Fall 9-13-2019

Arming America's K-12 Teachers, The Second Amendment and the Gun-Free School Zones Act: A Public Policy Analysis

Joseph R. Uliano
Seton Hall University, uliano77@yahoo.com

Arming America's K-12 Teachers

The Second Amendment and the Gun-Free School Zones Act

A Public Policy Analysis

Joseph R. Uliano

Dissertation Committee

Luke J. Stedrak, Ed.D., Mentor / Advisor

David B. Reid, Ph.D.

Brian P. Kelly, Ed.D.

Submitted in partial fulfillment of the requirements for the degree of

Doctor of Education

Department of Education, Leadership, Management, and Policy

Seton Hall University

2019

SETON HALL UNIVERSITY
COLLEGE OF EDUCATION AND HUMAN SERVICES
OFFICE OF GRADUATE STUDIES

APPROVAL FOR SUCCESSFUL DEFENSE

Joseph R. Uliano has successfully defended and made the required modifications to the text of the doctoral dissertation for the **Ed.D.** during this **Fall Semester 2019**.

DISSERTATION COMMITTEE

(please sign and date beside your name)

Mentor:
Dr. Luke Stedrak _____ 9/13/19

Committee Member:
Dr. David Reid _____ LJS 9/13/19 LJS

Committee Member:
Dr. Brian Kelly _____ 9/13/19 BK

The mentor and any other committee members who wish to review revisions will sign and date this document only when revisions have been completed. Please return this form to the Office of Graduate Studies, where it will be placed in the candidate's file and submit a copy with your final dissertation to be bound as page number two.

ABSTRACT

According to the Second Amendment of the United States Constitution, *"A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed," (U.S. Const. amend II)*, which is the absolute "*right of the people."* The Bill of Rights further indicates, "*Any right given to the people cannot be revoked by the government, limiting its power over the people."* However, educators and school administrators in most U.S. states must check this fundamental right at the door, as they are governed by their respective state governments and school policies, which appear to directly contradict the Bill of Rights, in accordance with the outlined language.

Furthermore, the Second Amendment was designed to allow the people the right to emerge from behind the government and defend themselves through the use of firearms in the event that the government fails to protect their safety and security. This concept has created a new phenomenon within our local, state, and federal governing bodies, who are tasked with securing their schools. In response to active shooter threats, some legislatures have suggested and enacted laws granting school teachers and administrators the right to carry firearms for self-defense, and as a deterrent to potential acts of violence against our most vulnerable population, K-12 public school children.

The purpose of this public policy dissertation is to offer insight into preventative measures established by individual states that act as a deterrent to violent acts, while also investigating how individual states prepare their schools to react to an active school shooter, for example, by being reactive rather than proactive. While examining these policies, the Constitutionality of the Gun-Free School Zones Act (1990) was tested through an analysis of the United States Court of Appeals, which holds jurisdiction over their regionally-assigned states, by examining caselaw rulings of these high courts. Emphasis was placed on United States v. Lopez

(1995), which is the only case to date heard before the United States Supreme Court that involved the Gun-Free School Zones Act (1990).

After the validity and constitutionality of the Gun-Free School Zones Act (1990) was established, relevant laws from all 50 U.S. states were analyzed and compared. The following questions were used to guide this legislative analysis: Are guns allowed in K-12 public schools? Are individuals that possess valid permits allowed to carry concealed firearms in K-12 public schools? Do school boards and administrators have the authority to enact policies allowing their educators the right to carry firearms for self-defense, while engaged in their regularly assigned duties? Does state law permit the arming of school teachers and administrators? Are active and retired law enforcement officers permitted to possess firearms in K-12 public schools for school security?

This analysis concludes with recommendations for school boards and administrators, legislatures, and other stakeholders outlining the most viable solutions to securing our schools against active and potential school shooters.

Keywords: *Second Amendment, public schools, armed teachers, school security*

DEDICATION

I dedicate this research to my family, who have always believed in me and supported me along the way. Through their continued encouragement, I was able to pursue and accomplish my academic goals while embarking on this journey, as they pushed me over every obstacle placed in my way until I reached the finish line.

I would be remiss not to also dedicate this work to every educator who has placed themselves in the line of fire protecting their students from danger. Educators such as Victoria Leigh Soto, who selflessly and courageously gave her life protecting her classroom of first-graders, during the December 14, 2012 attack on the Sandy Hook Elementary School; or Aaron Feis, a football coach at the Marjory Stoneman Douglas High School, who died on February 14, 2018, while running toward the sounds of gunfire as he positioned himself between a gunman and female student, saving her life.

Lastly, I would like to dedicate this work to the innocent and vulnerable school children who lost their lives at the hands of unthinkable acts of violence. I hope that this inspires other researchers exploring this topic to work expeditiously to find a solution that will protect the children of tomorrow, in the name of those who have fallen in years past.

ACKNOWLEDGEMENTS

First, I would like to thank the many professors and support staff at Seton Hall University who supported me through this extraordinary opportunity to become a doctor of education and allowed me to join their dedicated field of educators. I hope to one day mentor other students who share the goals and dreams that I once held.

Dr. Luke Stedrak, thank you for encouraging me to follow what I believe in and allowing me to research a topic that is often viewed as controversial, and that may be suppressed by the political arena to the detriment of the safety and security of school children. The gun-control debate sometimes overshadows the exploration of viable options that may protect our most vulnerable population, the K-12 public school children. I must credit my academic success to something you said to me when I first met you, while I discussed the hesitation that I was experiencing about moving forward in the doctoral program. You said, "Believe in yourself, because I believe in you. You are no different than any other doctoral student, so if they can do it why can't you?" From that moment on, I knew I had found that right mentor to get me through one of the most challenging experiences of my life. You are truly a mentor, thank you!

To my committee members, Dr. David Reid and Dr. Brian Kelly: Dr. Reid, thank you for taking the time to teach me how to apply qualitative research to a public policy analysis. Your expertise in this area served as a guiding path that led me to completing this research. Dr. Kelly, thank you for coming on board as my external committee member and sharing your decades of knowledge and expertise in school safety and security, while never failing to offer constructive feedback.

TABLE OF CONTENTS

LIST OF TABLES

CHAPTER I

INTRODUCTION

Background

Prior to 1990, the Second Amendment did not serve a significant role in K-12 public schools, due to the low prevalence of violent incidents, nor was there a perceived universal need to bear arms in the learning environment. However, in the decade that followed, gun violence increased and then-President George H.W. Bush pressed Congress to institute a strategic plan to curtail its rise. This action was spearheaded via the Crime Control Act of 1990.

As the overarching issue of gun violence spread across the nation, it became apparent that geographical and spatial concepts play a considerable role in the targeting of violent incidents. Academic institutions, found roughly every 1000 feet in urban, suburban, and rural areas, seemed to have been singled out as unwitting potential targets or havens for gun violence. Responding to this emergent threat, Congress enacted the Gun-Free School Zone Act of 1990, defining it under 18 U.S.C. §921(a)(25), which outlined provisions related to school grounds and school zones, making possession of a firearm within a 1000-foot radius of any public, parochial, or private school a federal offense. However, according to 18 U.S.C. § 922(q)(2)(B)(ii), individuals holding state licenses or permits to carry firearms in that respective state are exempt from the Act. The Act also permits unloaded firearms secured in a motor vehicle within an established school zone. A third exception to the Act permits firearms on school grounds when used in an approved program or through a contract between a school and an individual or their representative (Gun-Free School Zones Act, 1990).

Statement of the Problem

Despite the Congressional mandate enacting a nationwide Gun-Free School Zones Act, some U.S. states have differing interpretations of the Act outlined in individual state statutes. This has created an interesting conflict in the form of contradictory interpretations of the Second Amendment, state laws, and the Gun-Free School Zones Act. Further complicating matters, many states under the same U.S. Court of Appeals have different laws concerning the permission or prohibition of firearms in public schools. In addition, many of states prohibiting firearms have exceptions entrenched in laws governing firearm possession in K-12 public schools allowing possession—to varying degrees, under certain circumstances—which are often governed by policies established by school board or school administrators.

The Giffords Law Center to Prevent Gun Violence, "a nonprofit national policy organization dedicated to researching, writing, enacting, and defending laws and programs proven to reduce gun violence and save lives" (U.S. District Court for the District of Columbia, 2018), reports that forty-seven states prohibit the carrying of guns in public schools, while three states have no prohibition at all. The Giffords Law Center also reports that forty states prohibit the carrying of concealed weapons (CCW), two states regulate CCW, and the remaining eight states allow CCW in their K-12 public schools (Giffords Law Center, 2017). When examined at face value, data included in the Giffords Law Center's report is correct; however, it fails to detail the exceptions, loopholes, and penal code subsections that may contribute to determining which states allow firearms in their K-12 public schools, which may in turn influence the number of states permitting firearms in schools. For example, armed teachers are not included in the Giffords report; it also does not tally the number of states with legislation permitting the presence of armed police officers and private security in schools.

When the burden of allowing or prohibiting firearms in K-12 public schools is placed on school boards and administrators rather than being ensconced in definitive state laws, Gun-Free School Zones Act is interpreted inconsistently, which may provoke litigation protected by the Second Amendment regarding the educational institutions' authority to decide whether school teachers may be armed for self-defense. The question of whether eradicating the Gun-Free School Zones Act may or may not reduce or eliminate the burden placed on school boards and administrators is under-researched, and will be a subject of discussion in the following chapters.

The notion of arming teachers has been met with societal and political resistance seen, for example, following the Sandy Hook Elementary School and Marjory Stoneman Douglas High School massacres from gun control activists who opposed the idea. Pinellas County Sheriff Bob Gualtieri, who was selected from an outside agency and appointed Chairman of the Marjory Stoneman Douglas High School Public Safety Commission to oversee the investigation in nearby Broward County, expressed support for arming teachers. At the conclusion of his investigation, Sheriff Gualtieri recommended that Florida's law pertaining to possession of firearms on school property be amended to include armed teachers, which would be administered through a volunteer program that would train teachers in the use of firearms so that they could be prepared to take on an active shooter in the event that other safeguards fail. While making his recommendation, Gualtieri indicated that in the past, he was against arming teachers and had believed that only police officers should be allowed to be armed in schools. However, after becoming chairman of the committee, his opinion was changed as he spoke with eyewitnesses and watched video footage of the shooting incident. Gualtieri expressed that the most disturbing aspect of the footage was that the shooter, Nikolas Cruz, was able to reload his weapon at least five different times without interruption, and when Athletic Director Chris Hixon and football

coach Aaron Feis—both unarmed—failed in their attempts to overthrow him. Gualtieri concluded by remarking that had either Hixon or Feis been armed, at least one of them would have had a clear shot at Cruz to end the mayhem (Spencer, 2018).

In support of the societal and political concerns, and in a rebuttal to Gualtieri's recommendation, spokeswoman Joni Branch of the Florida Education Association stated, "Teachers should not be acting as armed security guards. The majority of our members don't want to be armed – they know it would be impractical and dangerous," (Spencer, 2018).

In accordance with views expressed by the Florida Education Association, a 2018 Gallup poll conducted between March 5th and 12th surveyed 497 K-12 school teachers. The respondents indicated that 73% of teachers opposed teachers and staff carrying guns, 58% of teachers believed carrying guns in schools would make schools less safe, while only 18% of the teachers surveyed reported they would be willing to carry a gun in school buildings (Brenan, 2018). Interestingly, Gallup conducted a simultaneous poll running from March 5th through the 11th surveying 1,515 adults across all 50 states and the District of Columbia. The respondents indicated that 42% of Americans support the arming of school teachers, while 56% oppose it. The researchers noted that although the 42% was less than half of the population, it was substantial result nonetheless (Newport, 2018).

Legal and Societal Debate

Following the Parkland, Florida school shooting, it has been argued in accordance with the Second Amendment that gun-free school zones violate the rights of law-abiding citizens who wish to exercise their right to self-defense (Lapierre, 2018). Furthermore, our nation's constitutional law, the Second Amendment, which includes the right to bear arms, may be one of the most controversial and heavily-examined laws since its inception. Adding to this

controversy, in the Post-Columbine era, a multitude of legal variables have emerged as educators and other legal gun carriers are scrutinized for possessing firearms on K-12 public school grounds. This study will focus on: 1) extreme contrasts between state and federal firearm policy that contradict many schools' policies prohibiting or permitting firearms for the purpose of self-defense, and 2) increasing vulnerability, via case example, due to provisions established by the Gun Free School Zone Act of 1990.

One Post-Columbine case that may best represent a thorough examination of the legal possession of firearms within designated zones or school grounds is the case of Katz v. Medford School District, Jackson County District Court of Oregon (07-3765-E2). In this case, Katz, an English school teacher employed by the Medford School District was confronted on June 6, 2007, after school officials learned that she possessed a permit from the Jackson County Sheriff's Office in accordance with state law. This permit granted her the right to carry a concealed firearm. In a memo presented as evidence during the trial, the school administration restated their policy prohibiting firearm possession on school grounds, although they acknowledged that Katz denied ever carrying a concealed firearm on school property. The memo went so far as to say that disciplinary action as severe as dismissal would be taken if Katz failed to abide by the policy, despite a lack of evidence that Katz had violated the policy at any point in time (Court of Appeals State of Oregon, 2009).

In response to the memo, Katz filed a lawsuit in the Jackson County Circuit Court asserting her right to possess a firearm on school grounds for her safety as a victim of domestic violence and in accordance to state law, which allows individuals with concealed carry permits to possess firearms on school grounds, also outlined as an exception in the Gun-Free School Zones Act. However, Katz lost her case in the Circuit court, who cited that Katz was aware of

the school policy before taking the job and which she must therefore abide by. In 2009, the Court of Appeals of the State of Oregon upheld the lower court's decision, agreeing that the Medford County School District had the authority to enact and enforce policies prohibiting teachers from carrying firearms on school grounds. After the Court of Appeals decision was issued, Katz elected not to petition the Oregon Supreme Court to hear her case. Katz's attorney, James Leunberger, noted that it took the court of appeals seven months to return their decision and it wasn't until the ruling was made that Medford County School Board requested clarification of state legislatures pertaining to this law (Achen, 2009).

