



# SCHOOL SAFETY AND SECURITY

Allowing possession of firearms by school district employees on school property



**Non-regulatory Guidance**

SEPTEMBER 2017

## TABLE OF CONTENTS

<b>A message from Superintendent Balow</b>	4
<b>Purpose of this guidebook</b>	5
<b>2017 Session Laws, Chapter 209, “School Safety and Security,” Original House Bill No. 194</b>	5
Introductory paragraph	5
Highlights	5
<b>W.S. 21-3-132. Possession of firearms on school property</b>	6
Section (a) Adopting rules and regulations	6
Highlights	6
Questions	6
Resources	7
Section (b) Defining “employee”	7
Highlights	8
Questions	8
Section (c) Application, approval, and required training	9
Highlights	9
Questions	9
Resources	11
Section (d) Isolated rural school waiver	11
Highlights	11
Questions	11
Resources	12
Section (e) Notification of parents	12
Highlights	12
Questions	12
Resources	12
Section (f) Notification of law enforcement	13
Highlights	13
Questions	13
Resources	14
Section (g) Express approval of the board; notification of parties	14
Highlights	14
Section (h) Student carry of firearm prohibited	14
Questions	14
Section (j) Rules applicable to employees only	15

<b>Other Policy Development Considerations</b>	15
<b>Resources</b>	18
1. School safety and security ad hoc committee member contact information	18
2. Federal law on school safety zones – exception to the law	19
3. Recommended minimum requirements for initial training and annual requalification	19
Initial training requirement	20
Recurrent training requirement	22
4. Frequently asked questions and resources	22
5. Sample protocol for safe interaction between armed school staff and responding law enforcement officers	24

## A MESSAGE FROM SUPERINTENDENT BALOW

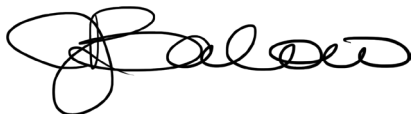
Dear Wyoming School Boards of Trustees,

School safety is a uniquely important and local issue. We all know that keeping our students safe is our number one responsibility as education leaders, but securing a safe environment looks different in each school and district. Our legislature passed the “School Safety and Security Act” which allows school districts to arm employees under certain conditions. While the Department of Education does not have rulemaking authority related to this law, we felt it would be beneficial to work with interested stakeholders to answer any questions the new law presents.

Shortly after the law was passed, my office formed the School Safety and Security Ad Hoc Committee. It is comprised of leaders from the Wyoming Department of Education, the Wyoming School Boards Association, local board trustees from across the state, and law enforcement professionals. They have worked hard studying the statute, W.S. 21-3-132, to provide you with meaningful insight on how a district can implement the law if it so chooses. The guidance manual contains definitions, suggestions on best practices, questions to ask your local counsel, and resources for implementation. Thank you to the Committee for all your hard work!

I hope that you find this guidebook helpful. Please know that my staff and I are always here to help you in any way we can.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Balow", with a stylized flourish at the end.

Jillian Balow

## PURPOSE OF THIS GUIDEBOOK

The purpose of this guidebook is to support local school district boards of trustees as they consider whether to implement W.S. 21-3-132, “School Safety and Security.” (Original House Bill No. 194, 2017 Wyoming Session Laws, Chapter 209). The statute does not give the Wyoming Department of Education (WDE) or any other state-level agency the authority to promulgate rules related to the statute. The authority for adopting rules under this statute rests solely with the local board of trustees. However, after identifying a need for some clarification and guidance related to provisions of the statute, the WDE convened a **School Safety and Security Ad Hoc Committee (SSSC)** [Resource #1] comprised of local and state law enforcement and education leaders. The Committee designed this reference document using the expertise and experience of the committee members. **None of the following information should be construed as regulatory guidance from the WDE, or any member of the Ad Hoc Committee, or legal advice of counsel.** Each district considering allowing possession of firearms by school district employees on school property should consult its own attorneys regarding the requirements of the law and related to any references in this guidebook.

The guidebook is organized using the format and sequence of the new law, with each sub-section being considered separately. Highlights, questions, and resources will be included. Questions raised, items to consider during discussion, and resources identified are not exclusive. A district may encounter others. Those identified are simply intended to help facilitate the work of the local district.

## 2017 SESSION LAWS, CHAPTER 209, “SCHOOL SAFETY AND SECURITY,” ORIGINAL HOUSE BILL NO. 194

### INTRODUCTORY PARAGRAPH

“An ACT relating to school safety and security; allowing possession of firearms by school district employees on school property; providing rulemaking authority to school districts; specifying confidentiality of records; making conforming amendments; and providing for an effective date.”

### HIGHLIGHTS

- Allows possession of firearms by school district employees
- Provides rulemaking authority to local districts
- Specifies confidentiality of records

## W.S. 21-3-132. POSSESSION OF FIREARMS ON SCHOOL PROPERTY

### SECTION (a) ADOPTING RULES AND REGULATIONS

“The board of trustees in each school district may adopt rules and regulations, in consultation with local law enforcement, to allow the possession of firearms by employees possessing a valid concealed carry permit under W.S. 6-8-104 on or in any property or facility owned or leased by the school district. Employees of a school district who hold a valid concealed carry permit issued under W.S. 6-8-104 may carry a concealed firearm on or into school facilities or other areas designated by the board of trustees, provided the employing school district has adopted rules and regulations that allow possession of firearms on school property and the employee has received approval by the board of trustees as required by this section.”

