Preface

Case law is the medium that clarifies and provides educators with the analysis and guidance relating to the rights and obligations of teachers, parents, and students. It establishes the duty for school authorities to keep students safe, to provide an atmosphere conducive to learning, and to know their obligations and student rights when adopting policies, procedures, handbooks, rules, and regulations. Education and related case law have grown from the one-room schoolhouse to single and joint school districts with individual and consolidated primary and secondary schools to a school campus of clustered school buildings.

The weapon of choice for mass shootings, including Uvalde School in Texas, Sandy Hook in Connecticut, and Marjorie Stoneman Douglas High School in Florida, is the AR-15 rifle. This weapon can be fitted with extended magazines and is lightweight, semi-automatic, versatile, and powerful. Some shooters are using ghost guns assembled from kits. Allegations of systemic and leadership failures including recognizing warning signs shown by students who need counseling or psychiatric evaluation, straying from adopted safety plans and procedures, and the availability of guns and high-powered weapons by youth need to be diligently and consistently re-evaluated. It is imperative for parents to know what purchases are made by their children, to keep adult-owned weapons in the house secure from unauthorized use within the family or from theft, to know what their children are researching and viewing on the Internet, and to know what Internet communications are received and sent by their children. Students should be encouraged to report violent comments and photos they receive through the Internet and social media, especially if fellow students are involved. Schools are encouraged to have an anonymous hotline for this reporting purpose. Internet sexting and computer crimes remain not only a safety concern for youth, but can lead to charges in the juvenile justice system.

To maintain adolescent mental health and wellness, students need tools and skills to cope with stress and anxiety to ensure positive experiences both at home and at school. It is important that parents and educators provide activities that promote students? well being.

The school setting is by no means exempt from the physical and psychological effects of youth violence. When violence occurs in a place where children have a right to be free from danger and to be safe, such as home or school, the effects can be deep and life-lasting. While emphasizing prevention of school violence, school districts are installing emergency response alarms and security cameras should an active shooter situation arise. The alarm systems, when engaged, automatically contact local police.

Bullying, sexual abuse, harassment, and hazing continue to be some of the most negative and damaging behaviors occurring in the

school setting and are a significant source of victimization of youth in both the com- munity and school environments. Stopping these aggressive behaviors is essential to maintaining a safe school environment. The adoption of school rules, regulations, and policies and their uniform and fair enforcement are critical. Potential aggressors need to have a clear understanding that prohibited behavior will not be tolerated, and sanctions will result. Student Codes of Conduct need to be adopted, revised, and enforced.

The Internet has proven to be a significant means of intensifying humiliation and emotional damage inflicted on victims. The anonymity and breadth of impact resulting from utilizing the Internet is expanding the number of victims of this harmful behavior. Web sites influence vulnerable students, and cell phone texting and social media remain a source of bullying, harassment, and threats which can and do lead to criminal charges.

Positive disciplinary techniques, conflict resolution, peer mediation, and referrals of students who exhibit signs of mental health issues to mental health professionals are intervention techniques which can successfully address violent behavior. Intervention and conflict resolution with at-risk youth must include teaching alternatives to anger in dealing with their feelings. Students must learn to address disputes and conflicts in a peaceful manner. The school atmosphere must continue to reinforce respect for differences and foster respect for each individual.

A disturbing popular trend includes hoax cases requesting emergency response services attempting to get a dispatch of large numbers of armed police to a particular street address is known as swatting. The dangers of this so-called prank are numerous, including discharging of firearms by responders and removing law enforcement and other first responders from real emergencies. The term “swatting” is derived from SWAT, which is an abbreviation for Special Weapons And Tactics.

Artificial Intelligence is considered by many to be a change maker for education and will render policies, teaching modalities, and learning strategies obsolete. AI is expected to challenge not only teachers but how students learn and make ethical and social choices and informed judgments.

There has been a steady flow of litigation involving identifying and placement of special education students and cases involving transgender students regarding sports, use of school restrooms, and preferred pronouns by transgender students. Anonymous pleadings with complaints filed by John Does and Jane Does protect the identity of minor students.