In 2012, the State of Oregon amended ORS 166.370 (1), the illegal possession of weapons in a public buildings including public and private schools, adding Subsection 3, which outlines the following exceptions: "Exceptions for certain peace officers, holders of concealed handgun licenses and a person authorized by the agency that controls the public building to possess a firearm or dangerous weapon in that public building" (Oregon Legislative Counsel, 2012). In summary, the subsection establishes that in addition to holding a valid permit to possess a concealed firearm in a public building, the carrier must be authorized by the superintendent or other designated school official overseeing the building.

According to Dr. Jamie Howard, Director of the Trauma and Resilience Services with the Child Mind Institute, the frequency of active shooter incidents in K-12 public schools in the United States has created a fearful environment that is having a detrimental effect on students, parents, and educators (Ehmke, 2018). Howard observed that while he doesn't necessarily see younger children expressing a fear of going to school, older teenagers and more so with parents have expressed concerns, which may be passed on to younger children observing this anxiety.

Howard also reminds his readers that school shootings are still considered rare occurrences, but the threat is very real and that some "anxiety is warranted, not debilitating" (Ehmke, 2018).

There can be no question that living in fear or having anxiety at school are not conducive to healthy learning, and administrators struggle to find an expeditious response to prevent school violence. Encapsulating the notion that schools must be safe to promote healthy learning, the No Child Left Behind Act of 2001 states, "All children need a safe environment in which to learn and achieve." Too many schools in America remain unsafe; too many teachers are threatened by violence; and too many children fear for their safety. Offering a solution to this challenge, the Act purports to "ensure a safe and orderly school by implementing programs that protect students and teachers, encourage discipline and personal responsibility, and combat illegal drugs" (U.S. Department of Education, 2007).

This ideology of having a "safe environment in which to learn and achieve" is supported by world-renowned theorist and psychologist Abraham Maslow, who is most widely known for his theory of the "Hierarchy of Needs." Maslow (1943) developed a five-level pyramid consisting of critical elements associated with human development that cannot be met if an individual is lacking in one of the five levels. Furthermore, Maslow states that in order to ascend the hierarchal pyramid, one must first develop the preceding stages and any deviation or deficiency during any stage of development will hinder one's ability to reach a higher stage, failing to fulfill their potential (Burton, 2012).

Per Maslow (Burton, 2012), physical needs are the most important aspects of survival and development. An individual's sense of security follows, which expresses the need for a safe environment, as it promotes learning in a healthy and natural way. Dr. Howard's report, which indicated an increased level of anxiety and fear associated with school violence, aligns with

Maslow's theory concerning the need for security, which when unfulfilled hinders a child's development and learning. This brings us closer to addressing the question of how to make schools safer and meet the needs of students by providing them with a safe and healthy learning environment.

Questions of school security can be traced as far back as 1764, when the first school shooting in the United States occurred in Green Castle, Pennsylvania. The shooting occurred at the hands of the Lenape Indians, who entered a school, and shot and killed the headmaster, Enoch Brown, and ten of his students in retaliation for the killing of their fellow tribal people. Unlike our more recent school shootings, these killings were not motivated by some underlying social or psychological strain, but rather through warfare and political agendas (Torres, 2017). More than two centuries have passed since the 1764 incident, and there have been an overabundance of school massacres since. However, the question of securing our schools against active shooters did not surface until after the 1999 Columbine High School Massacre. The attack, which claimed the lives of twelve students and one teacher, and injured twenty-one others, was carried out by two students, Eric Harris and Dylan Klebold, who strategically and methodically planned their attack nearly a year in advanced while documenting their progress in a journal (Cullen, 2009).

Prior to the 1999 Columbine High School catastrophic incident, school shootings may have only been viewed as a tragedy or unfortunate event quickly forgotten after the next big news story broke. However, Columbine appeared to have changed the culture of school shootings, as lawmakers, educators, and parents across the country called for school safety reform, often in the form of action plans for handling of active shooter incidents on school properties. For the most part, reactive rather than proactive approaches were implemented, such

as the widely-used lockdown method, which requires all students and staff to secure themselves in their classrooms or other secure locations and wait for a police response.

The concept behind this is that most schools and classrooms are constructed out of brick, which can withstand most gunfire. Part of the lockdown method also consists of fortifying windows and doors with available barriers such as book shelfs, desks, and chairs, which is designed to buy time when waiting for responding police officers. During active shooter events, every second counts and any barrier that delays the shooter's opportunity to engage a potential victim increases their chance of survival (Pangaro, 2016).

On December 14, 2012, the concept of school lockdowns was put to the test when twenty-year-old Adam Lanza shot his way through the secured glass doors of the Sandy Hook Elementary School, located in Newtown, Connecticut. He proceeded to engage in an unprecedented murderous rampage targeting a vulnerable population consisting mostly of first graders. Prior to coming into contact with the school children, Lanza was courageously confronted by school principal Dawn Hochsprung and school psychologist Mary Sherlach, who unfortunately became the first victims. In the end, Lanza took the lives of twenty students, six employees, and wounded two others within a 5-minute span before taking his own life. He made no contact with responding police officers (Ray, 2012).

Amidst the controversy that has emerged around gun-control and right to bear arms, several high-profile personnel have engaged in efforts to spearhead initiatives in their respective areas of the overarching phenomenon. Nonetheless, both gun-control and the right to bear arms are embedded in various policies and laws that all citizens must abide by, despite arguments to the contrary.

The attack on Sandy Hook Elementary School became a catalyst for gun control advocates during the Obama administration, who had already embarked on larger gun control measures. The Sandy Hook shooting spearheaded efforts to restrict AR-15 assault rifles and their high capacity magazines, capable of holding 30 rounds of ammunition, which was the primary weapon that Lanza used. In the aftermath of the massacre, then-President Obama stated that he would do everything under his power to prevent further school shootings, aligning himself with those lobbying for increased gun control (Ray, 2012).

In opposition to President Obama and other gun-control advocates, the National Rifle Association's Executive Vice President Wayne LaPierre called for the placement of armed police officers in schools across the United States. LaPierre also requested that Congress take whatever steps necessary to station armed police officers in schools. After making this comment, LaPierre was confronted by gun control activists who argued that the "NRA is killing our kids," referencing the organization's strong support of the Second Amendment and right to firearm possession. LaPierre responded by saying, "Politicians pass laws for gun-free school zones, they issue press releases bragging about them…in doing so they tell every insane killer in America that schools are the safest place to inflict maximum mayhem with minimum risk." LaPierre concluded his remarks with, "The only thing that stops a bad guy with a gun is a good guy with a gun," (Sullivan, 2012).

As the gun control debate continued to grow in the days following the Sandy Hook incident, Senator Diane Feinstein (D-Calif.) sponsored bill S.150 calling for a weapon ban on approximately 150 identified firearms, which included assault weapons and high capacity magazines capable of carrying more than ten rounds of ammunition, which included the AR-15 assault rifle used by Lanza. On March 14, 2013 the Senate Judiciary Committee approved

S.150, moving it along to the 113th United States Congress; however, on April 17, 2013 the bill failed to pass (S.150 113th U.S. Congress, 2013).

Countering Feienstein, Senator Rand Paul (R-Ky.) endorsed the concept of arming school teachers, strongly suggesting that the Sandy Hook Elementary School massacre could have been prevented if there were armed school employees on duty at the time of tragedy. Paul went on to state, "The only thing that would have changed the outcome, potentially changed the outcome, is something that so many people don't want to hear, and that's self-defense," Paul said. "That if someone there had had a concealed carry, if someone had been armed, they might have had a fighting chance. They might not have saved everybody, but they might have been able to save some of those." Following Paul's remarks, Gov. Bob McDonell (R-VA), Gov. Rick Perry (R-TX), and Gov. Bill Haslam also indicated that they supported the idea of arming school teachers for the purpose of self-defense; however, during this same timeframe, the National Education Association conducted a poll of its members, the results of which indicated that 68% of respondents opposing the idea of teachers carrying guns in school. The Brady Campaign to Prevent Gun Violence responded by stating simply that the idea was, "Insane!" Paul's endorsement did not gain the support that he anticipated, and eventually the idea floundered in the wake of Feinstein's failed bill (Kingkade, 2013).

The issue resurfaced in 2016, when the National Rifle Association endorsed presidential candidate Donald Trump, who promised a packed audience in Burlington, Vermont that he would eradicate gun-free zones in schools. Trump suggested that gun-free zones enticed individuals with intent to cause harm because they removed the possibility that attackers would be met with resistance in acts of self-defense. Trump's remarks were celebrated by the National Rifle Association, who declared that they would work tirelessly to repeal laws governing gun-

free zones, which they viewed as a free-for-all by criminals, giving them the opportunity to "destroy innocent lives unchallenged" (Li, 2016).

One year after being sworn in as the 45th President of the United States, President Trump's promise to end gun-free school zones as a deterrent to active shooters was tested. On February 4, 2018, a school massacre took place at the Stoneman Douglas High School in Parkland, Florida. In a manner eerily similar to the perpetrator of the Sandy Hook massacre, nineteen year old Nikolas Cruz entered the school carrying an AR-15 assault rifle with considerable ammunition, killing fourteen students and three staff members. Similar to Lanza, Cruz was also confronted by a school employee, later identified as popular football coach Aaron Feis, who was killed attempting to shield students caught in the crosshairs. This attack was executed in approximately four minutes, after which Cruz exited the school without making contact with responding police officers.

Responding to the incident, President Donald Trump reiterated campaign promises to end gun-free school zones, during an open forum with students, parents, and educators affiliated with the school. "A gun-free zone to a maniac, because they're all cowards, a gun-free zone is, let's go in and attack because bullets aren't coming back at us," said Trump. "If you had a teacher who was adept at firearms they could very well end the attack very quickly," he continued. When the floor was opened for comments and suggestions, some parents in attendance voiced their agreement, arguing that teachers should have the ability to fight back with firearms as a means of self-defense. Conversely, others in attendance argued for increasing gun control rather than reducing it (Pavich, 2018).

In days following the open forum, having received backlash from pro-gun control groups, Trump reaffirmed his earlier message, stating, "These people are cowards. They're not going to

walk into a school if 20% of the teachers have guns—it may be 10% or may be 40%. And what I recommend doing is the people that do carry, we give them a bonus," insinuating that that those who were armed would receive financial compensation for their additional training and responsibilities. Opposing Trump's remarks, Randi Weingarten, President of the American Federation of Teachers, spoke on behalf of her membership, stating,

> Teachers don't want to be armed. We want to teach. We don't want to be, and would never have the expertise needed to be sharp shooters; no amount of training can prepare an armed teacher to go up against an AR-15.

However, Trump defended his position by echoing his earlier remarks, arguing that "gun-free zones are appealing to criminals". He concluded with the following statement: "They see that as such a beautiful target. They live for gun-free zones" (Liptak, 2018).

Trump's position was widely supported by the conservative base, which can be traced back to Senator Paul's endorsement of arming school teachers in the aftermath of the Sandy Hook incident. However, it marked the first time a President of the United States voiced support for arming school teachers. Following Trump's endorsement, the proposed policy has increasingly become the focus of lawmakers, school boards, and school administrators. Eradication of the Gun-Free Schools Zones Act could permanently shift the security of U.S. schools, and raises numerous policy implications that require in-depth analysis.

Purpose of the Study

The purpose of this study was to examine the Gun-Free School Zone's Act via the United States Supreme Court decision, while simultaneously exploring United States Appellate Court decisions to determine whether the Second Amendment impacted state and federal laws that could deter school shootings. This investigation also aimed to identify any influence that school

administrators possessed when deciding whether to permit or forbid teachers from carrying firearms while administering their teaching duties.

This study also sought to determine whether the Gun-Free School Zones Act is being overexploited, and whether its intended purpose of keeping schools safe through established gun-free zones has been fulfilled. Finally, this investigation addressed the question of whether a misunderstanding or gap exists between state and federal laws either permitting or prohibiting firearms in K-12 public schools, while also comparing all 50 states and their regionally-assigned U.S. Appellate Courts.

Research Questions

The following overarching question was used as a foundation for this study:

To what extent does the Gun-Free School Zones Act impact the U.S. Constitution's Second Amendment, when affording teachers a right to self-defense through the legal possession of firearms within K-12 Public Schools?

After establishing the overreaching question, I used the following research questions to guide me through the public policy analysis:

1. How have the appellate courts ruled on cases pertaining to the Gun-Free School Zones Act with respect to the Second Amendment and the constitutionality of the Act?
2. How have the appellate courts ruled on cases brought before them by K-12 public school teachers who have challenged the Gun-Free School Zones Act in consideration of the Second Amendment Right?
3. How do United States firearm laws at the state-level compare in terms of permitting the arming of school teachers, as analyzed through their assigned appellate courts?

4. Do school boards and administrators have the authority to enact policy allowing school teachers and other school employees to carry concealed weapons during the performance of their duties?

Significance of the Study

This study's significance lies in its two-pronged approach. The first component involved an analysis of the Gun-Free School Zones Act, in order to determine whether the Act permits or prohibits legal gun owners from being on school grounds, for the purpose of exercising the Second Amendment Right to self-defense via legal possession of firearms.

The second component involved a comparison of possession of firearms legislation across all 50 states, in addition to pairing them with their regionally-assigned U.S. Appellate Courts to determine the outcome in states permitting the carrying of firearms on school grounds versus the outcome in states prohibiting the practice.

Design and Methodology

This research design incorporated a qualitative public policy analysis, which entails both the defining of public policies being researched on a factual basis and also determining how the government is administering the policy and why the policy was enacted (Dye, 2013). A well-organized policy analysis includes a description, identifies causes, and summarizes the policy consequences. The description identifies the policy being analyzed, such as civil rights, education, and gun control. A policy analysis also examines the causes; how the policy came to be, why it came to be, and how it affects the political and government institutions that have control over the people. Lastly, the analysis details consequences of the policy, which is essentially an evaluation that sheds light on the effectiveness of the policy and makes some determination regarding whether or not it is making a difference in society (Dye, 2013).

Although there are several models associated with a public policy analysis, this particular study utilized the process model. In this case the term "process" refers to the activity surrounding the policy. Dye (2013) pointed out that this model has been favored among political scientists, who have researched voters, legislators, judges, and other individuals who have taken an active approach in politics and public policy. Dye (2013) described the model as a distinct outline that utilizes the following six variables:

1. Problem Identification,
2. Agenda Setting,
3. Policy Formation,
4. Policy Legitimation,
5. Policy Implementation, and
6. Policy Evaluation.

