

CLE: School Safety

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Legal Education

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School District's Duty of Care

[U]se ordinary care and to protect its students from injury resulting from the conduct of other students under circumstances where such conduct would reasonably have been foreseen and could have been prevented by the use of ordinary care. There is no requirement of constant supervision of all the movements of pupils at all times.

A school district is not relieved of liability because there was no prior notice of danger. . . . A teacher, generally, is not required to anticipate the hundreds of unexpected student acts which occur daily or to guard against dangers inherent in rash student acts. . . . Recovery is allowed in Minnesota if the jury can find from the evidence "that supervision would probably have prevented the accident."

Verhel v. Ind. School Dist. No. 709, 359 N.W. 579, 586 (Minn. 1984), citations omitted.

School District Duty of Care

The fact that another student's misconduct was the precipitating cause of the injury does not compel a conclusion that negligent supervision was not the proximate cause of [the student's] death. Neither the mere involvement of a third party nor that party's wrongful conduct is sufficient in itself to absolve the defendants of liability, once a negligent failure to provide adequate supervision is shown. Nor is this a case in which the intervening conduct of the other student is so bizarre or unpredictable as to warrant a limitation of liability through the expedient of concluding, as a matter of law, that a negligent failure to supervise was not the proximate cause of the injury.... [The test is whether] "a reasonably prudent person would foresee that injuries of the same general type would be likely to occur in the absence of adequate safeguards."

Stevens v. Des Moines School Dist., 528 N.W.2d 117 (Iowa 1995), quoting California case, citations omitted.

Discretionary Immunity

No school board member would disagree with the proposition that teachers should not criminally assault their students. But this does not establish that the New Lisbon School District has adopted specific rules or policies prohibiting such conduct which were negligently implemented by its employees.

Kimpton v. New Lisbon School Dist., 405 N.W.2d 740 (Wis. Ct. App. 1987). See also Pletan v. Gaines, 494 NW 2d 38 (Minn. 1992).

FRANTIC MOTHERS GO INSANE AT FIRE AS 27 SCHOOL CHILDREN PERISH IN TRAP



Chicago Daily Tribune

IN PAGES 18 SPORTS FINAL

WEDNESDAY, OCTOBER 28, 1915. PRICE—SIXTY CENTS

SCHOOL FIRE; 90 DIE

90 Hurt in Our Lady of Angels Blaze

FEAR, HORROR GRIP PARENTS SEEKING KID FACES ARE ETCHED IN MISERY

Color Camera Depicts Tragic School Fire



PROBE OIL LIKE FLARE IN BUILDING STAIRWELL

53 Girls, 35 Boys, and 2 Nuns Perish in Myster. Holocaust; Police Battle Frantic Parents

Picture Story
Here in the dark scene of a fire that is burning in the school building, the faces of the parents are etched in misery. They are seeking their children in the smoke and flames. The fire is raging in the building, and the parents are frantic with worry. The scene is one of horror and tragedy.

The fire broke out in the school building at 10:30 p.m. and spread rapidly. The fire department arrived at 11:15 p.m. and worked for several hours to contain the fire. The fire was caused by a flare in the stairwell. The fire killed 53 girls, 35 boys, and 2 nuns. The parents of the children who died are frantic with grief. The police are trying to identify the bodies of the children who were not killed. The fire was a terrible tragedy.

SCORES CRUSHED IN PANIC AS 700 STRUGGLE FOR LIFE; MAIN DOORS OPENED INSIDE

Peabody, Mass., Parochial School Suddenly Swept by Fire of Mysterious Origin—Nuns Unable to Hold Children in Check.

BRAVE SISTER SAVES 25, THEN FALLS UNCONSCIOUS

PEABODY, Mass., Oct. 28.—Fire swept through the three-story brick building occupied by the St. John's parochial school today, burning

Summary

The ninety-three deaths in this fire are an indictment of those in authority who have failed to recognize their life safety obligations in housing children in structures which are "fire traps." Schools that lack adequate exit facilities and approved types of automatic sprinkler or detection equipment, and which possess excessive amounts of highly combustible interior finish, substandard fire alerting means and poor housekeeping conditions must be rated as "fire traps." School and fire authorities must take affirmative actions to rid their communities of such blights.

[Nat'l Fire Protection Assn. Quarterly, Jan. 1959, The Chicago School Fire](#)

Teaching To The Test



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What Can We Do?



Armed Police Officers

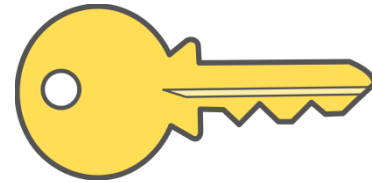
- Officer in school
- Presence of other officers?
- Proximity to police station
- Off-duty officers
- Equipping patrol officers
- Other armed citizens?