### HIGHLIGHTS

- District boards must consult with local law enforcement when adopting rules.
- Employees must hold a valid concealed carry permit to be allowed to possess firearms on school property by the board of trustees.

### QUESTIONS

- What is the required rulemaking process?
  - **Item to consider during discussion:** W.S. 21-3-110(a)(i) grants boards of trustees in each school district the ability to “prescribe and enforce rules, regulations and policies for its own government and for the government of the schools under its jurisdiction”. Normally, Wyoming school districts promulgate policies for the governance of the school district, including policies on policy development and adoption. A board should follow their own policies in the promulgation of new policy. It is unknown, however, if the Legislature acted with intent when using the words “rules and regulations”. For many, the terms “policy”, “rule” and “regulation” are used interchangeably. However, the Wyoming Administrative Procedures Act, W.S. 16-3-101 through 105, does provide a specified process for the promulgation of rules. There is a legal question regarding which process should be used and justifications either way. A school board considering authorizing possession of firearms by school district employees on school property should consult their attorney regarding the proper process to be utilized.
- How does the consultative process with local law enforcement impact the rulemaking process?
  - **Item to consider during discussion:** “Consultation” can be broadly interpreted and applied. Unlike later sections of the statute, there is no requirement implied here for consensus, or for local law enforcement approval in the rulemaking process. Consultation with stakeholders is common in law, but the board has ultimate authority.

- What is the required public notice period for board consideration of developing and adopting rules and regulations?
  - **Item to consider during discussion:** Depending on the course selected by the local school board for the promulgation of rules or policy, the board may have a different requirement for notification of the public, process for engaging the public, or both. A board may want to consider the different constituencies that could be affected by rules or policy and how those individuals might be considered in the rule or policy development process. It is recommended that the board work closely with their attorney to consider the various legal requirements in the rule or policy adoption process. If following the Wyoming Administrative Procedures Act, for example, there is a specified time required for public notice. (See W.S. 16-3-103(a)(i))
- How will the resolution be written to protect the identity of employees?
  - **Item to consider during discussion:** Applications by employees and board discussion and consideration thereof may be treated as confidential personnel matters and protected from public release. Board deliberations on individual applications must be conducted in closed executive session. Votes must be conducted in open meetings, but must withhold names or other information identifying specific individuals.

## RESOURCES

- Federal law allows an armed individual to enter a “school safety zone” if the individual is licensed to do so by the state where the school zone is situated. A Wyoming Concealed Firearms Permit constitutes such a license, when the individual meets all the requirements of W.S. 21-3-132 and W.S. 6-8-104 and is approved by the board under its rules. The citation to support this is 18 USC 922(q)(2). [Resource #2]
- Wyoming School Boards Association (WSBA) is offering a model policy and related guidance to WSBA policy services subscribers. Additionally, policies may be obtained from districts in other jurisdictions with similar legislation. Care should be taken, however, to ensure compliance with specific provisions of the Wyoming law. There will likely be numerous decisions throughout the process for the board to make. It is advisable that the board work closely with their legal counsel in this process. Any model policy should be approved by your local district’s attorney before being considered by the board.

## SECTION (b) DEFINING “EMPLOYEE”

“For purposes of this section, “employee” means any person employed under contract with the board of trustees of a school district, including but not limited to, superintendents, assistant superintendents, principals, assistant principals, teachers, guidance counselors, librarians, teacher’s aids, coaches, business managers, secretaries or administrative assistants, janitors, bus drivers, volunteers or other employees on contract with a school district.”



## HIGHLIGHTS

- The definition includes “person employed **under contract** [emphasis added].”
- The definition provides a sample list of employees, but also provides a general statement, “other employees on contract...” providing latitude to districts.

## QUESTIONS

- How does your legal counsel interpret the statement “... **volunteers** [emphasis added] or other employees on contract...”
  - **Item to consider during discussion:** Generally, volunteers are not on contract. However, a contract for volunteers could be developed. Further, many districts do not have written contracts for non-certified (classified) or at-will employees. It is important for the board to know which employees have a contract with the district and to consider whether a change in contracting practices is necessary.
- Does your district have an approved definition for “volunteer?”
- What constitutes a “contract” for purposes of this section?
  - **Item to consider during discussion:** In general a contract includes an offer, acceptance, and mutual consideration. The board will need to determine what employees are “on contract” with the school district and may need to make changes to contracting practices to be clear that certain employees or volunteers have a contract with the district. The broad implications of any changes to current employment or volunteer practices should be discussed with legal counsel.
- How will this impact your liability insurance?
- How will this impact your workers’ compensation insurance?



## SECTION (c) APPLICATION, APPROVAL, AND REQUIRED TRAINING

“The rules required by subsection (a) of this section shall at a minimum:


- (i) Establish an application and approval process for employees possessing a valid concealed carry permit under W.S. 6-8-104 to carry a firearm on school property;
- (ii) Require any person carrying a firearm pursuant to this section to maintain the firearm on his person at all times or in a concealed biometric container or lock box within the direct control of the individual at all times;
- (iii) Establish ongoing training requirements, curricula and instructor qualifications, subject to approval by local law enforcement, including:
  - (A) An initial course of training comprised of not less than sixteen (16) hours of live fire handgun training, and eight (8) hours of scenario based training using nonlethal training, firearms and ammunition; and
  - (B) Annual firearm qualification and documented recurrent training of not less than twelve (12) hours with an approved instructor.
- (iv) Provide a process for the revocation or suspension of the authorization under this section for an employee to carry a firearm on school property.”