This model was selected for this study because it is designed to uncover specific themes to help identify the problem and determine what pushed the agenda into the political arena. It attempts to explain what made the agenda appealing to the lawmakers who supported and legitimatized it, as it drew further support from other political figures, such as members of the Legislative, Executive, and the Judicial Branches. Lastly, it attempts to explain the implementation of policies that have passed through the bureaucracy and how they are being evaluated to ensure that the best interest of the people, which in this public policy analysis refers to the safety of students and staff in K-12 public schools.

Limitations and Delimitations

The study was limited to appellate court decisions and individual state laws governing the possession of firearms in K-12 public schools, through an analysis of public policy via

legal precedents and state laws. An analysis of this nature eliminates human subjects from the study, thus relying entirely on established written data rather than extracting information from a sample population.

One delimitation pertaining to this study was that civil court proceedings were not considered or researched, as this study only researched criminal law within the state and federal judicial systems when applied to the decisions established in regionally-assigned appellate courts. Another delimitation associated with this study was that only cases and laws pertaining to K-12 public schools were examined, purposely excluding laws and policies governing private schools, colleges, and universities. Lastly, only criminal sanctions were examined, as school sanctions were not considered, such as the mandatory expulsion of for any student who brings a firearm to school for no less than one year pursuant to the 1994 Gun-Free School Act (note: This is not to be confused with the 1990 Gun-Free School Zones Act).

Organization of the Study

Chapter I provided an introduction of the controversial question of arming school teachers for the purpose of self-defense from a public policy perspective. This introduction included background description of the problem and why it came to be, followed by a problem statement, study purpose, study significance, design and methodology, and limitations and delimitations. Chapter I also outlined guiding questions that were used throughout this study to ensure that relevant research and data parameters were adhered to.

The following chapter, Chapter II: Review of Literature, will present relevant information pertaining to the history of the Second Amendment, a caselaw review of the Second Amendment, landmark U.S. Supreme Court Cases and U.S. Appellate Court decisions,

as they relate to the Gun-Free School Zones Act, and other important information that may help to answer the guiding research questions.

CHAPTER II

REVIEW OF LITERATURE

The Second Amendment

The Second Amendment of the United States Constitution was ratified on December 15, 1791 as part of the Bill of Rights consisting of the first ten amendments. The Second Amendment states: "A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed," (U.S. Const. amend II).

The most predominate element written in the Second Amendment is the "Right of the People." Halbrook (2008), referring to the Bill of Rights, wrote, "Any right given to the people cannot be revoked by the government, limiting its power over the people." It established that a limited government was crucial among the anti-federalists, such as George Mason, Thomas Jefferson, and Patrick Henry, who were not convinced that James Madison and the remaining Founding Fathers would draft a Constitution that would benefit the people over the government (Halbrook, 2008).

Rebutting the concerns of the anti-federalists, Madison declared, "A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions" (Federalist 51, 1788, as cited in, Federalist, 2006). In a previous writing, Madison acknowledged the importance of control over the government by stating, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands whether of one, a few, or many and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny" (Federalist 47, 1788, as cited in Federalist, 2006). Madison aimed to gain the support of the opposition in order to win a favorable view among the anti-federalist, but remained cautious among his fellow federalists who opposed a Bill of Rights.

Madison made his case by ensuring the anti-federalists that the government would be subjected to a system of checks and balances that would be put in place to limit corruption and tyranny. However, still faced with opposition from the anti-federalists, Madison authored the Bill of Rights in a compromise that granted the Rights of the People, which led to the ratification of the Constitution.

Before Madison finalized the Bill of Rights to include the Second Amendment, Thomas Jefferson was researching the possibility of securing one's freedoms through the Right to Bear Arms, as he became intrigued by the work of Italian philosopher and criminologist, Cesare Beccaria, 1764. Jefferson's manuscript, "Commonplace Book" included a direct quote from Beccaria: "Laws that forbid the carrying of arms, disarm only those who neither inclined nor determined to commit crimes. Such laws make things worse for the assailants; they serve rather to encourage than prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man" (Jefferson, 1774-1776, as cited in Jefferson 1989).

When examining the Bill of Rights, we often see the words "the right of the people" and "shall" (Halbrook, 2008). In understanding the significance of these terms, it is necessary to turn to the writings of Noah Webster, a federalist and political writer, who in 1806 authored *A Compendious Dictionary of the English Language*, which later evolved into *Webster's An American Dictionary of the English Language, 1828* (Halbrook, 2008). Webster's 1806 work was the first literature evaluating the wording of the Constitution, which adopted a clear and concise understanding that is still in use today. According to Webster (1806), "The Right of the People" applies only to individuals and not the government. Webster also defined the word "shall" in reference to the Bill of Rights as a guarantee that cannot be infringed upon or altered by the government, making such rights impenetrable and concrete. We see these terms used

repeatedly in an exhaustive manner in the first ten amendments, which conveyed Madison's commitment to appeasing the anti-federalists by promising them their rights would be forever guaranteed and sacred (Halbrook, 2008).

Case Law Examination: Second Amendment

Despite this established understanding of the words contained in the Second Amendment, gun control advocates and legal proceedings have challenged them, such as during the case of District of Columbia v. Heller, 554 U.S. 570 (2008). On the surface, it may appear that the Second Amendment applies only to a "militia;" however, Judge Laurence H. Silberman of the United States Court of Appeals for the District of Columbia pointed out that the Second Amendment is divided into two parts granting two separate rights. The first part addresses the collective right, such as a militia, and the second part addresses the rights of the people or individual, which are outlined in the two clauses described below (Freeman, 2007).

Operative Clause

A right of the people, in relation to Webster's writings, is based upon an individual and not a collection of governments, militaries, or militia. According to the Second Amendment, such individuals have the "right to keep and bear arms." This amendment, like the other amendments associated with the Bill of Rights, shall not be infringed, making it an absolute right of the people (MacBradaigh, 2013).

Prefatory Clause

Grants a collection of individuals the right to form a "A well-regulated militia, being necessary to the security of a free State." However, this clause neither excludes nor supersedes the operative clause, thus granting individuals outside of a militia the "right to keep and bear arms" (MacBradaigh, 2013).

Before examining the application of these two clauses in-depth, United States v. Cruikshank, 92 U.S. 542 (1875) was reviewed in order to determine how the Court secured the notion that the Federal government does not have control over individuals when citing the Second Amendment. In this case, Cruikshank, his fellow Confederates, and other white supremacists revolted on April 13, 1873 against a group of armed black citizens attempting to protect their rights as freed slaves. Outnumbered and outgunned, the black militiamen retreated to the Colfax Courthouse, which they considered a safe haven where they routinely participated in civic functions, following the controversial win of Louisiana Republican gubernatorial candidate Pitt Kellogg. Once inside the courthouse, the white supremacists overtook their position, forcing them to abandon their arms and vacate the courthouse. Upon their exit, the slaughtering of the unarmed surrendering men ensued, which became known as the Colfax massacre, accounting for the murders of an estimated one hundred defenseless African Americans (Foner, 2008).

Viewing the Colfax massacre as a deliberate act intended to deprive the black militiamen of their rights, United States Attorney J.R. Beckwith moved to indict over 100 white supremacists who participated in the massacre under the Enforcement Act of 1870, which protected the rights of African Americans. The first trial resulted in a hung jury, and the second trial produced only three convictions out of the one hundred men who were indicted. However, Supreme Court Justice Joseph P. Bradley, sitting on the Louisiana Court of Appeals, argued that these convictions were not valid because no federal offenses were committed (Foner, 2008).

This case then entered into United States v. Cruikshank, 92 U.S. 542 (1875) of the United States Supreme Court, who sided with Justice Bradley, finding that the Enforcement Act did not apply because the Second Amendment regulates Congresses' control over the people and not the

people themselves, and at the time of their acts the white supremacists were not acting on behalf of the government, but rather themselves, making their offense a matter of the state under state laws. Furthermore, the Court ruled that the Fourteenth Amendment, which states,

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws," (U.S. Const. amend. XIV)

is designed to ensure that the states adhere to the Amendment and not individuals. Once again, the court ruled that the white supremacists were acting on their own accord and not representing the state at the time of their crime, thus overturning the convictions on the grounds that no federal offense was committed, which reaffirmed the notion that the Constitution will not interfere or regulate the actions of the people who are not in violation of federal law (U.S. v. Cruickshank 1875).

Several decades after the Cruickshank decision, another case, U.S. v. Miller, 307 U.S. 174 (1939) came before the United States Supreme Court challenging the dismissal of charges against Jack Miller and Frank Layton for illegally possessing and transporting a sawed-off shotgun in violation of the National Firearms Act of 1934, in accordance with Sess. 2 ch. 757, 48 § 1236, which prohibited individuals from owning and transporting the following weapons: machine guns, short-barreled rifles, short-barreled shotguns, silencers, and destructive devices (National Firearms Act, 1934). The court ruled in this case that the National Firearms Act did not violate the Second Amendment, reversing the lower court's decision to dismiss the charges, determining that the government can restrict individuals from possessing specific weapons that would be ordinarily used by members of a militia. In this case, neither Miller nor Layton were

members of a militia and their sole purpose for possessing a short-barreled shotgun was in to support a criminal action of transporting an illegally possessed weapon across state lines (U.S. v. Miller, (1939).

Nearly seventy years passed after U.S. v. Miller (1939) before a United States Supreme Court case invoked the Second Amendment. In 2008, Dick Heller, an armed special police officer employed by the District of Columbia, authorized to carry his firearm only while on duty (Doherty, 2009), challenged the 1976 laws enacted by the District of Columbia banning the carrying of unregistered firearms and prohibiting the registration of those purchased prior to the 1976 enactment D.C. Code §§ 7-2501.01(12), 7-2502.01(a), and 7-2502(a)(4), 1976. The enactment also included D.C. Code §§ 22-4504(a), 22-4506, and § 7-2507.0, making it criminal to carry handguns within the city and requiring guns in homes to be unloaded and secured with a trigger locking device (Rose, 2008). Heller and five other plaintiffs sued the District of Columbia for enacting the laws, which they (Parker v. District of Columbia, 2007) believed infringed upon their Second Amendment rights. The lawsuit was dismissed under the lower court, who ruled that the Second Amendment does not grant individuals the right to bear arms and that the provision pertains only to an organized militia. After the lawsuit was dismissed an appeal was filed with the U.S. Appeals Court for the District of Columbia, who reversed the lower court's decision, ruling that such laws violate individuals right to possess firearms in accordance with the Second Amendment (Rose, 2008).

The District of Columbia filed a motion with the Court of Appeals to have the case retried, which was denied. The District of Columbia responded with a petition to the United States Supreme Course. In 2007, the Supreme Court accepted the case, and on June 26, 2008, the court ruled in favor of the only remaining plaintiff, Dick Heller. In a 5-4 ruling the Court

found that all three laws appealed to the lower courts did in fact violate the Second Amendment, and their ruling identified the operative clause, stating that individuals do have the right to keep and bear arms and they do not need to belong to a militia as stipulated in the prefatory clause when exercising their rights to self-defense. The decision did include some limitations, such as regulating the possession of firearms by the mentally ill, criminal element, and in sensitive locations such as government buildings and schools (District Columbia v. Heller, 554 U.S. 570, 2008).

Shortly after the Heller decision was announced, Ottis McDonald filed a lawsuit against the City of Chicago and the Village of Oak Park, where McDonald resided. McDonald argued that Chicago's laws were similar to the District of Columbia laws banning handguns, and that they too should be ruled unconstitutional. After having his cased against the city dismissed, McDonald filed with the Court of Appeals for the Seventh Circuit. The Court of Appeals sided with the district court, ruling that the Heller case did not apply, because that argument challenged the national government, and the Chicago law applied only to the State of Illinois (Rose, 2010).

In 2010, the McDonald case, McDonald v. Chicago 561 U.S. 742, was brought before the United States Supreme Court, which ruled in favor of McDonald. The Court affirmed that the Heller case did in fact apply only to the national government; however, the Justices also saw fit to apply the Fourteenth Amendment to this hearing. Under the Fourteenth Amendment, the individual right to possess firearms for self-defense is in fact equally protected under the Second Amendment in all 50 states. The court also cited the limitations outlined in the Heller case, regarding the limiting of firearm possession among the mentally ill, criminal element, and in sensitive places such as schools and government buildings (McDonald v. Chicago, 2010).

In reviewing these monumental Supreme Court rulings, two important insights emerge. First, the Second Amendment may not only apply to militias, but also to the people as individuals; and second, the Federal government will not interfere with state offenses regarding firearms, as seen in the Cruickshank ruling and previously guaranteed by James Madison through the Bill of Rights. This review also illustrated that the Federal government will intervene when firearms are illegally passed through interstate commerce, as observed in the Miller case.

In-depth Synopsis: Caselaw Challenging the Gun-Free School Zones Act, United States v. Lopez (1995)

Monumental Supreme Court rulings, such as District of Columbia v. Heller, 554 U.S. 570 (2008), declared that law-abiding citizens have the right to possess firearms for self-defense, although this right does not come without limitations, including the prohibition of firearms in schools. To assist with understanding the Constitutionality regarding the Gun-Free School Zones Act, the landmark case of the United States v. Lopez, 514 U.S. 549 (1995) was reviewed. In this case, the appellant, Alfonso Lopez, Jr. a senior at Edison High School located in San Antonio, Texas, was arrested on March 10, 1992 for possessing a loaded .38 caliber handgun on school grounds and charged under Texas law. However, because of his arrest, federal authorities moved in and dismissed the State charges against him, upgrading his crime to a federal offense under 18 U.S.C. § 922 (q)(1)(A) for an unlawful act in accordance to the possession of guns on school grounds (United States v. Lopez, 1995).