Adult web sites and proof of age of users for the protection of minors was addressed in a case before the Supreme Court of the United States. The Supreme Court determined that the First Amendment leaves undisturbed the States? traditional power to prevent minors from accessing speech that is obscene from their perspective.

That power includes the power to require proof of age before an individual can screen such speech without first submitting proof of age. The power to verify age is part of the power to prevent children from accessing speech that is obscene. The priority of school safety and maintaining a secure school environment without bullying, violence, threats, defamatory comments, weapons brought onto school premises and into school buildings, and criminal assaults have led to statutory mandates for school district threat assessment and safety plans. Protection of students and staff must be paramount for meaningful education to take place. Educators need to be knowledgeable of the school district-employer?s Emergency Management Plan required under state law and know their role in providing a safe school environment for students. Familiarity with the plan is essential so entire school compliance in an emergency situation can be achieved. Another legal issue facing school administrators and teachers is in loco parentis, which is a common law doctrine meaning ?in place of the parent,? a legal responsibility to perform some of the functions or responsibilities of a parent. Application of in loco parentis in the school setting and in education law can be complicated and has significant legal implications regarding the extent of rights and responsibilities. The courts have recognized the right of parents to object to classroom instruction and topics, curricula, and books that conflict with parental values. Court decisions reflect the well-established tradition that parents have the right to choose schools and school activities, opt their children out of classes, and to be home schooled. The right and duty regarding the education of a child remains with the parent.

Chroming is a substance abuse challenge posted on social media which involves inhaling toxic substances to create a temporary “high” similar to the effects from alcohol. The term is derived from inhaling the fumes of common chemicals or items including kerosene, gasoline, model glue, chrome paint for vehicle wheels, hairspray, lighter fluid, permanent markers, spray paint, and paint thinner. These chemicals are solvents and act as depressants which affect the central nervous system. There is a risk of permanent brain damage with heavy and frequent use.

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In Little v. Hecox (No. 24-38), the Ninth Circuit held that Idaho’s Fairness in Women’s Sports Act (Idaho Code Ann. §§ 33-6202, 6203) violated the Equal Protection Clause because it “subjected only students who wish to participate in female athletic competitions to an intrusive sex verification process and categorically bans transgender girls and women at all levels from competing” on public school female sports teams “at every age, from primary school through college, and

at every level of competition, from intramural to elite teams." Moreover, the State of Idaho presented no evidence that the Act was "substantially related to its asserted interests in sex equality and opportunity for women athletes."

Continuing Issues of Concern for School Staff and Administrators

When assessing an environment where education can take place and children can feel safe, the following questions are critical, need to be answered, and appropriate remedial action taken:

- How safe are our children?
- How safe is your local school?
- Does your school have a safety plan?
- Is the safety plan at your school reviewed and updated annually?
- Do local safety forces have school building plans and building blueprints on file for use in emergencies?
- Does the school have limited access by visitors during the school day?
- Is there a partnership between the school and law enforcement?
- Is there a partnership between parents and the school?
- Are children supervised at all times during the school day and during school-sponsored events?
- Has protective software been installed on school computers?
- Are effective discipline programs in use?
- Is bullying behavior being addressed?
- Are intervention and conflict resolution methods in use?
- Are disciplinary codes administered fairly and consistently?
- Are disciplinary codes enforced?
- Is staff in-serviced annually on safety issues including the school safety plan, gang recognition, and the mandated reporting of child abuse?
- Public participation at school board meetings
- Child abuse and child protection
- First Amendment - parental rights, school choice, parental opt-out of curriculum and books, social media, and public officials' e-mails
- Vaccinations – measles outbreaks
- Non-Consensual Intimate Imagery (NCII)
- Take It Down Law
- School shootings and/or discharging weapons on school campus
- Gender identity – bullying and peer harassment
- Negligent hiring, supervising, and retention of school staff

Be prepared. Identify indicators of safety breaches. React promptly, appropriately, and effectively. Stay safe. Stay healthy.

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