## HIGHLIGHTS

- School staff members must meet the minimum qualifications.
- Training requirements include initial training and annual qualification training.
- Firearm must be in direct control of the employee at all times.
- A process for revoking or suspending an employee’s authorization to carry must be developed.

## QUESTIONS

- What does the application and approval process need to look like?
  - **Items to consider during discussion:** Care should be taken to protect the identity of persons applying for authorization. While the board must act on the application in an open meeting, it should take care to avoid disclosure of individually identifiable information that could be considered personnel information. The district could possibly consider including the application and other related records in the employee’s personnel record in order to make them as confidential as possible.
- How will you determine and verify the employee meets the minimum qualifications?
  - Valid Wyoming Concealed Carry Permit
  - Annual background checks
- Can the board delegate the review and authorization process to the superintendent to minimize knowledge of identities of employees?

- 
- Will the board allow a concealed biometric container or lock box? Pros/cons?
    - **Items to consider during discussion:** A “concealed biometric container” that must be in direct control of the employee at all times implies that the employee cannot leave the container unattended. Placing a firearm in, or removing it from a container requires manipulation of the weapon, which creates safety concerns, as well as raising the likelihood that the weapon will be seen and remarked upon by staff members, students, or others. Additionally, accessing a weapon from a biometric container under stress may be relatively slow and uncertain.
  - Will the board require the person to maintain the firearm on his/her person at all times?
  - If the board requires the person to conceal carry – no “off-body” carry – will there be special consideration for staff that change attire during the day? (coaches, physical education staff, etc.)
  - Who will be responsible for the weapon functionality, reliability, and ownership? [See “Other Policy Development Considerations” Paragraph 6]
  - Will there be a recommended caliber of weapon? [See “Other Policy Development Considerations” Paragraph 6]
  - Who owns the weapons? District or employee? [See “Other Policy Development Considerations” Paragraph 6]
  - Will there be guidance on the amount of ammunition the person should carry? [See “Other Policy Development Considerations” Paragraph 6]
  - Will the district support the cost of the initial training or the annual qualification? [See “Other Policy Development Considerations” Paragraph 6]
  - Will the training requirements exceed the minimum required? [Resource #3]
  - What criteria will be used in developing the revocation or suspension process?
    - **Item to consider during discussion:** This could be as simple as a majority vote of the board.
  - Who will be responsible for tracking the requalification of employees?

## RESOURCES

- The **School Safety and Security Ad Hoc Committee** prepared a sample protocol for meeting initial and annual training requirements. [Resource #3]
- Faculty/Administrator Safety Training and Emergency Response (FASTER) is a program developed by Ohio's Buckeye Firearms Foundation, which sponsors training for school employees in Ohio. We provide this link to the FASTER website as an information resource only.
- There are a number of private entities that specialize in this type of training. Districts must ensure, at a minimum that the required training hours are met through the training provided.
- In Ohio, Colorado, and elsewhere, 501(c) (3) organizations engage in fundraising and provide scholarships to defray all or part of the cost of training conducted by private entities for school staff members. There is presently no organization offering such financial support in Wyoming, but the possibility may develop.

## SECTION (d) ISOLATED RURAL SCHOOL WAIVER

“The board of trustees in any school district may waive all or part of the training requirements of subsection (c) of this section for isolated rural schools and employees in those schools.”

## HIGHLIGHTS

- The training requirements may be waived by the board of trustees for isolated rural schools and employees.

## QUESTIONS

- How will the board define “isolated rural school?”
- What is the additional liability if this waiver option is used?
- Will all other provisions of the rules and regulations apply?
  - **Item to consider during discussion:** Statute refers only to training regulations. All other rules and regulations will apply.

## RESOURCES

- Wyoming law does not define “isolated rural school.” We sought the assistance of the federal Central Regional Education Laboratory at Marzano Research (REL Central) to help define this term. The National Center for Education Statistics (NCES) defines schools that are geographically “rural” but does not speak to isolated. NCES does define a “rural remote” school as one that sits in a census-defined rural territory that is more than twenty-five miles from an urbanized area and also more than ten miles from an urban cluster. An urbanized area is one with 50,000 or more people. An urban cluster is an area with a population between 2,500 and 50,000.
- In 2005 the Education Commission of the States conducted a review of 11 state funding formulas. Consideration for defining an “isolated” school from the study included geography and maximum school and/or district size. Some examples included the school being twelve miles or more from the next nearest school, a formula that combines district size and distance from other schools, enrollment in schools lower than a certain threshold, and travel time for students to get to school.
- The WDE defines “small schools” for funding purposes based on Average Daily Membership (ADM). We do not use geographic isolation or the term “rural” to identify these schools. A small school is defined as having an ADM of  $\leq$  to 49.

## SECTION (e) NOTIFICATION OF PARENTS

“The superintendent of the district shall notify the parents and guardians of students attending school in the district of the ability of employees to carry firearms and the rules and regulations governing possession.”

## HIGHLIGHTS

- The establishment of rules and regulations governing an employee’s ability to carry firearms must be communicated to parents and guardians of students.

## QUESTIONS

- What format will be used to take and respond to questions from parents?
- Will the district consider a survey document?

## RESOURCES

- Questions and concerns from parents and community members in other states whose districts have implemented similar legislation, including responses to these questions have been included as Resource #4.
- Resource #3, which addresses training of armed school staff, also includes recommendations for information sharing with parents and community members.