After being federally indicted for the unlawful possession of a firearm in accordance with the Gun-Free School Zone Act, Lopez's attorneys filed a motion to dismiss the charges, arguing that Congress does not have the authority over public schools to enact federal laws governing them, thus rending the Act unconstitutional, as public schools are regulated by state and local government. In a rebuttal, the District Court determined—citing the Commerce Clause in their

decision—that guns in schools increase violence and reduce or hinder learning, making students less educated and ultimately producing a negative effect on the country's commerce. Based on the District Court's rationale, the motion was denied, citing that Congress had the right to enact such laws, while "regulating activities in and affecting commerce, and the business of elementary, middle and high schools, does affect commerce." Following the denial, Lopez waived his right to a trial by jury and was found guilty by the District Court, who sentenced him to six months incarceration and two years of probation (U.S. v. Lopez, 1995).

The Court's ruling was soon appealed to the Fifth Circuit Court on the basis that the lower court was exceeding its authority in applying the Commerce Clause to the Gun-Free School Zones Act, which was consistent with their earlier motion to dismiss. However, in a historical ruling, the Supreme Court sided with Lopez and overturned his conviction, indicating that Congress overstepped its authority by enacting the Gun-Free School Zones Act, on the grounds of a lack of legislative power over state and local governments regulating public education, and that this application of the Commerce Clause was in fact invalid (U.S. v. Lopez, 1995). Consequently, Attorney General Janet Reno amended the Gun-Free School Zone Act in 1996 by including the Commerce Clause, specifically articulating that all firearms have moved through interstate commerce prior to reaching the hands of those who possess them, and according to the Commerce Clause, Congress does have the right to regulate interstate commerce (Safra, 2000). Critics of this amended version and those opposing gun control regulations argue that this was a bold move on the part of the Attorney General and a deliberate attempt to discredit the Supreme Court's ruling; however, the Gun-Free School Zones Act survives to this day as result of the amended version.

Second Amendment Retention in K-12 Public Schools

It is critical to recognize that the Lopez appeal did not directly address the Second Amendment to the United States Constitution; it was rather a loophole in the Commerce Clause that led to his conviction being overturned. As a public school student at the time of his arrest, Lopez did not assert his Second Amendment right to possess a firearm, which refocuses the issue on the question of whether a student retains the right to possess a firearm on school grounds.

Under U.S. federal law 18 U.S.C. § 922(b)(1), (c)(10), governing licensed firearms dealers are prohibited from selling handguns and ammunition to individuals under the age of twenty-one. The law further prohibits licensed dealers from selling long guns, such as rifles and shotguns to those under eighteen years old. Federal law 18 U.S.C. § 922(x)(1), (5) prohibits unlicensed persons from selling handguns to those under the age of eighteen, but places no age restrictions on the selling of long guns. However, possession of a handgun under federal law 18 U.S.C. § 922(x)(2), (5) is prohibited for individuals under eighteen years of age. There are currently no federal statutes containing an age restriction for possession of long guns, which may be the reason for exceptions made by some states allowing long guns on school grounds for approved sanctioned events or educational purposes (Giffords Law Center, 2018).

Several states, such as New Jersey have made purchasing and possessing firearms more restrictive than federal laws. Under New Jersey law N.J.S. 2C:58-3, individuals under the age of twenty-one are prohibited from purchasing and possessing handguns, which is an increase of three years in age from the federal law. Laws governing possession of weapons fall under the purview of the government's responsibility to govern age-sensitive activities that may pose a risk, such as driving and alcohol consumption (Giffords Law Center, 2018).

When applying the above listed laws governing age requirements and the purchasing and possession of firearms, we see that in most cases the Second Amendment is not applicable to students within K-12 public schools, due the age of this population. However, it remains unclear whether persons over the legal age to purchase and possess firearms within a school zone, such as visitors, teachers, and school administrators should be subjected to federal laws governing the Gun-Free School Zones Act. Furthermore, it is also unclear whether the rights of those legally possessing firearms for self-defense in accordance with the Second Amendment are in fact being infringed upon when adhering to state gun laws—while possessing a legal permit.

To assist in addressing these concerns, this public policy analysis will investigate the following four convictions that were upheld following the 1995 Lopez decision: U.S. v. Danks (Eighth Circuit 1999), U.S. v. Dorsey (Ninth Circuit 2005), U.S. v. Nieves-Castano (First Circuit 2007), and U.S. v. Cruz-Rodriguez (First Circuit 2008). The research will also include the following three convictions that were overturned since the 1995 Lopez decision: U.S. v. Tait (Eleventh Circuit 2000), U.S. v. Haywood (Third Circuit 2002), and U.S. v. Guzman-Montanez (First Circuit 2014), which will be included in the research findings of Chapter IV.

Repealing the Gun-Free School Zones Act

To assist in alleviating the burden that school boards and school administrators shoulder in determining whether to allow armed personnel in their schools, many politicians and stakeholders are calling for a repeal of the Gun-Free School Zones Act, which in turn may eliminate or significantly reduce legal concerns related to who is and who is not permitted in a school with a legally-obtained firearm for the purpose of self-defense. As discussed in Chapter I, there have been discussions over the last decade or so regarding the repeal of gun-free school zones, but prior to President Trump, never before had a U.S. president repeatedly spoken in favor

of its eradication. Repealing a federal law, however, is not as easy as President Trump leads his supporters to believe with his promise to "end gun-free school zones" (Pavich, 2018). The statement, made in the wake of the Parkland massacre, is perhaps an example of misleading the people, which some have characterized as an attempt to placate progun advocates in exchange for political support.

According to legislative process, federal laws can only be repealed through the introduction of a bill designed to replace an existing law. Once the bill is introduced, the Senate Parliamentarian will decide which judiciary committee is best suited to debate the bill, sometimes through a hearing process that hears testimony from experts on the potential impacts of the bill on the country. If the bill is approved by the assigned judiciary committee, it will be passed on to the Senate for a vote. During this stage, each Senator has the right to take the floor and speak either in favor of or against the bill. At the conclusion of the open discussion, there is a motion to proceed, which is followed by a vote. If a majority vote is achieved, the bill is passed to the House of Representatives, where a similar process is followed. If passed in the House, the bill will then be sent to the President for consideration. If the President approves the bill, it is then signed into law, with the new law repealing or replacing the law that preceded it. (Carper, 2018).

With the support of President Trump, Senator Rand Paul's (R-KY) suggestion of repealing the Gun-Free School Zones Act made in the wake of the 2012 Sandy Hook Elementary School massacre has resurfaced. On March 1, 2018, Paul introduced S.2486 – Safe Students Act to the 115th U.S. Congress calling for the Act's repeal. Following its introduction, the bill was sent to the judiciary committee, where it currently sits at the time of this study (S.2486 115th U.S. Congress, 2018).

Prior to the Parkland incident and the introduction of S. 2486, Rep. Thomas Massie (R-KY) introduced an identical bill to the House on January 3, 2017, known as H.R. 34. The bill was sent to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations on January 12, 2017, where it currently sits under review at the time of this study. H.R. 34 was originally co-sponsored by Rep. Louie Gohmert (R-TX), and later that year garnered sponsorships from Rep. James Corner (R-KY), Rep. Brian Babin (R-TX), Rep. Jody Hice (R-GA), Rep. Justin Amash (R-MI), who following the Parkland shooting in 2018 were joined by Rep. Jeff Duncan (R-SC) and Rep. Matt Gaetz (R-FL; H.R. 34 115th U.S. Congress, 2018).

Current Challenges of the Gun-Free School Zones Act

At the time of this study, the debate of arming school teachers is ongoing at the state and federal level. In Pennsylvania, for example, a 33-year-old father named Andrew Goslin was arrested at his son's New Providence Elementary School for possessing a pocket knife at a parent conference. At the time of his arrest, Goslin cited that he was a carpenter and that the knife was lawfully possessed as part of his trade, permissible under Pennsylvania law 18 Pa. C.S.§ 912(c). However, Goslin was later convicted in Lancaster County Court and sentenced to one year probation, which prompted an appeal to Superior Court of Pennsylvania, citing 18 Pa. C.S. § 912 (c; Possession of Weapon on School Property), which reads, " It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course *or is possessed for other lawful purpose*." Nonetheless, Goslin lost his appeal in front of a three-judge panel, which led to a second appeal in front of a nine-judge panel, who sided with Goslin on February 16, 2017, determining that he had no criminal intent when possessing the pocket knife; therefore, the two preceding courts failed to properly interpret 18 Pa. C.S. § 912 (c). As a result, the court vacated Goslin's sentenced and recommended a retrial. The court further

suggested that the legislature reexamine the language used in 18 Pa. C.S. § 912 (c), a law that was enacted in 1980. At the time of this study, Goslin had not been summoned for a retrial, and no changes had been made to Pennsylvania law regarding the lawful possession of weapons on school grounds (Commonwealth of Pennsylvania v. Goslin, 2017).

Following the Goslin ruling and Parkland High School Massacre, the Tamaqua Area School Board (PA) unanimously passed Policy 705 authorizing school teachers and other school employees to possess concealed firearms. Policy 705 requires all armed personnel to adhere to provisions of Act 238 (guns in the workplace) requiring them to receive extensive training on the use of firearms and undergo psychological testing. The school's newly enacted policy also permits schools within the district to purchase guns for their teachers and provide each school employee who volunteers to be armed with an annual stipend of $2000 (Tamaqua Area School District, 2018). The provision of a financial stipend aligns with President Donald Trump's idea of offering a "bonus" to those tasked with carrying firearms while performing their regular teaching assigned duties.

At a September 18, 2018 board meeting, board member and Chairman of the Board's Security Committee Nicholas Boyle emphasized that Policy 705 was enacted because the board did not believe that hiring school resource officers was a viable solution to school shootings, as having one or even a few police officers working in large facilities such as schools has not been found to be an effective deterrent, pointing out that Columbine, Virginia Tech, and Parkland all had uniformed officers working at the time of their school shootings. Boyle also made remarks on the cost of hiring school resource officers, indicating that it would be too costly to the district and added that teachers throughout the school already employed would be the best solution to enhancing school security and the most cost effective (Wojick, 2018).

Aligning himself with the views of Randi Weingarten of the American Federation of Teachers, Frank Wenzel, President of Tamaqua Education Association, indicated that he while he had supported the arming of teachers following the Sandy Hook incident, he has since had a change of heart. He cited personal sentiments for the shift, remarking that he didn't know whether he would be capable of carrying a firearm, and observed that many of his colleagues shared his views, although he added that he had spoken to others who supported the policy (Wojick, 2018). As a continued voice of opposition, the Tamaqua Area Education Association filed a lawsuit against the school board in November of 2018 in the Schuylkill County Court. The lawsuit argued that the Pennsylvania School Code permits only armed law enforcement officers in its schools, suggesting that the school board lacked the authority to enact such a policy. However, the school board's argument aligned with the Goslin ruling, which found that possession of weapons on school property for a lawful purpose was permissible, and as such, they had no intentions of retracting policy 705 (Dwyer, 2018). In fact, following the 2017 Goslin decision, the defendant's attorney, Joshua Prince, remarked that the Superior Court's ruling was a landmark one, stating, "A teacher would under the Goslin decision have the right to lawfully carry a lawful weapon on school grounds provided it' not for some unlawful purpose." Further to Prince's remarks, Steve Topani, a former Washington County District Attorney currently serving as a legal representative for several school districts stated, "Potentially this (Goslin decision) could open the door for individuals to carry weapons into a school area, claim they were carrying them for a lawful purpose and evade prosecution." Topani added, "This is something school districts should be concerned with," (Van Osdol, 2018).

In January of 2018, the Tamaqua School Board voluntarily elected to temporarily suspend Policy 705, due to the lawsuit initiated by the Tamaqua Education Association and a

second lawsuit initiated by a group of concerned parents. School board president Larry Wittig once again reiterated that the board stands firm with Policy 705, but would refrain from implementing it until the case was ruled upon in court (McDaniel, 2018).

Compounding the Tamaqua School Board debate concerning the legality of arming school teachers is Senate Bill 383, which passed by a vote of 28 – 22, allowing Pennsylvania school teachers with valid concealed carry permits to carry firearms on school grounds if allowed by a school districts policy (Pennsylvania General Assembly, 2018). At the time of this study Bill 383 has yet to be heard in the House. Governor Wolfe has stated on numerous occasions that he would veto the Bill if it is passed in the House (Abbott, 2017); however, legal experts such as Prince and Toprani suggest that even with a Wolfe veto, armed teachers would not be violating the law under 18 Pa. C.S. § 912 (c) as cited in the Goslin case.

On the federal level, and in response to the August 2018 remarks made by Education Secretary Betsey DeVos regarding the allocation of federal funding to school districts for the purpose of arming teachers, the Giffords Law Center to Prevent Gun Violence, American Federation of Teachers, and the Southern Poverty Law Center filed a lawsuit on October 17, 2018 in the United States District Court for the District of Columbia against the United States Department of Education. The lawsuit argued that it is unlawful for school districts to use federal funding through education grants such as Student Support and Academic Enrichment Program (SSAE). However, prior to the lawsuit being filed, DeVos—facing backlash from the three plaintiffs— retracted her August of 2018 remarks, clarifying that she had no intentions of releasing funds through federal education grants for the purpose of arming teachers, but added that with or without her authority, districts had the right to utilize the funding as they saw fit regarding school safety and security (U.S. District Court of District of Columbia, 2018).

Despite DeVos' retraction, the plaintiffs moved forward with the suit (1:18-cv-02388), this time arguing that DeVos' remarks concerning funding allocation were a response to requests from school districts in Texas and Oklahoma. The plaintiffs further speculated that DeVos's comments aimed to placate pro-gun-lobby groups, such as the National Rifle Association, National Shooting Sports Foundation, and Gun Owners of America, which prompted them to request access to communications between the lobby groups, United States Department of Education, and Secretary DeVos via the Freedom of Information Act (FOIA; U.S. District Court of District of Columbia, 2018). At the time of this study, the plaintiff's case against the United States Department of Education has not been heard in the United States District Court of District of Columbia, and the requested communications have yet to be released. This may indicate a violation of the FOIA has occurred, and raises questions regarding the deliberate concealing of alleged communications between the gun-lobby groups.

