



**TESTIMONY
ON
SENATE BILL 1193, P.N. 1611
ADDING SECTION 510.2 TO THE PUBLIC SCHOOL CODE
RELATING TO
PROTECTION AND DEFENSE OF PUPILS**

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**SENATE EDUCATION COMMITTEE
SEPTEMBER 16, 2014**

Good morning Chairman Folmer, Chairman Dinniman, and members of the Senate Education Committee. Thank you for inviting the Pennsylvania School Boards Association to present testimony regarding Senate Bill 1193 and other measures that can be taken to enhance school security and the safety of students and school staff. I am Stuart L. Knade, PSBA's General Counsel, and with me today is Sharon Orr, the Director of Risk Management for the School Claims Service component of the PSBA Insurance Trust school insurance services organization.

We wish to thank Senator White, the co-sponsors of Senate Bill 1193 and this Committee for their commitment to enhancing school security and the protection of pupils. School security is of huge importance to PSBA and our member school systems. Over the years PSBA and the Insurance Trust have focused considerable effort upon educating school boards and educators about the dimensions of the safety and security risks they face and the legal ramifications, resources, practical challenges and other important considerations they should be aware of as they decide what combination of strategies to use, and assisting them in assessing both the threats and their security measures.

We continue to seek and develop legislative approaches for eliminating obstacles to effective security programs, such as amending the Sunshine Act to permit school boards to use executive sessions to discuss security measures and crisis response plans that could be compromised if discussed in the open. We also work to educate and update local school solicitors about the numerous legal considerations that come into play in connection with various security measures. For example, one of the featured sessions this past July at our School Solicitors

Symposium, “Legal and Practical Issues Related to School Safety and Security,” devoted considerable focus to various legal issues and requirements associated with the carrying of firearms in school by school police officers and other professionals. This was presented by an attorney from a law firm that represents a number of school districts in Senator White’s senatorial district, and which we regard as being at the legal forefront in Pennsylvania as far as developing analysis and guidance related to this subject. We are grateful to Wil White and his firm Dillon McCandless, King, Coulter & Graham for sharing their expertise with their colleagues from other parts of the Commonwealth.

Senate Bill 1193 adds to the security options available to local school boards by making the authority of a school board to permit trained school personnel access to firearms on school property broader and more explicit. PSBA acknowledges that there are great differences of opinion about whether increasing the presence of firearms in schools is a wise or effective approach for enhancing school security. That is not a debate in which it is necessary or productive for PSBA to take a position, and it would be difficult for PSBA to take a position on Senate Bill 1193 without being perceived as jumping into that other debate. That being said, the boards of school directors represented by PSBA generally prefer to have more options available to them, not fewer options, and it is our understanding that the kind of authority Senate Bill 1193 would provide is something some school boards would like to be able to consider. PSBA also commends the simple and straightforward approach taken by Senate Bill 1193, which relies primarily on reference to established accreditation programs while leaving related details and procedures a matter for local policy and procedures.

The more appropriate role for PSBA on this issue will be in assisting school boards in determining whether the options Senate Bill 1193 would offer are right for their communities, and helping them to ensure that all the necessary associated

measures are taken, tailored to local needs. They would need to consider what options already exist that permit an armed security presence in school, such as school police officers, school resource officers and juvenile probation officers. They would need to consider whether access control measures, physical security barriers and available non-lethal means can provide sufficient security without introducing additional firearms and firearms carriers into the learning environment.

Once a decision to go forward is made, school officials would need to develop or adapt policies and procedures to determine how any such firearms would be secured, what “access” will mean, and under what circumstances such access will or will not be permitted. Crisis response plans and training for school staff and students will need to be modified to recognize that additional school staff may be armed and having new and special responsibilities in an active shooter situation. They will need to consider what tactical training and regular battle drills are needed in addition to weapons proficiency for those designated to be part of an armed response. They will need to review and update memoranda of understanding with local law enforcement agencies to reflect that some school staff in addition to sworn law enforcement personnel may be armed and ensure that the identities and roles of those additional staff are carefully coordinated with police. They also will need to review liability and property/casualty insurance coverage to ensure that specific coverage exists or can be obtained for the unique risks that are entailed.

Before I ask my colleague Sharon Orr to take a few minutes to give you an overview of the kinds of existing approaches for improving security that the school districts she works with already are implementing or evaluating, I will conclude by addressing a question I understand has arisen regarding the interplay among Pennsylvania’s Crimes Code provision prohibiting the possession of weapons on

school property, the related provision of our Public School Code, and the parallel provision of the federal crimes code generally Gun Free School Zones Act.

First, it helps to remember that the School Code provision addressing the possession of weapons on school property, 24 P.S. §1317.2, applies only to students, and operates mainly as a requirement for a minimum level of punishment for possession of a weapon. Thus, it is Section 912 of Pennsylvania's Crimes Code, 18 Pa.C.S. § 912, that restricts possession of weapons by school staff, by making it a crime for adults as well as students to possess weapons on school property, with specified exceptions. Although the two provisions use language that is similar in some respects and different in others, they are not really in conflict due to their different purposes. Both however apply to the possession of "weapons", which both broadly define to include knives and other things in addition to guns, whereas the federal crimes code provision prohibits possession of "firearms" in school zones, but does not address other types of weapons. As with the Pennsylvania Crimes Code provision, the federal law also has exceptions to its applicability for specified situations. I believe that at least three of those exceptions would mean that the federal law should not be an obstacle to implementing what Senate Bill 1193 would permit. For example, under one exception the federal law does not apply to possession by persons who are licensed under Pennsylvania law to carry concealed weapons, as Senate Bill 1193 would require.

I thank you for your attention and this opportunity to provide our input, and I now will hand it over to Sharon Orr. After Sharon provides her overview, we both will be happy to try to answer any questions you may have.