## SECTION (f) NOTIFICATION OF LAW ENFORCEMENT

“The superintendent of the district shall notify all law enforcement agencies with jurisdiction over the area of the location and names of all employees who receive permission to carry firearms from the district’s board of trustees. The identities of the employees who receive permission to carry firearms from the district’s board of trustees shall be confidential and are not public records for purposes of W.S. 16-4-201 through 16-4-205.”

## HIGHLIGHTS

- The superintendent will identify all law enforcement agencies that may have jurisdiction over the area.
- Each agency will be notified of the 1) location and 2) names of employees with permission to carry firearms.
- The identities of the employees shall be confidential.

## QUESTIONS

- Will all law enforcement agencies with jurisdiction be included in the notification process?
  - **Item to consider during discussion:** Consideration should be given to which law enforcement agencies within the jurisdiction may respond to a law enforcement situation at the school. Those agencies who may respond to an incident at the school should be made aware of those staff who have been authorized to carry firearms at the school. Further consideration should be given to the manner of notification given to various law enforcement agencies of the identities of staff who have been authorized to carry firearms on school property. Care should be taken to ensure the confidentiality of the identities of armed staff. However, a law enforcement agency may wish to have a “meet and greet” with those staff who have been authorized to carry firearms. In some cases, a federal law enforcement agency may not be bound by the confidentiality provisions of Wyoming law. The district should have a conversation with local law enforcement about the best way to provide notification to each agency prior to the authorization of any staff to carry firearms on school property.
- Who is responsible for the development of a communication/identification system?
- Will you conduct training with local law enforcement officers (LEOs) annually? If so, will this be in conjunction with the annual firearms training requirement? [Resource #3]
- How will you ensure safe interaction between school employees and local law enforcement? [Resource #5]
- Do you have video recording systems in the schools? Will you disable these for training exercises (subject to public records requests)?

- How will your school safety or emergency response plan be revised to address this new provision? [Resource #3]
- Is there specific terminology or language that should be used to ensure the document is not subject to the public records request law?
- Have you identified agencies without specific jurisdiction, but sharing law enforcement communication resources, which may also have armed law enforcement employees active in your area, e.g. U.S. Forest Service, U.S. Fish and Wildlife Service, U.S. Bureau of Land Management, Wyoming Game & Fish?
  - **Item to consider during discussion:** Who will be responsible for coordinating with those personnel, and how much information will be shared?

## RESOURCES

- A sample protocol for safe interaction between armed school staff and responding law enforcement officers has been developed by committee members and is included as Resource #5. This tool can help guide the districts' work with local law enforcement agencies.

## SECTION (g) EXPRESS APPROVAL OF THE BOARD; NOTIFICATION OF PARTIES

“Nothing in this section shall authorize an employee to carry a firearm, concealed or otherwise, on or into any facility or other school district property without the express approval of the board of trustees and notification of parties as required by this section.”

## HIGHLIGHTS

- Self-explanatory.

## SECTION (h) STUDENT CARRY OF FIREARM PROHIBITED

“Nothing in this section shall authorize a student of a school district to carry a firearm, concealed or otherwise, on or into any facility of a school district.”

## QUESTIONS

- Is this included in current school policy and or/school safety plan?
  - **Item to consider during discussion:** As previously noted, federal and state law already explicitly prohibit carry of a firearm on school property by any individual not “licensed by the state.” It may be prudent to reiterate this in school and/or district policy and planning documents.

## SECTION (j) RULES APPLICABLE TO EMPLOYEES ONLY

“Any rules and regulations adopted under this section shall only apply to persons who are employees, as defined in subsection (b) of this section.”

## OTHER POLICY DEVELOPMENT CONSIDERATIONS

**Prepare and present a briefing** to all district employees (and perhaps to parents of students as well, as required by W.S. 21-3-132(e)) once district policies have been established to address concerns and clarify practices and expectations. [Resource #3]

**Consider what would be best practice** for a local district to receive “local law enforcement” approval.

- Include local law enforcement agencies (LLEA) in the board’s deliberations over W.S. 21-3-132 from the beginning. Solicit and incorporate LLEA recommendations in the earliest draft policies, and resolve differences of opinion at the earliest opportunity.

**What happens if local law enforcement won’t approve?** LLEA approval is required and necessary. Outside moderation may help district and LLEA resolve any differences. Recommendation: resolve where authority lies, in the event that more than one LLEA are involved and they do not agree. Should it be the Sheriff, as chief law enforcement officer in his county?

**What is an approved instructor? Who approves?** It is explicit in the law that districts will establish instructor qualifications “subject to approval by local law enforcement.” Early and continuing consultation with LLEA should result in an agreed statement of qualifications. We believe that the intent of the language is that the same law enforcement authority should review individual instructors’ background, and experience in accordance with the district’s requirements. The law suggests no specific definition or limitation on what might constitute instructor qualifications. For instance, they could include state or Peace Officer Standards and Training or POST-certified law enforcement trainers, National Rifle Association or NRA-certified instructors, or other private entity personnel, as defined by the district. We note that in some districts, LLEA might not have qualified instructors or offer their services, and that other instructors meeting qualification requirements and facilities necessary for training may not be available locally. In these cases, districts might choose to send staff members elsewhere to attend training that meets their requirements, which might involve coordinating with other districts and their own LLEA partners.

**A district should discuss and consult with legal counsel and insurance carriers** about the liability differences that arise from allowing a person to be armed or placing a school resource officer in the school.