Similar to Pennsylvania, at the time of this study all 50 states had laws governing the possession of firearms; however, not all of these laws covered the possession of firearms in K-12 public schools. Unlike the study conducted by the Giffords Law Center, this public policy analysis not only examined state legislation but also examined appellate court decisions through regionally-assigned Circuit courts. Each state law was examined via official websites of governing bodies of respective states, which summarize laws governing possession of firearms. These summaries were surveyed for subsections relevant to the possession of weapons in K-12 public schools, and then closely examined for the presence of exceptions or exemptions to the law, such as 18 Pa. C.S. § 912 (c). Similar to methods employed by the Giffords Law Center, this information was compiled and categorized in a table, with the addition of the following categories: School Approval, Armed Teachers, and Armed Police such as school resource

officers. The addition of these categories provides school boards, school administrators, and other shared stakeholders with a clear and concise understanding of information not readily available in the Giffords study. Furthermore, grouping each state with its regionally-assigned Circuit Court of Appeals gives the reader greater insight into specific court rulings, helping to convey court interpretations of the Gun-Free School Zones Act, while also reviewing landmark cases on the state level; this is something that the Giffords study does not take into consideration.

It is important to note that at the time of this study, the U.S. Supreme Court was not hearing or considering any cases related to the arming of school teachers. One possible explanation for this is that the issue has emerged as a new phenomenon that has gained national attention following the February 14, 2018 Parkland, Florida shooting, further amplified by the President of the United States calling for eradication of the Gun-Free School Zones Act.

Arming of School Teachers as a New Phenomenon

The December 14, 2012 Sandy Hook Elementary School shooting ignited an unprecedented number of debates across the nation, which were reawakened following the February 14, 2018 Stoneman Douglas High School shooting, after which President Trump called for the eradication of the 1990 Gun-Free School Zones Act for the purpose of arming school teachers and other school employees. Shortly after President Trump expressed this statement, United States Secretary of Education Betsy DeVos issued a similarly unprecedented suggestion. DeVos stated that she would consider allowing school districts to use federal grants to purchase firearms for their teachers.

This study also uncovered landmark caselaw in the United States Court of Appeals challenging the Gun-Free School Zones Act, although none of them heard cases involving school teachers challenging the Act for arming themselves for self-defense. Teachers and other

stakeholders have, however, challenged local and state laws prohibiting them from carrying firearms. As stated earlier, at the time of this study, the United States Supreme Court had not been petitioned to hear cases regarding the arming of teachers, as all cases on file were still being held in the lower courts. It should also be noted that the Supreme Court hears only between 100 and 150 cases each year out of the more than 7000 cases petitioned before the Court, and it typically takes years before a case is heard. However, the Court is concerned when lower cases base their decisions on Constitutional law and whether these decisions may impact national interests (United States Courts, 2018). It cannot be denied that the issue of arming of school teachers is of interest to the American people, and cases being heard within the lower courts face Constitutional issues related to the Second Amendment, which may illicit the attention of the United States Supreme Court, perhaps expediting any petitions of this nature.

To further articulate the current legal dilemma of arming school teachers, related cases throughout the U.S. were reviewed during this study. In addition to other cases, this review included the Lee County School Board in Jonesville, Virginia enacting policy KNAJ- BR on July 12, 2018, which created an armed "School Security Agent" allowing their employees to carry concealed weapons firearms under Virginia's Special Conservator of the Peace law. Participants must be approved by the Lee County Sheriff's Office pursuant to the duty to submit in writing a letter to the Circuit Court of Lee County, Virginia if an applicant meets all of the requirements as outlined under the Special Conservator of the Peace. However, the Commonwealth of Virginia denied this request on September 12, 2018, citing that Dr. Brian Austin, Division Superintendent of Schools in Lee County, was not eligible for this privilege under Va. Code §18.2-308.1 (possession of firearm, stun weapon, or other weapon on school property is prohibited), citing that Special Conservators of the Peace are prohibited from

possessing firearms on school property. The Lee County Public Schools responded by filing a lawsuit on January 15, 2019 in the Lee County Circuit Court challenging Virginia's decision to deny Dr. Austin's application, claiming he met all the requirements to possess a firearm, pursuant to Special Conservator of the Peace, and that the exemptions of Va. Code §18-2-308.1 was ignored. According to exemption §§ 18.2-308.016 (iii), "Persons who possess such weapon or weapons as part of any school program sponsored or facilitated by either the school or any organization authorized by the school to conduct its program either on or off school premises" are exempt (Austin v. Virginia Department of Criminal Justice, 2019). At the time of this study, the case was in its very early stages and had not yet been heard by the Lee County Circuit Court.

Arming of School Teachers

While two identical bills related to the repeal of the Gun-Free School Zones Act sit under review in both the Senate and the House, some states have taken the initiative of arming their teachers under state law, allowable under the Gun-Free School Zones Act, as discussed in Chapter I. For example, on October 10, 2014 Missouri State Legislation passed SB 656, authorizing school teachers to carry firearms when on duty through the School Protection Program (SPO), stating, "Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer." The statute further states that, "Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms or a self-defense spray device in any school in the district" (MO Rev. Stat § 590, 2014). Those applying to the SPO program must submit fingerprints for the purpose of a criminal background check, which is conducted through the State of Missouri and the Federal Bureau of Investigation (MO Rev. Stat § 509.205, 2014).

After a successful background check is completed, SPO candidates must enter into state approved training center where he or she will receive 40 hours of advanced firearms training and an additional 120 hours in the use of force, emergency response, building searches, survival tactics, handcuffing, weapon retention and disarming, defensive tactics, and first aid. At the conclusion of the training, the state approved training center forward a SPO certificate to the school district where the approved SPO is employed (University of Missouri, 2018).

Similar to Missouri's SPO program, the State of Texas passed HB 1009 the Protection of Texas Schoolchildren Act on June 14, 2013, allowing school teachers and other faculty to serve as armed school marshals. HB 1009 states, "The sole purpose of a school marshal is to prevent the act of murder or serious bodily injury on school premises." Candidates for the position of school marshal must be licensed to carry firearms, pass a psychological examination, and complete a mandatory of 80 hours of training before becoming a licensed school marshal through the appointing authority of the Texas Commission on Law Enforcement Officer Standards and Education. After being licensed, school marshals must adhere to the policies and regulations established by the school board or other governing officials (Texas Commission on Law Enforcement, 2018).

Conclusion

This literature review chapter explored the historical content of the Second Amendment, summarized caselaw related to the Second Amendment, Second Amendment retention in K-12 public schools, repealing the Gun-Free School Zones Act, and arming of teachers in K-12 public schools. The literature reviewed unearthed dangers inherit in securing schools, which play a critical factor in decisions made by school boards and school administrators when designing

policies and procedures to make their schools as safe as possible for their student body, faculty, support staff, and visitors.

Chapter III will discuss the methodology, design, validity, and data analysis plan of the study that will be used to construct the findings described in Chapter IV. The research aims to offer a clear and concise understanding of how the 13 U.S. Appellate Circuit Courts have determined whether Second Amendment rights should be upheld or overturned, in correlation with the other primary variable, Gun-Free School Zones Act of 1990. These legal determinations have established a precedent for securing K-12 schools in the Post-Sandy Hook Elementary School (2012) era.

CHAPTER III

METHODOLOGY

Design of the Study

This qualitative public policy analysis consists of a multiple-case study involving case law within the regionally-assigned circuits of the United States Courts of Appeals and individual state statutes. This method affords the researcher the opportunity to compile data through not only one set of data, but rather several sets, which in this case is primarily acquired from the assigned U.S. Court of Appeals and from individual state statutes governing the possession of firearms in K-12 public schools. According to Black's Law Dictionary (2018), case law is defined as

> a professional name for aggregate of reported cases as a forming body of jurisprudence; or for the law of a particular subject as evidenced or formed by the adjudged cases; in distinction to the statutes and other sources of law.

Black's definition of case law articulates key components involved in the design of this study, because it includes the understanding of legal precedents that have been established by adjudicated cases based on statutes and other relevant sources, which the researcher used as a source of validity. The validity of this investigation will be discussed in greater detail in the forthcoming pages.

Case law is established through the U.S. Court of Appeals via a lengthy process, which begins in the lower courts where petitioner's cases originate from. In criminal proceedings, including the cases examined in this study, only the defendant can appeal to the U.S. Court of Appeals to challenge his or her conviction, whereas the government may not petition the appellate courts. The appellate courts may rule on an appeal via written legal briefs or through a

hearing involving oral arguments from appellate lawyers, which are heard by a panel of judges, generally looking for procedural errors and examining the constitutionality of the lower courts' decision (United States Courts, 2018).

Most decisions made in the U.S. Court of Appeals is final, however, the Court can send the case back down to the originating lower court for a retrial. If an appellant loses his or her case in a federal court they have the right to petition the United States Supreme Court. However, the U.S. Supreme Court is not obligated to hear these cases, and generally only takes interest in similar cases that have been heard in two or more U.S. Court of Appeals, each with different interpretations of the law, when applying their decisions (United States Courts, 2018).

According to Dye (2013), a qualitative public policy analysis is well suited for this study because of its ability to define public policies being researched, to shed light on why such policies have emerged, and to determine whether they are fulfilling expectations. Yin (2003) explains that the utilization of a multiple case study does in fact afford the researcher the opportunity to compile data through several sources. Yin further notes that the method affords the researcher the ability to compare the data by exploring the differences and similarities of each case, which—in the case of this investigation— may or may not unearth contradictory practices within the 50 states in their application of the Gun-Free School Zones Act.

Using Dye's insight into the practical use of a public policy analysis and Yin's concept of a multiple-case study, this research sought to answer the following guiding research questions outlined in Chapter I:

To what extent does the Gun-Free School Zones Act impact the U.S. Constitution's Second Amendment, when affording teachers a right to self-defense through the legal possession of firearms within K-12 Public Schools?

After establishing the overreaching question, I then examined the following research questions to guide me through this public policy analysis:

1. How have the appellate courts ruled on cases pertaining to the Gun-Free School Zones Act in accordance with the Second Amendment and the Constitutionality of the Act?
2. How have the appellate courts ruled on cases brought before them by K-12 public school teachers, who have challenged the Gun-Free School Zones Act, in accordance with the Second Amendment Right?
3. How do United States firearm laws at the state-level compare, particularly in their allowance of arming of school teachers, as analyzed through their assigned appellate courts?
4. Do school boards and administrators have the authority to enact policy allowing school teachers and other school employees to carry concealed weapons during the performance of their duties?

Data and Methods

According to Dye (2013) political scientists and relevant researchers generally exercise a public policy analysis seeking an explanation for the creation of a public policy rather than concerning themselves with the authority that instituted the policy. A policy analysis gives a clear and concise understanding of the policy based on a rationale explanation through exploration, eliminating detrimental rhetoric and uninformed opinions. Rationale explanations are best achieved through a scientific approach, often utilizing quantitative and or qualitative means through a case study, designed to describe policies and the issues they address, including taxation, education, and gun control, and how they affect societal concerns. A scientific

approach also measures the cause and effect of policies and their consequences; why the policy came to be, whether producing a negative or positive effect on society, and whether the consequence is beneficial or detrimental to those subjected to an enacted policy (Dye, 2013).

Utilizing this public policy analysis design, the research methods and data listed below aim to provide critical information to school boards, school administrators, legislators, and other contributors to shed light on this new phenomenon, offering two primary data sets designed to inform stakeholders of their limitations and authority to enact policies governing the possession of firearms in K-12 public schools:

1. A comparison of state laws within all 50 states pertaining to the possession of firearms in K-12 public schools, and
2. Appellate court rulings, regarding cases involving gun-free school zones in or around K-12 public schools.

Ultimately, the two data sets will provide school boards, school administrators, and other relevant policy makers within K-12 public schools with a clear and concise foundation that will guide them while making informed decisions when addressing the new phenomenon of arming school teachers for the purpose of securing their schools with regard to the Second Amendment and right to self-defense while complying with state laws.

The researched data was compiled from the following sources, which were used to reach factually based conclusions, supported by the guiding research questions.

- A review of individual state statutes within all 50 states. It is commonly known that all 50 states in the United States have laws governing the legal and illegal possession of firearms; however, for the purpose of this public policy analysis, subsections of these laws were closely examined to determine the legality of possession of firearms

in K-12 public schools, while further examining whether there are exceptions granting legal gun owners permission to possess on school grounds. This information was retrieved from each state's official website using a key word search, with terms including "possession of firearms", "possession of firearms in public schools", and "gun-free school zones".

- Google Scholar. An online database consisting of mostly peer-reviewed scholarly literature via journals, books, thesis, and dissertations. Once again, key search terms included "possession of firearms", "possession of firearms in public schools", and "gun-free school zones", with the addition of the terms "Second Amendment", "self-defense", "gun control", "school security", and "active shooter". Also included in this search was "United States Court of Appeals", in order to narrow the search down to each regionally-assigned circuit court of appeals, totaling thirteen courts.
- LexisNexis. Like Google Scholar the key terms included "possession of firearms", "possession of firearms in public schools", "gun-free school zones", "Second Amendment", "self-defense", "gun control", "school security", "active shooter", and the "United States Court of Appeals" were searched. This database also offered access to actual court proceedings from the individual circuit courts, which were more detailed than what could be retrieved through the resources provided by Google Scholar. Each case was evaluated to determine its relevance to the guiding research questions.

All conclusions were drawn from a post-hoc examination of relevant facts relating to data that has been previously established, including court proceedings and criminal statutes.

The table below, Table 1, compiles critical data supporting the guiding research questions, which allowed the researcher to compare how each state was addressing the issue of firearms in schools. This table was reproduced 11 times, beginning with Table 2, which organized and identified the regionally-assigned circuit courts, known as the United States Court of Appeals, and grouped each of the 50 states with their assigned Court of Appeals. This design was utilized to determine whether there was a difference in laws governing the possession of firearms in K-12 public schools, when comparing states assigned to the same Court of Appeals.

Table 1

Comparison of all 50 States

State	Guns Permitted	CCW Permitted	School Approval	Armed Teachers	Armed Police

Categories Defined

Guns Permitted: States that allow guns in K-12 public schools without a permit to do so.

CCW Permitted: States that allow guns in K-12 public schools through the possession of a legal permit to carry a concealed weapon (CCW).

School Approval: States that control guns in K-12 public schools but have exceptions (subsections) to the law that allows an individual to do so, via a school policy with the approval of school board or administrator.

Armed Teachers: Any school teacher or school administrator permitted to carry a firearm while performing their duties as an educator in K-12 public schools.

Armed Police: Any individual who is an active or retired law enforcement officer employed by or volunteering for a law enforcement agency with jurisdiction over their respective K-12 public schools, is permitted to work and patrol school grounds, such as but not limited to school resource officers (SRO) assigned to secure and protect local school(s).

