

To: Education Stakeholders and Interested Parties
From: Reynelle Brown Staley, Policy Director, Education Law Center
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Date: June 21, 2019
Re: Opposition to SB 621

As advocates committed to keeping our public schools safe for the students and the educators who attend them, the Education Law Center (ELC) and CeaseFire Pennsylvania express our **strong opposition to Senate Bill 621**, a dangerous expansion to the armed presence of security personnel in school that has been **recently amended for the worse**. The bill has already passed the Pennsylvania Senate and been approved by the House Education Committee.

Dangerously Increasing the Presence of Guns in Schools

The federal *Gun-Free School Zones Act*, 18 U.S.C. § 992(q) *et al.*, was enacted to decrease guns in schools and “ensure that our school grounds do not become battlegrounds.”¹ SB 621 defeats that aim. Section 1314-C(c) dangerously expands the presence of armed personnel in schools by authorizing a new category of school personnel – armed school security guards, which includes independent security contractors.

Research consistently shows that *increasing* the number of guns in schools -- whether by arming school employees or putting guns into the hands of contracted security guards -- does not make students safer but rather increases the likelihood of gun-related violence. Such policies make schools less safe learning environments for children and riskier working environments for teachers, in part by increasing the potential for **students** to gain access to firearms. Arming contracted personnel – a cheaper way to provide armed school policing – creates “more than a casual risk” that students will gain access to guns.² Events in places like Chambersburg where four students between the ages of 6 and 8 found their teacher’s loaded gun sitting on a school toilet unattended highlight the dangers of having armed personnel in schools.³

¹ Congressional Record, *Senate Introduction, Consideration and Passage of S. 3266*, October 27, 1990 at S 17595–596.

² S. Greenberg, *Arming Teachers as a Means to Prevent and Mitigate School Shootings: Assumptions, Readiness, and Contrast to Law Enforcement Officers Involved in Encounters with Armed Assailants* 8 (unpublished manuscript), available at <https://kycss.org/pdfs-docs/Arming%20Teachers%20to%20Mitigate%20School%20Shootings%20-%202013.docx>.

³ B. Metrick, *Teacher charged after students find her loaded gun in bathroom*, Public Opinion (Sept. 13, 2016), <https://www.publicopiniononline.com/story/news/2016/09/12/teacher-resigns-after-child-finds-her-loaded-gun-school/90280916/> (last accessed Dec. 20, 2018).

Confusing Legal Authority about Security Personnel and the Possession of Guns in Schools

Prior to amendment by the House Education Committee, SB 621 included language designed to prevent the creation of a patchwork of school gun laws throughout the Commonwealth. Section 1316-C, which the House Education Committee this week voted to eliminate, had provided that school police officers, school resource officers, and school security guards would be the only armed school security personnel authorized under Pennsylvania law. School districts could not create their own categories of personnel with the power to carry and fire guns in schools.

The language of Section 1316-C was necessary to ensure that the creation of a new category of armed personnel (armed school security guards) did not lead to an unfettered expansion of guns in schools. Existing language in Article XIII-C, Section 1312-C grants school entities and nonpublic schools broad discretion to create additional categories of school security personnel. Section 1316-C would have placed a necessary constraint on their authority to create new categories of **armed** school security personnel. This is consistent with language of the Pennsylvania Uniform Firearms Act of 1995 (24 Pa. C.S. 6120) limiting the authority of political subdivisions, including school districts, to regulate guns.

Opening the Door to Armed Teachers and Private Rent-a-Cops in Schools

Under current law, there are only two ways that someone could legally carry a gun in school: they could be deputized by a local judge as an armed “school police officer” or the law enforcement agency that employs them could enter in agreement with a school entity to have them stationed in a school building as a “school resource officer.” SB 621 would create a much easier third path to having armed security personnel in schools. By opening the door to security contractors, Section 1314-C(c) would allow any private citizen to be hired to carry a gun in school and perform security services as long as they are licensed to carry, have received school security clearances, and have completed minimal training (firearms training and a 40-hour course).

The security services these private individuals could perform under Section 1314-C(a) are expansive and include “assistance with disruptive students,” many of whom are likely students with disabilities who could be fatally harmed in interactions with armed personnel. Roughly 60 percent of students have suffered or witnessed some form of trauma within the previous year.⁴ Rather than providing these students with mental health professionals, counselors, and other caring adults in schools who have been shown to play a more critical role in making a school safe than increased security measures,⁵ SB 621 could expose them to another trauma: being in

⁴ Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, U.S. Dep’t of Justice, National Survey of Children’s Exposure to Violence 5 (September 2015), https://www.ojjdp.gov/pubs/248547.pdf?ed2f26df2d9c416fbddddd2330a778c6=nnxrpdoznnzubdzrr&utm_source=youth.gov&utm_medium=federal-links&utm_campaign=reports-and-resources.

⁵ See, e.g., Matthew Steinberg, Elaine Allensworth and David W. Johnson, Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization (May 2001), <http://ccsr.uchicago.edu/sites/default/files/publications/SAFETY%20IN%20CPS.pdf>.

front of the barrel of a gun. We know that because of bias, students of color and students with disabilities would be at greatest risk.

The current language of SB 621 would enable a range of individuals to serve as armed school security guards, including teachers and other school personnel. Under the amended definition under Section 1301-C, school security guards would no longer be prohibited from “engag[ing] in programs with students at the school” or required to be “third-party contractor[s].” Instead, any individual who meets the requirements of Section 1314-C(c) could enter in an agreement to provide security services to their local school district regardless of whether they are an employee of the school who engages with students in another capacity. In fact, there is nothing prohibiting **any** school employee from being “an independent contractor who is assigned to a school for routine safety and security duties” under the definition of Section 1301-C. As currently drafted, SB 621 would achieve the same policy objectives as [SB 383](#) in the last legislative session: allowing school districts to circumvent approved judicial routes to arm their staff and leaving families unaware of whether the teachers and other school officials they trust have been empowered to fire a weapon on them. Our schools cannot afford this level of confusion or a lack of clear lines of accountability with armed school security staff.

Conclusion

Loosening the restrictions on who can carry guns in schools risks making Pennsylvania schools less safe. Pennsylvania already has two pathways for allowing armed law enforcement personnel in schools. While some districts have elected not to arm school police, statewide the numbers of armed school police and school resource officers have grown. The presence of more armed security personnel has brought new dangers that have not been fully assessed. By allowing private security guards – and potentially other individuals – to patrol schools with guns, Senate Bill 621 would clearly expose our students to new risks. If our goal is safe schools, there is no logic to resorting to shortcuts for putting more armed guards in schools.

We urge you to help stop SB 621. The House will be voting on SB 621 on third consideration Monday, June 24th, and if approved, the bill will go to the Senate for reconciliation. Please contact your legislator to let them know SB 621 is dangerously bad policy.