**Specification and provision of firearms, ammunition, holsters, and equipment.** There are two broadly different alternative approaches (recognizing that hybrids of the two are also possible):

1. The first approach calls for the district to procure and issue firearms, ammunition, holsters, and ancillary equipment. While this would ensure standardization and prevent a financial burden on staff members, it raises other difficult issues.
  - The district would be obligated, at considerable expense, to maintain secure storage, employ a qualified armorer, and procure and maintain inventory of all items in sufficient numbers to support armed staff (whose numbers might fluctuate), as well as parts, and spares for re-issue in the event of lost or damaged equipment.
  - The district would incur additional liability exposure for loss or misuse of weapons and equipment during non-duty hours, or alternatively would have to develop and implement secure and accountable procedures for drawing and turning in weapons on a daily basis. These requirements would involve substantial expense (well beyond the purchase cost of firearms and equipment), additional work hours and administrative burdens. We do not recommend this approach.
  
2. The second approach calls for the district to develop, in cooperation with its LLEA partners, a list of requirements for personally owned firearms, ammunition, and equipment that are approved for use by armed staff members. Approved, armed staff members would provide their own personally owned firearms, ammunition, and equipment in accordance with these requirements. The district's interests would include safety and reliability of the firearm, effectiveness of the caliber and specific ammunition choice, and the concealability and security (retention characteristics) of holsters. In each category there are many available options, and the district should consider the degree of specificity in its requirements.
  - As an example of a narrow, prescriptive approach, some school districts in other states have specified a particular model of firearm, to ensure consistency and the ability of an individual to use another's weapon, magazines, or ammunition in an emergency. These advantages might be offset by the increased financial burden on individuals required to procure that firearm and related equipment if they do not already possess it, and by sacrificing any familiarity, proficiency, and confidence that an individual may already have with a different personal firearm.
  - A more broadly framed set of requirements might establish technical and performance standards for any privately owned firearms, ammunition, and equipment used by approved staff members. It is axiomatic that staff members should participate in training with the firearm and equipment they will use on a day-to-day basis. In addition to ensuring the applicability of skills and knowledge developed in training, this would serve to test the equipment for reliability, safety, and serviceability. Review by approved trainers or law enforcement advisors, most conveniently in the context of the individual's initial training, would establish the suitability of the equipment, and would be part of the documentation of the training event. The following is merely one example of such an approach, not necessarily endorsed in its particulars by this committee:



- ◆ Firearm: 9mm semiautomatic pistol, minimum magazine capacity 10 rounds, from one of the following manufacturers: Glock, Smith & Wesson, or Springfield Armory; to be carried with a minimum of two spare magazines. (Safety and reliability of firearms may be assured, to a very great degree, by reliance upon proven manufacturers and models.)
- ◆ Holster: designed for the specific firearm, providing retention, concealment while wearing normal workday clothing, and quick access by the user.
- ◆ Ammunition: 9mm jacketed hollow point (JHP) ammunition, maximum bullet weight 115 grains. Selected ammunition must be tested for function and reliability in any weapon authorized for use. This testing can be documented during initial and recurrent training.

#### **What should be shared cost between employee and district?**

- The district may choose to cover the cost of training, including ammunition used in training. All other costs, including the concealed firearms permit fee, firearm, holster, other equipment, and carry ammunition, should be the responsibility of the employee.
- The possibility of funding support from private non-profit entities should be explored.

#### **How many employees should be authorized by the district?**

- This should be left entirely to the district. Trustees have the discretion to approve as many or as few armed staff as they deem appropriate based upon their circumstances

## RESOURCES

### 1. SCHOOL SAFETY AND SECURITY AD HOC COMMITTEE MEMBER CONTACT INFORMATION

**Shelly Andrews, System of Support/DAS Program Mgr.**

Wyoming Department of Education  
Cheyenne, WY 82002 • 307-777-3781 • [shelly.andrews@wyo.gov](mailto:shelly.andrews@wyo.gov)

**Brian Farmer, Executive Director**

Wyoming School Board Association  
Cheyenne, WY 82001 • 307-634-1112 • [bfarmer.wy@gmail.com](mailto:bfarmer.wy@gmail.com)

**Brad LaCroix, Superintendent**

Weston County School District #1  
Newcastle, WY 82701 • 307-746-4451 • [lacroixb@wcsd1.org](mailto:lacroixb@wcsd1.org)

**Bill Morse, Safe2Tell Wyoming Program Manager**

Div. of Criminal Investigation, Office of the Attorney General  
Cheyenne, WY 82002 • 307-777-4940 • [bill.morse1@wyo.gov](mailto:bill.morse1@wyo.gov)

**Byron Oedekoven, Executive Director**

WY Assoc. of Sheriffs and Chiefs of Police  
Gillette, WY 82717 • 307-682-8949 • [byrono@wascop.com](mailto:byrono@wascop.com)

**Lori Olson, Board Member**

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**Dicky Shanor, Chief of Staff**

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**Bill Tallen, Retired**

U.S. Department of Energy/NNSA  
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**Scott Weber, Board of Trustees**

Park County School District #6  
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For more information on the work of this committee, please contact Dicky Shanor, 307-777-2061 or [dicky.shanor@wyo.gov](mailto:dicky.shanor@wyo.gov), or Shelly Andrews, 307-777-3781 or [shelly.andrews@wyo.gov](mailto:shelly.andrews@wyo.gov).