Validity and Reliability

The validity of this research will be tested through a triangulation involving numerous sources of information retrieved from documents including but not limited to: case law, state and federal statutes, and school policies. This systemic approach through the exclusive lens of the researcher will be used to extract themes and categories from the sources, which will then be compiled as collected data. Validity can be measured through reliance on several sources that may be compared, rather than relying on a single source for the purpose of this study (Creswell and Miller, 2000).

Bogdan and Bilken (2007) wrote about triangulation in their book *Qualitative Research For Education: An Introduction to Theories and Methods*, defining it as a "verification of the facts." The authors observed that "many sources of data were better in a study than a single source because multiple sources lead to a fuller understanding of the phenomena you were studying." This aligns with the thinking of Creswell and Miller, which is why this test of validity and reliability was chosen for this qualitative public policy analysis.

Another test of validity is disconfirming data found to be inconsistent with the multiple sources found sifting through the compiled data that originated from the established themes and categories (Miles & Huberman, 1994). Miles and Huberman (1994) suggested that this can be a difficult process; however, this researcher found that this was not the case during this public policy analysis. Most of the critical data was extracted from established caselaw and criminal

statutes, which—when analyzed through court records and defined penal codes—further confirming the validity of this research.

Conclusion

This qualitative public policy analysis was conducted to offer an unbiased study of laws concerning the possession of firearms in K-12 public schools for self-defense. The data analysis involved a comparison of all 50 states to identify established law and examine the subsections of said law to identify potential exceptions to the unlawful possession of firearms on school grounds. Through triangulating the data, it was determined that the United States Court Appeals should also be included in this analysis, due to the fact that this court oversees the lower courts within their assigned states, and that any ruling or future ruling decided in these high courts has a profound effect on state statutes governing the possession of firearms on school grounds for the purpose of self-defense. This analysis allowed for a comparison of each state within assigned U.S. Court of Appeals, determining that states within the same Circuit court had differing opinions regarding laws governing the possession of firearms in K-12 public schools.

The data retrieved and compiled unearthed a need to report on cases decided in the U.S. Court of Appeals, for the purposes of determining how these courts viewed the Gun-Free School Zones Act, and assessing the number of cases addressing the issue went before these high courts. At the time of the study, none of the U.S. Courts of Appeals had heard or were scheduled to hear cases regarding school employees wishing to arm themselves for self-defense. It may be that the high courts have not heard such cases because the notion of arming school teachers and other school employees is emergent. This may also explain why the U.S. Supreme Court has not heard cases related to the issue. Any future court proceedings addressing these topics are certainly relevant to the research questions and to stakeholders.

The following chapter, Chapter IV, outlines the findings of this methodology, which was specifically designed to answer the guiding research questions indicated in the preceding chapters. The findings offer school boards, school administrators, teachers, legislatures, and other stakeholders a clear and concise understanding of what is allowable under the law within their respective states, when instituting policies in favor of or in opposition to arming school teachers for the purpose of self-defense and as a deterrent to potential school shooters.

The last chapter, Chapter V, will offer school boards, school administrators, teachers, lawyers, and legislatures recommendations addressing this new phenomenon designed to simplify this complex matter, by making pertinent information readily available to them.

CHAPTER IV

RESEARCH FINDINGS

Introduction

In this chapter the two data sets, appellate court rulings on cases regarding the Gun-Free School Zones Act, and an analysis of state legislation governing the possession of firearms in K-12 public schools are discussed. This chapter begins by reviewing the appellate cases identified in Chapter II beginning with seven convictions that have been upheld since the 1995 Lopez decision: U.S. v. Danks (Eighth Circuit 1999), U.S. v. Nieves-Castano (First Circuit 2007), U.S. v. Weekes (Third Circuit 2007), and U.S. v. Cruz-Rodriguez (First Circuit 2008). This first data set concludes with an analysis of three convictions that have been overturned since the 1995 Lopez decision; U.S. v. Tait (Eleventh Circuit 2000), U.S. v. Haywood (Third Circuit 2002), and U.S. v. Guzman-Montanez (First Circuit 2014). Each appellate court decision was closely examined to determine the potential impact of the 1995 Lopez ruling on the Court's decision, while also determining whether the Commerce Clause and the Second Amendment were taken into consideration.

The second component of this chapter examines and compares legislation within all 50 states related to the possession of firearms in K-12 public schools, identifying relevant criminal statutes, and determining whether these statutes contained subsections and exemptions to the criminality of possessing weapons in public schools. This was conducted using a cross comparison of all the states, which were then compared within their regionally-assigned appellate court circuit.

Upheld Appellate Court Cases

At the time of this study, the United States Supreme Court had not heard any other cases regarding the Gun-Free School Zones Act since the 1995 Lopez case, and remarkably, the regionally-assigned appellate courts had not heard any cases in which teachers and other school employees challenged their right to self-defense, which may be attributed to the fact that this is a new phenomenon, and as such, relevant cases are still being heard in the lower courts. The data compiled and researched in this section was retrieved from appellate court cases decided prior to May 15, 2019.

United States v. Danks (1999)

In United States v. Danks (1999), the United States Court of Appeals for the Eighth Circuit affirmed the decision of the District Court of North Dakota, denying Jordan Danks' motion to dismiss charges against him that stemmed from an incident that occurred in April 1998, when he used a firearm to shoot a parked vehicle within 1000 feet of a public school. Dank was arrested and faced federal charges under 18 U.S.C. § 922(q)(2)(A), commonly referred to as the Gun-Free School Zones Act. Upon his conviction, Dank appealed his case to the Eighth Circuit Court, arguing that the post-Lopez (1996) amendment to the Act— which included the Commerce Clause—was still unconstitutional and that Congress was overstepping its power by amending the Act. As a deciding factor, the Eighth Circuit Court of Appeals cited that the original act was in fact unconstitutional, because at the time of Lopez's arrest the Commerce Clause was not included; however, in the context of the 1996 amended version that included 18 U.S.C. § 922 (g), the Act is deemed constitutional, because the amendment contains the specific language needed to satisfy the Commerce Clause. Furthermore, the Court declared that the firearm that Danks possessed had at one point been shipped or transported via interstate

commerce, making it a violation under the Gun-Free School Zones Act (United States v. Danks, 1999).

United States v. Dorsey (2005)

In United States v. Smith (2005), the United States Court of Appeals for the Ninth Circuit affirmed the conviction made by the District Court of Anchorage, Alaska, denying Nikos Delano Dorsey's request to dismiss federal charges filed against him that originated from an incident that occurred in September of 2013, when Dorsey was seen operating a motor vehicle in an erratic manner in the parking lot of Bartlett High School. The incident led to his arrest for the possession of marijuana and a firearm within a defined drug-free and gun-free school zone. Under appeal, Danks moved to suppress all evidence, but the Circuit court denied the motion on the grounds that the arresting officers had probable cause, and that a search warrant had also been secured. Dorsey also asserted that the charges filed against him under the Gun-Free School Zones Act should be dismissed, citing that the Lopez case found the Act to be unconstitutional, and arguing that the Commerce Cause was incorrectly applied to the 1996 amended version. This motion was also denied by the Circuit court on the grounds that the amended version had previously been declared constitutional, referencing the Danks ruling in their decision (United States v. Dorsey, 2005).

United States v. Nieves-Castaño (2007)

In the case of United States v. Nieves-Castano (2007), the United States Court of Appeals for the First Circuit heard arguments from Belen Nieves-Castaño, who was challenging her conviction of two federal charges filed in August 2005, when agents from the Federal Bureau of Investigation and local authorities from Puerto Rico raided her apartment. Using a search warrant, the agents located two machine guns violating 18 U.S.C. § 922(o), and subsequently

pressed charges under the Gun-Free School Zones Act for possessing the weapons in a designated school zone. On appeal, Nieves-Castaño argued that she did not know that the two weapons being housed in her apartment were machine guns (illegal automatic weapons), and believed that they were legal rifles (legal semi-automatic weapons). Nieves-Castaño also argued that the Gun-Free School Zones Act was unconstitutional as it violated her Fifth Amendment Right to Due Process, because the Act does not define how a 1000-foot radius surrounding a public school is measured (U.S. v. Nieves-Castaño, 2007).

After hearing the arguments, the Circuit court overturned the charge of illegally possessing the two machine guns, because the government failed to prove that Nievas-Castaño did in fact know the difference between an illegal machine gun and a legal semi-automatic rifle. Furthermore, agents who gave testimony indicated that they test-fired the weapons, confirming that they were machine guns, and advised the court that anyone shooting said weapons would know they were automatic and not semi-automatic. However, the government could not prove that Nieves-Castaño ever shot the weapons in question; therefore, the conviction was overturned (U.S. v. Nieves-Castaño, 2007).

The Circuit court did however affirm the conviction of violating the Gun-Free School Zones Act, because under the Act an individual in violation either knows they are in a designated school zone or "has reasonable cause to believe" they are in a school zone. The Circuit court ruled that the government had presented sufficient evidence to suggest that Nieves-Castaño had reasonable cause to believe that she was in a school zone, citing the fact that she resided with three school children and frequented the schools in her neighborhood. The government also presented five different measurements from two local schools to Nieves-Castaño's apartment building, all measuring well under 1000 feet, with one measuring only 330 feet away, indicating

that any reasonable person would believe they were less than 1000 feet from a school (Nieves-Castaño, 2007).

United States v. Cruz-Rodriguez (2008)

In United States v. Cruz-Rodriguez (2008), the United States Court of Appeals for the First Circuit affirmed the conviction of Carlos D. Cruz-Rodriguez, which stemmed from a law enforcement operation in Puerto Rico spanning from September of 2001 until March of 2003, which targeted Cruz-Rodriguez and his associate in an ongoing drug distribution investigation. During the arrest of Cruz-Rodriguez, he was charged with numerous counts of drug trafficking out of a housing project located near two public schools. During the investigation, Cruz-Rodriguez was observed possessing firearms by several witnesses and informants while inside the housing project, which led to government charging him under the Gun-Free School Zones Act. On appeal, Cruz-Rodriguez argued that the government could not prove that the he violated the Act, because at the time of his arrest he was not in a school zone. He further argued that evidence presented during his District trial was an overexploitation of the Act intended to secure a lengthier prison sentence (U.S. v. Cruz-Rodriguez, 2008).

The decision to affirm the lower court's ruling was based on the evidence presented by the government through their ongoing investigation. The evidence included eye witness accounts, testimony from confidential informants working for the government, and a video recording of Cruz-Rodriguez conducting illegal drug transactions within the housing projects while in possession of firearms, less than 1000 feet away from the two public schools. With this evidence the Circuit court ruled that the government had sufficient cause to charge Cruz-Rodriguez in violation of the Gun-Free School Zones Act, and sentencing was issued by the District court following his conviction by a jury (U.S. v. Cruz-Rodriguez, 2008).

Summary Findings of Convictions Upheld in the Appellate Courts

This review did not identify any U.S. Court of Appeals cases involving public school teachers. However, the review did uncover appellate cases testing the constitutionality of the Gun-Free School Zones Act relating to the criminality of the Act and not self-defense. In two out of the four cases that were upheld, the Commerce Clause was deemed constitutional in spite of the 1995 Lopez ruling. The reason for this was that the 1996 amendment to the Act incorporated the Commerce Clause, which declared that all firearms were at one point or another part of interstate commerce. Another case challenged the gun-free zone of 1000 feet on the grounds that the Act does not indicate how the 1000-foot radius is measured, thereby violating the Fifth Amendment right to due process. However, the Circuit court ruled that the specific method of measuring distance does not need to be outlined in the Act. Furthermore, the Act states that an individual is in violation if he or she reasonably believes they are within 1000 feet of a public school. In the last case reviewed, a conviction was upheld based on eyewitness accounts, informants working with government, and video surveillance footage depicting drug dealers in possession of firearms within a designated school zone.

Overturned Appellate Court Cases Involving the Gun-Free School Zones Act

The data compiled and researched in this section was extracted from appellate court cases decided prior to May 15, 2019.

United States v. Tait (2000)

In United States v. Tait (2000), the United States Court of Appeals for the Eleventh Circuit overturned the conviction of Wiley Bock Tait on the grounds that the lower court erred in their interpretation of the federal charges. Tait, a three-time convicted felon for various offenses in the State of Michigan committed between 1958 and 1968, eventually relocated to the State of

Alabama, and in March 1997, applied for and was granted a permit to possess a handgun from the Escambia County Sheriff's Office. In November 1997, Tait was arrested on the campus of Escambia County High School for the illegal possession of a firearm, after he allegedly threatened a student. Tait was charged under 18 U.S.C. § 922(g)(1) for possessing a firearm after being previously convicted of a crime that had an imposed sentence of one year. Tait was also charged with violating the Gun-Free School Zones Act for knowingly possessing a firearm on school grounds (U.S. v. Tait, 2000).

On appeal, the Circuit ruled that Tait did not violate18 U.S.C. § 922(g)(1), because at the time of his arrest he held a valid permit to possess firearms, exempting him from the law prohibiting convicted felons from possession. The Circuit court also ruled that Tait did not violate the Gun-Free School Zones Act, because at the time of his arrest he held a valid permit, according to an exemption outlined in 18 U.S.C. § 922(q)(2)(B)(ii; U.S. v. Tait, 2000).

United States v. Haywood (2004)

In United States v. Haywood (2004), the United States Court of Appeals for the Third Circuit heard the appeal of Ira Haywood, who was convicted of armed robbery of a local bar in the U.S. Virgin Islands in December 1999, and for possessing a firearm within a school zone in violation of the Gun-Free School Zones Act. On appeal, Haywood argued that he did not know he was in a school zone at the time of his offense. Hearing the evidence presented, the Circuit sided with Haywood, citing that the government failed to prove that he knew he was in a designated school zone, and noting that the government failed to produce evidence of posted signage identifying the established school zone. Haywood's conviction for the armed robbery and other associated charges were upheld (U.S. v. Haywood, 2004).