Architecture



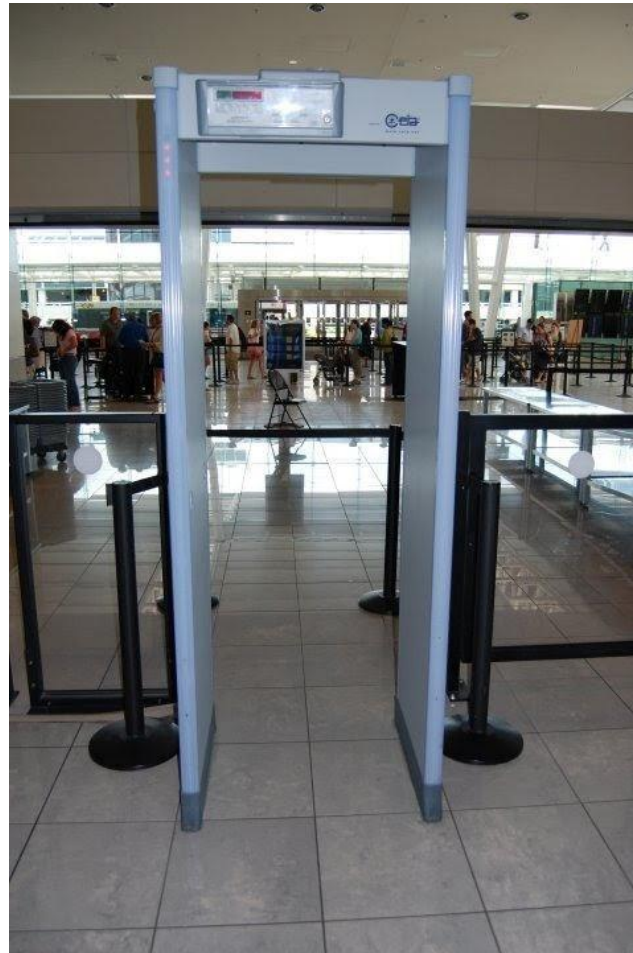
[National Park Service photo.](#)

Locking Doors



[Dep't of Energy Photo.](#)

Single point of entry



[TSA Photo.](#)

Procedures/Discretion



Drills



[USGS Photo.](#)

Talking To Students

**In an Emergency
When you hear it. Do it.**

 **Lockout**  **Lockdown**  **Evacuate**  **Shelter**

Lockout! Secure the Perimeter.

Students Return inside Business as usual	Teachers Bring students into the building Increase situational awareness Take roll Business as usual
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Lockdown! Locks, Lights, Out of Sight.

Students Stare away from sight Maintain silence	Teachers Lock classroom door Turn out the lights Stare away from sight Maintain silence Take roll Wait for responder to open door
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Evacuate! (Directions to Follow.)

Students Leave your stuff behind Leave a trail Maintain silence	Teachers Lead evacuation to location Take roll Notify if missing, signs of injured students
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Shelter! (Directions to Follow.)

Students Shelter in place 1. Face Towards 2. Feet Against 3. Feet Together Shelter in place 1. Drop, Cover and Hold 2. Avoid Food 3. No Talking	Teachers Shelter in place Shelter in place Take roll
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[USDOJ Image.](#)

EMERGENCY PROCEDURES

IMPORTANT NUMBERS

Call 911 for police, fire, and all life-threatening emergencies
Call the District Center () for lockdown, missing/runaway student, and violence/intruder
School Main Office: Building Emergency:



FIRE

- Use designated exit/egress to leave the building
- Do not re-enter building until directed by emergency personnel or admin staff
- Alert other people as you evacuate and provide assistance to others if necessary



SUSPICIOUS OBJECT/ BOMB THREAT

- Call 911 or building emergency number to report incident or location of item
- Do not disturb, touch, or use electrical devices near object
- Move at least 100 yards from object



SUSPICIOUS PERSON

- Ask stranger if they checked in at the office, have someone accompany them, or contact building emergency number to alert administrators
- Do not let a stranger into locked or secured areas



HAZARDOUS MATERIALS

- Notify affected personnel immediately and evacuate the contaminated area
- Move to a safe distance of at least 100 yards
- Advise others to stay clear of area
- Call 911 or building emergency number



ACTIVE SHOOTER

- **RUN** - Leave the building as quickly and quietly as possible, if safe to do so
- **HIDE** - If you can't leave, go to an area that can be locked or secured, stay low, hidden, and block door if possible
- **FIGHT** - If you feel comfortable doing so, gather any reasonable weapon available and prepare to use it on the intruder
- Call 911
- If you encounter police, show your hands, follow their commands, and don't make sudden movements



MEDICAL EMERGENCY

- Avoid leaving injured person except to summon help
- Call 911 or building emergency number
- Do not move the injured person unless in an unsafe area
- Render first aid or CPR if you are trained and feel comfortable doing so
- If a medical lockdown is announced, remain in your area away from the medical situation



EVACUATION

Follow evacuation procedures as trained

EVACUATION SITES:

1. [REDACTED]
2. [REDACTED]



SEVERE WEATHER

- Leave rooms and proceed to designated shelter areas
- Sit, back, and face the wall
- Stay in shelter until "all clear" is given



MISSING/ RUNAWAY/ ABDUCTED CHILD

- Call building emergency number to notify administrator in charge
- Provide information on where and when student was last seen or description of abductor



LOCKDOWN

- When a lockdown is announced, get to secure areas
- Close, lock your door, stay low, hidden, and block door if possible
- Remain quiet
- Do not resume normal activity
- Wait for instructions from building administration



POWER OUTAGE

- Remain calm and offer assistance to others
- Contact building emergency number and/or wait for instruction from administration

AED LOCATIONS: [REDACTED]

For Further Reading

- Substitute Teaching:

<http://onetuberadio.com/2017/03/12/substitute-teaching-in-minnesota/>

- 1915 St. John's School Fire:

<http://onetuberadio.com/2015/10/28/st-johns-school-fire-oct-28-1915/>

- 1959 Our Lady of Angels Fire:

<https://www.nfpa.org/-/media/Files/News-and-Research/Resources/Fire-Investigations/ladyofangels.ashx?la=en>

- FEMA, Developing High-Quality School Emergency Operations Plan

<https://www.fema.gov/media-library/assets/documents/33599>

Questions/Comments

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