## 2. FEDERAL LAW ON SCHOOL SAFETY ZONES – EXCEPTION TO THE LAW

Pursuant to 18 U.S.C. § 922(q)(2)(B):

[18 U.S.C. § 922(q)(2)(A)] does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity;


## 3. RECOMMENDED MINIMUM REQUIREMENTS FOR INITIAL TRAINING AND ANNUAL REQUALIFICATION

W.S. 21-3-132 mandates that a district board of trustees must:

“(iii) Establish ongoing training requirements, curricula and instructor qualifications, subject to approval by local law enforcement, including:

(A) An initial course of training comprised of not less than sixteen (16) hours of live fire handgun training, and eight (8) hours of scenario based training using nonlethal training, firearms and ammunition; and

(B) Annual firearm qualification and documented recurrent training of not less than twelve (12) hours with an approved instructor.”



Training may be procured from public (law enforcement) or private entities, at the discretion of the board of trustees, so long as these minimum requirements are met.

The SSSC notes that the statute sets a minimum requirement, and we recommend that all training should be designed to ensure knowledge and proficiency in the following specific skills and topics. Training should be skill based, and may well exceed the statutory minimum times as necessary for trainees to demonstrate proficiency in the topics listed below.

## **INITIAL TRAINING REQUIREMENT**

**Live fire handgun training** should include demonstration and supervised practice to clearly defined standards in the following areas:

- Equipment selection, wear, use, and maintenance
- Firearms safety
- Weapon (chamber and magazine) condition check
- Loading, reloading, and unloading under all conditions
- Stance, grip, draw, and presentation from concealment
- Use of ready positions
- Identification and use of cover and concealment
- Engaging multiple adversaries
- “Failure to stop” drills
- Weapon retention with the weapon both in and out of the holster
- Weapon malfunctions and remedial action
- Extensive firing drills demonstrating practical accuracy at realistic ranges (from contact distance to 25 yards or as defined by local conditions)
- A strong confidence builder for all stakeholders would be successful completion of the Wyoming Law Enforcement Academy (WLEA) Close Range Pistol Proficiency Course at or above the 80% standard required of peace officer candidates. As a cautionary note, the flawed concept of “training to the test” should not be allowed to detract from the practical firearms training outlined in this section.

**Scenario-based training using nonlethal training firearms and ammunition** can include limited informational briefings, demonstrations, and dry runs, but should primarily consist of trainee participation in the role of armed school staff member in “force-on-force” scenarios using nonlethal training firearm systems (such as Airsoft, Simunitions, or Ultimate Training Munitions or UTM) with all necessary safety protective equipment. Instructors or other dedicated role players will play the part of armed adversaries, noncombatants, and others as required by specific scenario designs. Scenario-based training should minimally cover:

- Situational awareness
- Use of verbal challenge, test for compliance, and de-escalation
- Application of lethal force guidelines
- Decision making under stress

- Stress inoculation through force-on-force training with live role players
- Individual movement techniques and tactics relevant to the conditions that historically pertain to school shootings
- Interaction with other defenders in the school and with arriving first responders

Training the above skills and topics effectively within the minimum times required by statute will require significant read-ahead of declaratory information, and individual (dry) practice drills, made available either online or in published guidance prior to range training sessions. If this approach is not taken, the length of training will necessarily increase by the time required for classroom lecture presentation of critical information, and dry practice of basic skills.

Although not specifically mandated by statute, we recommend that initial training and preparation for implementation of W.S. 21-3-132 also include the following:

- Provide training in immediate lifesaving medical care, as addressed in the military's Tactical Combat Casualty Care (TCCC) course, which enables trained personnel to control major bleeding in the critical first minutes before Emergency Medical Services (EMS) arrive. Districts should use certified instructors of TCCC or an equivalent, such as the Department of Homeland Security (DHS) "Stop the Bleed" program or National Association of Emergency Medical Technician's (NAEMT) Bleeding Control for the Injured ("B-Con"), and this training might also be offered to other district staff, and not limited to those authorized to be armed in accordance with W.S. 21-3-132.
- Create a sensitive/close-hold armed responder plan specific to each school. Participants in this process should include school and district administrators, armed staff members who are assigned to that school, trainers, and local law enforcement representatives.
- Revisit school safety and security training that may have been conducted in your district, such as the ALICE Active Shooter Response Training sponsored by Wyoming Department of Homeland Security, and the Colorado School Safety Resource Center's course, Multi-Hazard Emergency Planning for Schools. Policies, tactics, techniques, and procedures recommended by such programs may need to be modified, and school Emergency Operations Plans may need to be revised, in light of the presence of armed staff on school property.
- Conduct school- or district-level all-hands staff briefings to describe the training performed and competencies achieved by armed staff members, introduce changes to emergency plans, and promote understanding and buy-in from all staff. These briefings, or a version thereof, may also be offered on an informational basis to parents and community members.
- Conduct walk-throughs, drills, or training exercises on site with all staff and first responders to ensure their understanding and familiarity with plans and contingencies.

W.S. 21-3-132 calls for specific curricula and instructor qualifications to be approved by the district's local chief law enforcement officer before conducting training. Districts are empowered, with the cooperation of local law enforcement, to establish the guidelines and standards against which curricula and instructors should be measured.

## **RECURRENT TRAINING REQUIREMENT**

Armed school staff members must also complete a minimum of twelve hours of recurrent annual training under an approved instructor. The statute mandates completing a firearms qualification course without specifying the course or standard. The SSSC recommends the same WLEA Close Range Pistol Proficiency Course (with an 80% or better score) suggested above for the initial training program. Other topics to be covered in recurrent training are not dictated in the statute. The SSSC recommends that it include review and practice of all live fire skills in the initial training curriculum that are not specifically tested in the qualification course, appropriate scenario-based training with nonlethal training firearms, and a review of evolving threats and developments in the field of school security during the preceding year.