United States v. Guzman-Montanez (2014)

In United States v. Guzman-Montanez (2014), the U.S. Court of Appeals for the First Circuit overturned the conviction of Marcelino Guzman-Montanez. The charge originated from an incident that occurred in March 2012, when Guzman-Montanez was seen leaving a local restaurant in Puerto Rico, which prompted a police response to investigate. Investigating officers were able to determine that Guzman-Montanez was in possession of a firearm upon leaving the restaurant, which was located within a designated school zone, making him in violation of the Gun-Free School Zones Act. Like U.S. v. Haywood (2004), Guzman-Montanez appealed to the Circuit court, claiming he did not know he was in a designated school zone at the time he possessed the firearm. The Circuit ruled that the government failed to prove that Guzman-Montanez knew he was in a designated school zone, and the charge against him was dropped (U.S. v. Guzman-Montanez, 2014).

Summary Findings of Convictions Overturned in the Appellate Courts

As indicated in the summary findings of convictions upheld in the Appellate Courts, there were no cases discussed in this section involving school teachers; however, the convictions that were overturned established caselaw that may play a critical role in future court proceedings involving the Gun-Free School Zones Act, regarding current cases that are being heard in the lower courts. For example, in U.S. v. Tait, the Eleventh Circuit cited that it is legal for a valid firearm permit holder to possess firearms on public school grounds. This section also identified a ruling related to the interpretation of a designated school zone under the First Circuit court, which cited that a reasonable person would know they were in a school zone (U.S. v. Nieves-Castaño, 2007). However, the First Circuit later declared in U.S. v. Guzman-Montanez (2014) that the government must prove that a person knows they are in a school zone while in

possession of a firearm, suggesting that posted signage must be visible. This contradiction of the Gun-Free School Zone was also observed in U.S. v. Haywood (2002), when the Third Circuit overturned his conviction, because the government could not prove Haywood had knowledge of the school zone while possessing a firearm.

State Legislation: Possession of Firearms in K-12 Public Schools

Guns Permitted in K-12 Public Schools

46 states in the United States prohibit guns in their public schools pursuant to their established laws. Of those remaining, only one state prohibits students from possessing guns; one state permits guns; and two states have no applicable law permitting or prohibiting guns in their schools, which makes their possession legal, unless of course they are used to commit a crime.

Concealed Carry of Weapons (CCW)

Forty-one states prohibit valid CCW permit holders from possessing concealed firearms on public school grounds. Seven states permit CCW holders in schools with concealed firearms, while the remaining two states have no applicable statute, thus permitting them unless used during the commission of a crime.

School Approval

Twenty-eight states do not give school boards or school officials the authority to allow CCW holders in their schools. Twenty-one states give school boards and school officials the authority to grant permission to CCW holders, and the remaining state does not have an applicable statute, which leaves the governing body responsible for instituting policies regarding prohibiting or permitting concealed weapons in schools.

Armed Teachers

Forty states prohibit teachers and other school employees from carrying CCW while performing their duties. Nine states permit their teachers and other school employees to possess concealed weapons, while the remining state has no applicable statute, leaving the governing body responsible for permitting or prohibiting their employees from possessing concealed weapons.

Armed Police

Forty-six states permit armed law enforcement to work in and patrol their K-12 public schools. The remaining four states do not have applicable laws. Refer to Table 2 for a detailed comparison of all 50 states and Tables 3 – 13 for an in-depth analysis of each state law governing each category within their assigned U.S. Court of Appeals.

Table 2

Comparison of Laws Governing the Possession of Firearms in K-12 Schools

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Alabama	**Y**	**Y**	**N**	**N**	**Y**
Alaska	**N**	**N**	**Y**	**N**	**Y**
Arizona	**N**	**N**	**Y**	**N**	**Y**
Arkansas	**N**	**N**	**N**	**N**	**Y**
California	**N**	**N**	**N**	**N**	**Y**
Colorado	**N**	**N**	**N**	**N**	**Y**
Connecticut	**N**	**N**	**Y**	**N**	**Y**
Delaware	**N**	**N**	**N**	**N**	**Y**
Florida	**N**	**N**	**N**	**Y**	**Y**

Table 2 (continued)

Georgia	**N**	**N**	**Y**	**N**	**Y**
Hawaii	**No Statute**	**No Statute**	**No Statute**	**No Statute**	**No Statute**
Idaho	**N**	**N**	**Y**	**Y**	**Y**
Illinois	**N**	**N**	**N**	**N**	**Y**
Indiana	**N**	**N**	**Y**	**N**	**Y**
Iowa	**N**	**N**	**Y**	**N**	**Y**
Kansas	**N**	**N**	**Y**	**Y**	**Y**
Kentucky	**N**	**N**	**N**	**N**	**Y**
Louisiana	**N**	**N**	**Y**	**Y**	**Y**
Maine	**N**	**N**	**N**	**N**	**No Statute**
Maryland	**N**	**N**	**N**	**N**	**Y**
Massachusetts	**N**	**N**	**Y**	**N**	**Y**
Michigan	**N**	**N**	**Y**	**N**	**Y**
Minnesota	**N**	**Y**	**N**	**N**	**Y**
Mississippi	**N**	**N**	**N**	**N**	**Y**
Missouri	**N**	**Y**	**N**	**Y**	**Y**
Montana	**N**	**N**	**Y**	**N**	**Y**
Nebraska	**N**	**N**	**N**	**N**	**Y**
Nevada	**N**	**N**	**Y**	**N**	**Y**
New Hampshire	**Y**	**Y**	**N**	**N**	**Y**
New Jersey	**N**	**N**	**Y**	**N**	**Y**
New Mexico	**N**	**N**	**N**	**N**	**Y**
New York	**N**	**N**	**Y**	**N**	**No Statute**
North Carolina	**N**	**N**	**N**	**N**	**Y**
North Dakota	**N**	**N**	**N**	**N**	**Y**
Ohio	**N**	**N**	**Y**	**N**	**Y**

Table 2 (continued)

Oklahoma	**N**	**N**	**N**	**N**	**Y**
Oregon	**N**	**Y**	**N**	**N**	**Y**
Pennsylvania	**N**	**N**	**N**	**N**	**Y**
Rhode Island	**N**	**Y**	**N**	**N**	**Y**
South Carolina	**N**	**N**	**Y**	**N**	**Y**
South Dakota	**N**	**N**	**N**	**Y**	**Y**
Tennessee	**N**	**N**	**N**	**Y**	**Y**
Texas	**N**	**N**	**Y**	**Y**	**Y**
Utah	**N**	**Y**	**Y**	**N**	**Y**
Vermont	**N**	**N**	**Y**	**N**	**Y**
Virginia	**N**	**N**	**N**	**N**	**Y**
Washington	**N**	**N**	**N**	**N**	**Y**
West Virginia	**N**	**N**	**Y**	**N**	**Y**
Wisconsin	**N**	**N**	**N**	**N**	**Y**
Wyoming	**No Statute**	**No Statute**	**N**	**Y**	**No Statute**
Total	**4**	**9**	**22**	**10**	**50**

Note. The data collected in this table was retrieved and compiled by J. Uliano (2019) through analyzing each individual state law pertaining to the possession of firearms in K-12 public schools.

An In-depth Review and Comparison of State Laws through the U.S. Court of Appeals

This section describes and compares individual state laws governing the categories included in Table 2, while under their assigned United States Court of Appeals. This analysis was conducted to provide educators, school administrators, legislatures, law enforcement, and stakeholders with a clear and concise understanding of established laws in respective state as compared to other states sharing the same U.S. Court of Appeals.

At the time of this study, which concluded on June 1, 2019, the U.S. Supreme Court had only ruled on U.S. v. Lopez (1995), determining that the Gun-Free School Zone Act (1990) was unconstitutional, as discussed in Chapter I. Chapter I also explained amendments to the Gun-Free School Zone Act, including the Commerce Clause, which functioned to make the Act constitutional. In this chapter, cases from U.S. Court Appeals involving the Gun-Free School Zone Act were reviewed. During this review, it was observed that only the First, Third, Eighth, and Eleventh Circuits of the U.S. Court of Appeals heard cases involving the Gun-Free School Zone Act. Of these, the First Circuit heard two separate cases originating from Puerto Rico, while the Third Circuit heard a case originating from the United States Virgin Islands. While this study did not compare cases from Puerto Rico or the U.S. Virgin Islands to states within their U.S. Court of Appeals as they are not counted among the 50 states, these cases have nonetheless established United States caselaw that may be used in future court proceedings.

In this chapter, we learned that the United States Court of Appeals has not heard any cases from school teachers, boards, or administrators challenging their right to implement policy regarding the arming of school employees, pursuant to the Gun-Free School Zone Act, which affords school officials this right. We also learned that the U.S. Court of Appeals had not heard cases involving the right to self-defense via legal possession of firearms pursuant to the Second Amendment. The absence of high court proceedings may be attributed to the novelty of the phenomenon of arming school teachers, which would in turn mean that cases related to this issue remained in the lower courts at the time of this study.

United States Court of Appeals for the First Circuit

The First Circuit Court holds jurisdiction over Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico (United States Courts, 2019). For reasons discussed in the preceding pages, Puerto Rico was purposely excluded from this collection of data.

Table 3

K-12 School Gun Laws under the U.S. Court of Appeals for the First Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Maine	**N**	**N**	**N**	**N**	**No Statute**
Massachusetts	**N**	**N**	**Y**	**N**	**Y**
New Hampshire	**Y**	**Y**	**N**	**N**	**Y**
Rhode Island	**N**	**Y**	**N**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Maine, Massachusetts, and Rhode Island were all found to have laws prohibiting the possession of guns in schools. Maine not only prohibits the possession of guns in K-12 public schools, but the state also imposes a more restrictive school zone than the Gun-Free School Zones Act, reducing it from 1000 feet to 500 feet (Maine Rev. Stat. Title 20-A § 6552(1); Massachusetts General Laws Ch. 269 § 10(J); R.I. General Laws § 11-47-60). New Hampshire is the only state under the First Circuit that does not prohibit the carrying of firearms in K-12 public schools; however, the state does prohibit students from carrying such weapons (New Hampshire Revised Stat. §§ 193-D1 & 193-D3).

Maine and Massachusetts prohibit valid permit holders from carrying concealed weapons in their K-12 public schools, while New Hampshire and Rhode Island allow valid permit holders

to possess and carry concealed weapons in schools (Maine Rev. Stat. Title 20-A § 6552; Massachusetts General Laws Ch. 269 § 10(J); New Hampshire Revised Stat. §§ 193-D1 & 193-D3; R.I. General Laws § 11-47-60).

Maine law does not permit school boards or school officials to enact policy granting an individual the right to carry loaded weapons in their schools; however, according to state law, they are authorized to grant permission to students participating in a supervised educational program, provided the firearm is unloaded. New Hampshire does not give school officials the authority to permit firearms in their schools, though it should be noted that this applies only to students, as New Hampshire does not prohibit adults from legally possessing firearms in schools. Like Maine and New Hampshire, Rhode Island does not authorize school officials to grant permission to those wishing to possess firearms on school grounds (Maine Rev. Stat. Title 20-A § 6552; New Hampshire Revised Stat. §§ 193-D1 & 193-D3; R.I. General Laws § 11-47-60). Massachusetts is the only state in the First Circuit that does authorize school officials to enact policy allowing the possession of firearms in their schools (Massachusetts General Laws Ch. 269 § 10(j)).

No states under the First Circuit have laws granting school teachers or other school employees the right to possess firearms while on school grounds and while performing their duties as educators in K-12 public schools (Maine Rev. Stat. Title 20-A § 6552; Massachusetts General Laws Ch. 269 § 10(J); New Hampshire Revised Stat. §§ 193-D1 & 193-D3; R.I. General Laws § 11-47-60). Massachusetts, New Hampshire, and Rhode Island all permit the presence of armed law enforcement officers in their schools (Massachusetts Gen. Laws Ch. 71 § 37P; New Hampshire Rev. Stat. § 186:11; Rhode Island Gen. Laws § 16-21.5-1).

Each of these states place emphasis on deploying officers who have received specialized training in dealing with school-aged children that takes into consideration students' developmental needs. For example, under Massachusetts Gen. Laws Ch. 71 § 37P officers assigned to a school are identified as:

> School Resource Officers who have received specialized training in child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and behavioral threat assessment methods.

Maine is the only state that does not have an applicable law governing the placement of armed law enforcement officers in schools; however, despite not having an established law, many school districts throughout Maine work with their local police departments to ensure that there is a police presence in their schools. For example, the Sanford Police Department instituted and deployed armed school resource officers in their public schools for the purpose of performing "traditional law enforcement duties, counseling, educational courses, crisis management, active shooter response, and mentoring," (Sanford Police Department, 2019).

United States Court of Appeals for the Second Circuit

The Second Circuit Court holds jurisdiction over Connecticut, New York, and Vermont (U.S. Court, 2019). All three states under the Second Circuit were found to be remarkably similar in comparing the categories used in this study, although they differed slightly in the subsection associated with state statutes governing the possession of firearms in K-12 public schools (see Table 4).

Connecticut, New York, and Vermont all prohibited guns in or on the property of public schools, which includes the prohibition of the concealed weapons. Connecticut differs slightly

from the other two states, allowing hunters to traverse school grounds with their weapons if those weapons remain unloaded, pending approval from the local school board (Connecticut Gen. Stat. § 53a-217b; New York Penal Law § 265.01-a; 13 V.S.A. § 4004-a).

Table 4

K-12 School Gun Laws under the U.S. Court of Appeals for the Second Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Connecticut	**N**	**N**	**Y**	**N**	**Y**
New York	**N**	**N**	**Y**	**N**	**No Statute**
Vermont	**N**	**N**	**Y**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Each state under the Second Circuit grants school boards and/or school administrators the right to establish policies allowing firearms in their schools for educational programs. Connecticut is less restrictive in that it allows school policies to dictate who can and who cannot possess weapons, with law including a subsection that states, "A person in accordance with an agreement entered into between school officials and such person or such person's employer," (Connecticut Gen. Stat. § 53a-217b). This subsection does allow individuals the right to possess firearms in Connecticut public schools, provided permission has been granted by the governing body of the school. Interestingly, the subsection does not state an intended purpose for possessing firearms in Connecticut schools, such as possessing a weapon for self-defense.

None of the states under the Second Circuit permit the arming of school teachers. Notably, this includes the State of Connecticut, home to the Sandy Hook Elementary School, the

site of one of the most catastrophic school shootings in United States history (Connecticut Gen. Stat. § 53a-217b; New York Penal Law § 265.01-a; 13 V.S.A. § 4004-a).

