ✓ A State may not legislate away United States Constitutional protections. Immunity cannot extend to violations under certain federal statutes, including but not limited to:

Title 18, U.S.C., Section 242: Deprivation of Rights Under Color of Law

.....any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition may include police officers, law enforcement officials, Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, school administrators, etc., as persons who are bound by laws, statutes ordinances, or customs.



❖ Keys to creating a sound program:

- ✓ Contact your school attorney for guidance.
- ✓ Contact your insurance carrier for information and potential liability issues, premium adjustments or requirements.
- ✓ Develop a comprehensive policy and have it approved by the Board of Education.
- ✓ Notify your local law enforcement agency of who will be carrying a firearm on your property.
- ✓ Review the policy and procedures annually within your State required Safe School Committee. This committee should include parents, employees and even students.



OKLAHOMA OFFICE OF HOMELAND SECURITY

Oklahoma Statutes Title 70. Schools Chapter 1 - School Code of 1971

Section 24-132.1 - Immediate Report and Delivery of Confiscated Firearm to Law Enforcement Authority

- A. Pursuant to the requirements of Section 1271.1 of Title 21 of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.**
- B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to possess a firearm on school property pursuant to Section 1280.1 of Title 21 of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to Section 1271.1 of Title 21 of the Oklahoma Statutes.**



OKLAHOMA OFFICE OF HOMELAND SECURITY

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