## **4. FREQUENTLY ASKED QUESTIONS AND RESOURCES**

### **How are armed individuals selected?**

- Individuals volunteer to be armed. The district reviews applications, conducts background checks, and interviews the interested staff member to determine eligibility under W.S. 21-3-132 and board policy guidelines.

### **What background checks are required of the armed individuals?**

- School staff members already undergo considerable vetting and background checks prior to employment. Possession of a Wyoming Concealed Firearms Permits (required for anyone volunteering to be armed by W.S. 21-3-132) requires a further State background check. In addition, each local school board has the authority to require further examinations, checks, and vetting prior to approving individuals to carry firearms.

### **What kind of training is required?**

- Individuals will be required to obtain and keep up to date a Wyoming Concealed Firearms Permit. They are also required to successfully complete initial and recurrent training that meets the minimum requirements of W.S. 21-3-132 and the standards established in local district policy.
- The minimum initial training requirement of W.S. 21-3-132 includes sixteen hours of live fire handgun training, and eight hours of scenario-based training. All the topics listed in Resource #3 of this document above can be taught effectively in this time frame, producing an individual competent to carry out this heavy responsibility.
- The specified 24 hours of initial training is a statutory minimum. School districts, working with their law enforcement partners, have the authority to require additional training time if they choose. WDE's training recommendations [Resource #3] are not time-based, but knowledge and proficiency based. Boards of Trustees, and the trainers they select, should take whatever time they find necessary to achieve these training objectives.

### **What will be communicated to students related to armed school personnel?**

- District policies specifying training requirements are public documents available for review.
- Statutory requirements for concealed carry and for confidentiality regarding the identity of armed school personnel, supported by district policy and training, should ensure a very low profile. The goal should be for students to never be aware, under normal circumstances, of the presence of a firearm.
- It should be communicated to students (and to the public at large) only that carefully selected and well-trained armed school personnel are present in the schools as a part of a comprehensive security strategy.

### **Where and how are weapons kept?**

- Most weapons will be on the person of the authorized individual, securely holstered and concealed.
- The district may, in accordance with the statute, allow the use of biometric containers or lockboxes. (See discussion of W.S. 21-3-132 Section (c) in this guidebook.)
- In either case, the weapon must remain under the direct control of the individual at all times.


### **How can we ensure smooth and safe coordination between responding law enforcement officers and armed staff members in the school?**

- Scenario-based training under W.S. 21-3-132 and local school board requirements must explicitly address this topic. This training will be reviewed in the planning phases and during execution by local law enforcement authorities, who will then be familiar with how school staff are trained to react during an incident.
- The risk identified here has been confronted for years in law enforcement operations, especially those involving multiple agencies and undercover or non-uniformed law enforcement personnel. Resource #5 in the WDE guidance provides a detailed template for policies, tactics, and techniques that will mitigate this risk.

### **Will parents know the identity of those with weapons and their qualifications – physical and mental?**

- W.S. 21-3-132 – and the more detailed implementation policy that each school board will enact – will clearly define all qualifications. However, the bill states that the identity of armed school staff members will be confidential. You might want to know, as a parent; but so would any potential attacker, and for the safety of the armed individual and of their school, the legislature made a decision to protect the identity of the armed school officer. However, each district will handle confidentiality, the duty to keep parents informed, and public meetings laws as it deems most appropriate under the law.





If interested in learning more, the following resources provide more information and editorial on this issue:

### Faculty/Administrator Safety Training and Emergency Response (FASTER)

- [School Authorization Checklist](#)
- [Be Prepared for the Next School Shooting](#)

### National School Shield

- [Report of the National School Shield Task Force](#)
- [Appendix A: Best Practice Guidelines](#)

## 5. SAMPLE PROTOCOL FOR SAFE INTERACTION BETWEEN ARMED SCHOOL STAFF AND RESPONDING LAW ENFORCEMENT OFFICERS

Armed school staff will constitute a first line of defense in the event of a violent threat in their school. Responding law enforcement officers (LEO) should be aware of the presence of armed staff on site, while armed staff must be prepared to identify themselves and follow LEO instructions to the letter. Training, procedures, and protocols should be shared between armed staff and all law enforcement agencies that may respond to an emergency at the school. The actual methods, measures and procedures agreed upon can vary, and should be treated as sensitive information, to prevent them being discovered and exploited by a potential attacker.

Mitigating the risk of misidentification and fratricide will require the school district in cooperation with supporting local law enforcement agencies (LLEA) to address the following areas:

**Establish a mutually agreed-upon framework of objectives** for response to a violent attack in a school, e.g.: In response to violent threats, we shall seek to:

- **Deny or restrict** an attacker's access to potential victims.
- **Disrupt** an attacker's plan of action at the earliest possible moment.
- **Defend** the innocent with necessary, legal and appropriate use of force.
- **Shelter-in-place**, or evacuate potential victims to safe and secure locations.
- **Provide lifesaving medical care** to injured persons, pending arrival of Emergency Medical Services (EMS).
- **Isolate, immobilize, and contain** suspects pending LLEA arrival.
- **Communicate** vital information to LLEA at the earliest possible moment, and throughout the duration of any incident.



