MALVERN BANK

School Safety and Security – Standard of Care

Kevin M. Craig, Assistant Vice President - Safety, Security, and Investigations
Porzio Compliance Services, LLC*

Since early 2020, we have been thrust into an environment where personal protective equipment, hand sanitizer, and social distancing have overwhelmingly eclipsed traditional pre-COVID-19 security measures. Prior to the pandemic, schools were enhancing physical security on a trajectory that was driven by incidents of school violence and the need to make our schools safe from a variety of threats and hazards, but more importantly, make our children and parents feel safe when entering our buildings or sending kids off to school for the day.

When seeking guidance to mitigate pandemic-related concerns effectively, schools turned to local, state, and federal resources for guidance and best practices. These procedures and practices were promulgated by experts in health care and infectious diseases, and standards of care were established and sometimes mandated for schools to follow.

As we endeavor to return to in-person teaching and learning, we must also focus on safeguarding against traditional and ever-evolving school safety and security threats. In this regard, we must follow established best practices and standards of care for school security. While laws and regulations vary from state to state and sometimes apply differently among public and non-public schools, some basic standards and measures must be considered to meet reasonable expectations for student safety and protect schools from liability for failing to provide this standard of care.

For the vast majority of schools, staff and students have not practiced school lockdown procedures in more than a year. State officials have recommended other drills so as not to conflict with social distancing requirements. Unfortunately, the lack of practice or discussion about these important responses results in learning loss of a different kind. Particularly vulnerable are staff and students who are new to the building or district and do not have the benefit of recalling how drills were conducted in the pre-COVID environment.

The time has come to refocus our school security efforts and get back to basics. While social distancing and face coverings will likely persist for some time, common sense security practices should begin to re-emerge as we endeavor to transition back to in-person learning. In spite of our best efforts to facilitate a learning environment where all students continue to advance, there will undoubtedly be some level of learning loss due to this pandemic and the requisite shift in how schools operate. The same is true for school safety and security. With an intense focus on temperature screenings, plexiglass barriers, and masks, we have, in some ways, unintentionally neglected common-sense security measures and practices. Things like suspicious activity reporting, assessing security, and training our staff on security protocols have been minimized. Propped doors and open windows became a mechanism to allow for fresh air rather than a forbidden breach of security and access control as they were before COVID-19.

What is the Standard of Care for School Safety and Security?

School security-related laws and regulations vary from state to state, and available resources are different for each school or district. School security experts agree that there is no "one size fits all"

solution for school safety. There are, however, well-established best practices that constitute the standard of care against which schools will likely be judged. In addition to applicable laws and regulations, following these best practices will greatly improve schools' ability to provide a safe and secure environment for students and staff and provide schools with evidence to pass the reasonable standard test when considering liability for maintaining an appropriate standard of care.

Some well-established standards that all schools should meet include:
- Identify threats and hazards
- Form a collaborative planning team
- Collaborate with Law Enforcement to plan emergency responses
- Develop an All-Hazards School Emergency Operations Plan
- Review and update plans and procedures with stakeholders annually
- Conduct security and fire drills regularly
- Train staff and familiarize students with emergency procedures annually
- Integrate people, policies, and technology into a comprehensive strategy
- Regularly test communications and security technology for operability

Identifying Threats and Assessing Risk

It is safe to assume that we cannot plan if we don't know what we are planning. Identifying threats and hazards and assessing and prioritizing risk and vulnerabilities are vital to the planning process. Much like the overarching planning process, assessing threats and hazards is a continuous process. This is evident in recent events throughout the world.

While we cannot prepare for all eventualities before they arise, regular assessments should be part of the planning process to identify new and emerging threats to prioritize resources and plan accordingly. Engaging outside partners to identify threats and hazards and mitigate vulnerabilities can add value and avoid internal biases that can result in overlooking vulnerabilities and overestimating response capabilities.

Engaging Stakeholders for Effective Planning

It is relatively easy to engage with internal leadership and staff to have discussions about emergency planning. At various levels, those within the organization provide valuable input related to emergency planning and how procedures may need to be adjusted to address challenges on the operational level. Equally important, however, is the inclusion of external stakeholders and emergency partners who will have roles in emergency responses during all phases of the emergency management cycle.

Law enforcement, firefighters, emergency medical services, and emergency management personnel are typically associated with emergency response protocols and should undoubtedly be included in the process. There are others that should have a seat at the planning table as well. Health care providers, mental health professionals, risk managers, legal teams, and consultants can provide valuable insights in the process. When forming a planning team, it is important to remember that emergency plans must include all phases – before, during, and after a crisis. While police, fire, and OEM partners focus primarily on response (during), the other partners mentioned are vital to prevention, protection, and mitigation (before), as well as recovery (after).

School Safety and Security and Emergency Operations Plans should be reviewed and updated at least annually in collaboration with the planning team.

Exercising Procedures and Training the School Community

The most common way that schools exercise emergency procedures is by conducting drills. Required drills vary by state, but most require drills in some form and frequency. Conducting regular drills and discussions around security protocols familiarizes both staff and students with roles, responsibilities, and expectations in an emergency. Familiarity and repetition create muscle memory to enable individuals to perform under stress.

Drills should be observed and reviewed to ensure that procedures are being implemented correctly. Drills also should incorporate security technology to test functionality, communication, and proper integration with procedures.

We cannot reasonably expect that the school community will respond effectively in an emergency if we don't train them properly. At a minimum, disseminating up-to-date security procedures to staff and training them on appropriate responses is a necessity. This dissemination of information and related training should also be at least an annual occurrence. Conducting this training annually will ensure that all staff is prepared to fulfill their roles and responsibilities and that any procedures are communicated and understood. Of significant importance is providing this training to new employees and substitutes as well. Whether virtual or in-person, training is key to preparedness.

Protection from Threats and Liability

School leaders often say that school safety is their top priority. Lessons learned after incidents of school violence, suicide, natural disasters, bullying, or other issues confronted by schools often tell a different story.

School safety liability is often incurred after an incident when reviews find that schools failed to implement reasonable standards that would likely have prevented tragic incidents resulting in injury or death.

In October 2021, families of the victims of the 2018 school shooting in Parkland, Florida, reached a $25 million settlement with the Broward County school district. The agreement resolved over 50 lawsuits filed by families against the district for negligence in the wake of the Valentine's Day shooting at Marjory Stoneman Douglas High School.

While we cannot guarantee 100% safety and security at every school, following well-established best practices and establishing a reasonable standard of care will truly prioritize school safety for our students and staff and limit the potential liability for failure to do so.

There is no better time than the present to take inventory of your security strategies to ensure compliance with applicable laws and regulations and consistency with industry standards and best practices.

Kevin Craig of Porzio Compliance Services, LLC is a presenter and panelist on "Why Most Schools are not Fully Prepared for a Lockdown." The workshop is a must for any school that wants to learn the most

effective way to improve safety and communications for lockdowns and physical security. Kevin will explore the challenges a school faces when dealing with a threat like an active shooter or emergency situation. Lunch will be served.

The following dates and times are available and registration can be found [here](#).

March 8, 2022 – Molly Pitcher Inn, Red Bank, NJ
March 9, 2022 – Park Avenue Club, Florham Park, NJ
March 10, 2022 – Washington Crossing Inn, Washington Crossing, PA

*Porzio Compliance Services, LLC is an approved provider on the Pennsylvania Commission on Crime and Delinquency (PCCD) School Safety and Security Assessment Provider Registry for physical security, safety, and behavioral health assessments.