**Determine how long school staff should expect to be acting autonomously.** Can you expect LLEA response in five minutes? Ten? Thirty? How might those expectations be affected by conditions and events beyond your control, such as weather, road conditions, natural or man-made disaster, or other incidents in your area affecting public safety?

**Develop an Emergency Notification Plan** minimally including a checklist for personnel placing 911 calls; alternate communication means in case land-line telephone or cellular service is disrupted; and a plan for additional notifications and updates during an incident. Incorporate this into the school's Emergency Response Plan and ensure that all staff are familiar with it.

**Identify routes and methods,** through consultation with LLEA and EMS partners, by which first responders will approach and enter your property, and take measures to enhance their safety and access.

**Establish “Identification Friend or Foe” (IFF)** visual identifiers that can be worn or displayed by armed staff members. These could be caps, patches, armbands, jackets, or any other item that you can confidently expect all armed staff to wear or display during an incident. These will contribute to a safe link-up with LEO, but will also help armed staff members identify each other in the stress of an incident before LEO appear on scene.

The ability to swiftly and confidently identify “good guys” will minimize the risk of fratricide. LEO may be easily identifiable by their uniforms, equipment, and marked vehicles – but will school staff members recognize the uniforms of every agency that might appear? Will they be able to identify plainclothes officers, or tactical team members who are armed and uniformed differently than patrol officers?

Misidentification of armed school staff by responding LEO is even more likely, unless you establish and enforce standards for IFF identifiers.

The longer you rely on one solution, and the more exposure it receives (i.e., if your personnel wear these items daily under normal conditions) the greater the possibility that it could be identified, copied, and therefore compromised by a potential adversary. Change colors from time to time; have personnel carry these items on their person or in their gear, but not display them except in an emergency. IFF identifiers should be protected from compromise, and shared only among your own trusted personnel and cooperating LLEA.

**Establish and train procedures for initial face-to-face contact with responding LEO.** This moment is a very dangerous one for your associates and for responding LEO, especially if shots have been fired. In those critical first moments when LEO have arrived on scene, the likelihood of misidentification and a fratricide or “friendly fire” incident is highest, despite all your pre-planned notifications and IFF measures. Consider that LEO dispatched to the scene in response to a 911 call will be better informed about the situation – including the presence of armed staff – than an officer who may be nearby, and responds immediately to the sound of gunfire or to visual indications of trouble.



General guidelines for any armed staff member anticipating contact with LEO:

- If you have successfully engaged an armed suspect, you must ensure that person is no longer a threat to you and to others. Disarm him and secure his weapons so that neither he nor anyone else can gain control of those weapons. It would be prudent to understand the principles of crime scene investigation and rules of evidence so that you disrupt the scene as little as possible, but your safety and others' is your first priority.
- Direct and protect others in providing lifesaving care to all those who are injured, including suspects if this can be accomplished safely.
- Maintain a position of cover, for protection from other possible suspects.
- Holster or conceal your weapon. If you believe there is a possibility of other armed suspects, you may need it immediately accessible, but a weapon in your hand will present an immediate threat to responding LEO
- When LEO appear or challenge you, be prepared to show your empty hands, and follow all their orders to the letter. You may attempt to exchange rehearsed recognition signals, but realistically, you should not expect them to work, and should assume that LEO will treat you as a suspect until they can determine to their satisfaction that you are not one. It may be psychologically difficult to relinquish control of the situation to LEO, but you must do so without hesitation.

Responding officers, whether or not they are aware that there are armed citizens present, may quite understandably act on initial impressions when they see one or more persons down/injured, and others active with weapons in hand. Recognize how LEO might react to the sudden appearance of an armed individual in each of these hypothetical conditions:

- Suspect(s) are down and there may be other casualties present. At first this may seem like a “tame” problem, but consider how chaotic even this scene would appear to arriving LEO, with injured and/or uninjured civilians moving about in various levels of panic or distress, and armed individuals who are not fellow officers mixed in among them.
- One or more suspects are still active, either barricaded or moving. LEO have been advised that armed staff are present; they are likely to be the first non-victims that LEO encounter, and may be in danger both from the suspect(s) and from misidentification by LEO until positive link-up and identification have been accomplished.
- Shots have been fired, and there are visible casualties. LEO do not know if armed staff members are active on scene, and do not know how many suspects there are/were, and whether any are still active. This is an especially likely – and very dangerous – condition when LEO first arrive.

Recognition signals, running passwords, and sign/countersign are all useful techniques, but cannot be relied upon. Proper performance can be a confidence builder, but all of these techniques can be compromised and exploited by a prepared adversary, or forgotten or misapplied in the heat of the moment by staff members, or by first responders. Failure to perform these techniques correctly (e.g. wrong password, response, or signal) is not a “license to engage.”

**Medical/triage.** Ensure that you have qualified people and supplies on hand to treat gunshot wounds and other serious injuries, providing critical lifesaving care in the minutes before EMS can arrive. Identification and recruitment of these personnel should occur in parallel with the identification of armed staff members, and these skills should be taught to all armed staff members. Coordinate the development of this capability with your local EMS responders, to include coordination of protocols for care, for communication of status and location of victims, and for handing off injured to EMS providers.

**Prepare a site survey.** Prepare a site survey, conduct a vulnerability assessment, and conduct drills, walk-throughs, and sand-table or war gaming exercises to test the effectiveness of your emergency response plan, and to familiarize all staff, administrators, and first responders with the particular risks and opportunities that your specific facility presents.



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