Criminal statutes governing Connecticut and Vermont contain language explicitly authorizing law enforcement to possess weapons on school grounds when performing specific law enforcement duties. However, according to the statutes reviewed, it was unclear whether off duty or retired law enforcement officers are permitted to possess firearms without authorization from a school official (Connecticut Gen. Stat. § 53a-217b. subsection 9; 13 V.S.A. § 4004-a). New York does not have a statute allowing armed law enforcement in schools; however, on March 5, 2018, the New York Senate passed Bill S6798A, sponsored by Senator Simcha Felder, calling for deployment of armed police officers in every New York school. Also passed by the New York Senate on March 5, 2018 were Bills S7810A & S7811A, which permit armed retired law enforcement officers to work as school resource officers in public schools, under the Comprehensive School Safety Plan. At the time of this study, the bills had not been delivered to Governor Andrew Cuomo for his review (New York Senate, 2019).

New York contains the largest school district in the United States, New York City, which has a public-school population approaching one million (U.S. Census, 2016). Currently, New York City schools are staffed with unarmed school safety agents, who work under the control of the New York City Police Department and are required to receive seventeen weeks of police academy training, excluding the use of firearms (NYPD, 2019).

United States Court of Appeals for the Third Circuit

The Third Circuit Court holds jurisdiction over Delaware, New Jersey, Pennsylvania, and the United States Virgin Islands (U.S. Courts, 2019). For reasons explained in the preceding pages, the United States Virgin Islands were purposely excluded from this collection of data.

See Table 5.

Table 5

K-12 School Gun Laws under the U.S. Court of Appeals for the Third Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Delaware	**N**	**N**	**N**	**N**	**Y**
New Jersey	**N**	**N**	**Y**	**N**	**Y**
Pennsylvania	**N**	**N**	**N**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

All three states evaluated under the Third Circuit had legislation prohibiting the possession of guns in their schools. They all also prohibited the carrying of concealed weapons, including by individuals who possess a state issued permit to do so (Delaware Code Title 11, § 1457(a); New Jersey 2C:39.5e; Pennsylvania Title 18, § 912(a, b). Unlike New Jersey and Pennsylvania, Delaware extends their school zones, defined under "Safe School and Recreation Zones" to include, "any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school." The established Safe School and Recreation Zone aligns with the Gun-Free School Zones Act, measuring a radius of 1000 feet (Delaware Code Title 11, § 1457(c)1). Pennsylvania Title 18, § 912 (c) also states, "It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course *or is possessed for other lawful purpose*." This provision is absent from Delaware and New Jersey law, and as discussed in Chapter II, led to the Tamaqua School Board

enacting Education Policy 705 which permitted teachers and other school employees to carry weapons for self-defense, although later temporarily withdrawn, citing the aforementioned lawsuits.

New Jersey is the only state in the Third Circuit to grant school boards and school officials the right to authorize a person possessing a valid permit to carry concealed weapons in public schools (New Jersey 2C:39.5e). Language used in Pennsylvania's law differs in this category, indicating that school officials may grant permission in cases where a firearm is "used in conjunction with a lawful supervised school activity or course" (Pennsylvania Title 18, § 912 (c)).

Delaware and New Jersey law do not have a specific statute allowing teachers and other school employees to carry firearms while performing their duties. On February 13, 2019, the Schuykill County Court dismissed all lawsuits filed against the Tamaqua School Board challenging Policy 705, citing insufficient evidence that the policy violates state law or is detrimental to the safety and wellbeing of students (Whalen, 2019). In April 2019, Larry Witting, President of the Tamaqua School Board announced at a school board meeting that Policy 705 was no longer suspended and would be reinstated in light of the lawsuits being dismissed. Witting acknowledged that the court's decision was under appeal by the teacher's union, but nonetheless announced the policy would move forward. Witting also acknowledged arming of school teachers would not occur in the near future, and promised "transparency," (Wojcik, 2019).

At the time of this study, Policy 705 was the only standing school policy in the State of Pennsylvania that permits teachers and other school employees to carry concealed firearms while working as educators. The policy is currently protected by Pennsylvania Title 18, § 912 (c).

According to Delaware legislation, police officers are authorized to carry their firearms while working in schools. Delaware has also extended this provision to armed private security personal contracted by a school (Delaware Code Title 11, § 1457(h)). Pennsylvania grants permission to police officers when guns are "possessed for a lawful purpose," for example, when police officers working in their official capacity (Pennsylvania Title 18, § 912 (c)). New Jersey legislation governing possession of weapons does not include law enforcement officers; however, there is no prohibition noted. New Jersey also permits armed police officers to work as school resource officers in their schools under N.J. Rev. Stat. § 52: 17B-71.8, and in 2016, granted retired law enforcement officers' permission to work as armed Class III Special Police Officers in their schools (N.J. Stat. Ann. § 40A:14-146.15). Class III Special Police Officers cannot have more than a five-year break from active duty to be considered, must not be over the age of sixty-five, and must undergo the same training as a school resource officer. (Pushman, 2017).

United States Court of Appeals for the Fourth Circuit

The Fourth Circuit Court holds jurisdiction over Maryland, North Carolina, South Carolina, Virginia, and West Virginia (U.S. Courts, 2019; see Table 6).

Table 6

K-12 School Gun Laws under the U.S. Court of Appeals for the Fourth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Maryland	**N**	**N**	**N**	**N**	**Y**
North Carolina	**N**	**N**	**N**	**N**	**Y**
South Carolina	**N**	**N**	**Y**	**N**	**Y**

Virginia	**N**	**N**	**N**	**N**	**Y**
West Virginia	**N**	**N**	**Y**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Maryland, North Carolina, South Carolina, Virginia, and West Virginia all have legislation prohibiting guns in their schools. Likewise, each of these states prohibits the possession of concealed weapons (CCW) in their schools, although South Carolina, North Carolina, Virginia, and West Virginia allow valid CCW permit holders to house their weapon(s) inside parked vehicles on school grounds, with the requirement that the weapon(s) be secured at all times. Each state legislation under this Circuit permits possession of weapons in schools provided they are being used in either an authorized school activity, such as a shooting event, or for educational purposes (Maryland Code Crim. Law § 4-102; North Carolina General Stat. § 14-269.2); South Carolina Code § 16-23-420; Virginia Code 18 § 18.2-308.1; West Virginia Code § 61-7-11a).

Despite similarities in the first two datasets in the categoric table, West Virginia legislation has incorporated the 2004 Law Enforcement Officer Safety Act (LEOSA), also known as H.R. 218 (West Virginia Code § 61-7-11a(2)), which exempts retired law enforcement officers from state laws prohibiting CCW, thus making it legal for retired law enforcement officers to carry concealed weapons in schools with or without a CCW permit. Since the enactment of H.R. 218, questions and concerns have surfaced regarding retired officers possessing CCW on school grounds, because the act does not supersede federal laws, such as the Gun-Free School Zones Act. The Gun-Free School Zone Act only exempts individuals from possessing CCW if they have a valid state issued in their respective state. Therefore, H.R. 218 does not grant retired officers blanketed permission to carry in public schools without also

obtaining a state CCW permit (F.O.P., 2019). At the time of this study, the Gun-Free School Zone Act had not been amended to include H.R. 218 as one of its exemptions, and without subsections included in the West Virginia legislation, it is possible that it would be illegal for a retired police officer to possess concealed weapons in public schools, despite legally possessing them under H. R. 218.

South Carolina is the only state in the Fourth Circuit that gives permission to school officials to enact policies authorizing individuals to possess weapons in their schools, including the hiring of private security guards who are not law enforcement officers (South Carolina Code § 16-23-420). All five states prohibit teachers and other school employees from possessing firearms while performing their duties as educators (Maryland Code Crim. Law § 4-102; North Carolina General Stat. § 14-269.2; South Carolina Code § 16-23-420; Virginia Code 18 § 18.2-308.1; West Virginia Code § 61-7-11a).

Each state assigned to the Fourth Circuit permits law enforcement officers to possess firearms on school grounds while performing their official duties. This provision also applies to school resource officers who are regularly assigned to a given school. Each state also permits off-duty law enforcement officers to possess firearms on school grounds (Maryland Code Crim. Law § 4-102; North Carolina General Stat. § 14-269.2); South Carolina Code § 16-23-420; Virginia Code 18 § 18.2-308.1; West Virginia Code § 61-7-11a).

North Carolina grants local chiefs of police the authority to organize a volunteer school safety officer program, and to deploy non-salaried special police officers to work as armed officers in their public schools. A Volunteer School Safety Officer:

> must have prior experience as either (i) a sworn law enforcement officer or (ii) a military police officer with a minimum of two years' service. If a person with experience as a

military police officer is no longer in the armed services, the person must also have an honorable discharge. A program volunteer must receive training on research into the social and cognitive development of elementary, middle, and high school children and must also meet the selection standards and any additional criteria established by the chief of police.

Volunteer School Safety Officers must be proficient in the use of firearms to the same degree as active law enforcement officers, and must meet the established standards to maintain their status as special officers. This status also grants full police powers to those working as Volunteer School Safety Officers, while performing their official duties (North Carolina General Stat. § 160A-288.4).

United States Court of Appeals for the Fifth Circuit

The Fifth Circuit Court has jurisdiction over Louisiana, Mississippi, and Texas (U.S. Courts, 2019; see Table 7).

Table 7

K-12 School Gun Laws under the U.S. Court of Appeals for the Fifth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Louisiana	**N**	**N**	**Y**	**Y**	**Y**
Mississippi	**N**	**N**	**N**	**N**	**Y**
Texas	**N**	**N**	**Y**	**Y**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Louisiana, Mississippi, and Texas all prohibit the possession of firearms in K-12 public schools. Each state also prohibits possession of concealed weapons regardless of possession of a valid permit. Mississippi, however, does permit mail carriers to possess firearms on school grounds when performing their official duties, despite not being commissioned law enforcement officers. Each state allows students to possess firearms on school grounds provided they are participating in a supervised activity or educational purpose. Each state law also grants permission to law enforcement officers to possess firearms on school grounds (Louisiana Rev. Stat. Ann. § 14:95.2; Mississippi Code § 97-37-17(2); Texas Penal Code § 46.03(a)(1)).

Louisiana and Texas both grant school boards and administrators the authority to enact policies allowing individuals to possess firearms in their schools. For example, Louisiana legislation § 14:95.2(c)2 states that "a school official or employee acting during the normal course of employment" shall be exempt from laws prohibiting the possession of firearms on school grounds. Unlike other states that grant permission to school boards and administrators, Louisiana law includes the specific language to do so in subsection (c)2. Subsection (c)3 grants school principals the authority to allow individuals to legally possess firearms on school grounds. Reviewing and comparing both subsections, it is clear that a school employee would not have to seek approval from their school principal if they wished to carry firearms during their course of employment.

Texas has instituted a school marshal program, which entitles the Board of Trustees of a School District to appoint a school employee or employees as school marshals, provided that any such written program includes the arming of the appointee (Texas Educ. Code Ann. § 37.0811). School marshals must attend eighty hours of training on preventing and responding to active school shooters, medical first aid, legal studies, the use of deadly force, and handgun

qualifications similar to those required of commissioned law officers. School marshals must pass a psychological examination before being licensed. After an appointee is licensed, his or her license is valid for two years, and recertification is only granted after the appointee completes a sixteen-hour refresher course and passes another psychological examination. School district trustees must inform parents and guardians whenever marshals are deployed in their schools, identities of school marshals are kept confidential (Texas Occupations Code Tit. 10, Ch. 1701.260).

United States Court of Appeals for the Sixth Circuit

The Sixth Circuit Court holds jurisdiction over Kentucky, Michigan, Ohio, and Tennessee (U.S. Courts, 2019; see Table 8).

Table 8

K-12 School Gun Laws under the U.S. Court of Appeals for the Sixth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Kentucky	**N**	**N**	**N**	**N**	**Y**
Michigan	**N**	**Y**	**Y**	**N**	**No Statute**
Ohio	**N**	**N**	**Y**	**N**	**Y**
Tennessee	**N**	**N**	**N**	**Y**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

All states under the Sixth Circuit prohibit the possession of weapons in schools. Kentucky and Ohio require school administrators to place signs throughout their schools indicating the school is a gun-free zone, which is not a requirement of the Gun-Free School Zones Act (1990). Kentucky, Michigan, and Tennessee allow students to possess and use

firearms in supervised school programs. An example of this is outlined in Section 5 of Tennessee. Code Ann. § 39-17-1309, which states, "Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties" (Kentucky Rev. Stat. Ann. § 527.070; Michigan. Comp. Laws Ann. § 750.237; Ohio Rev. Code Ann. § 2923.122; Tennessee. Code Ann. § 39-17-1309).

Despite Kentucky's prohibition of guns on school grounds, legislation allows hunters to hunt on school property with the approval of the governing body during lawful hunting season. Kentucky also permits hunters to traverse through school property with their weapons during lawful hunting season, unless the property is posted as a designated no-hunting zone. Michigan is the only state allowing possession of concealed weapons in schools provided the individual has a valid permit to do so from the State of Michigan. Michigan also grants valid permit holders from other states permission to carry concealed weapons in their schools (Kentucky Rev. Stat. Ann. § 527.070; Michigan. Comp. Laws Ann. § 750.237).

Ohio and Michigan were the only states under this Circuit court that grant permission to school boards and administrators to authorize the lawful carrying of concealed weapons of school grounds. These applicable laws also grant school boards and administrators the authority to hire private armed security officers who are not law enforcement officers, through an established written contract allowing security personnel to carry weapons in an assigned public school while in the performance of their duties (Ohio Rev. Code Ann. § 2923.122; Michigan. Comp. Laws Ann. § 750.23).

Tennessee is the only state in Sixth Circuit that permits educators to carry concealed weapons during their course of employment, which is governed by Tennessee School Health

Laws. However, Tennessee does not permit all their public schools to arm their educators, granting only permission to "Distressed Rural Counties" (Tennessee Code § 67-6-104). "Distressed Rural Counties" refers to development districts with populations between 17,000 and 17,100, and non-development districts with populations between 5,000 and 5,100. Counties eligible for this status are financially challenged, with high unemployment rates and low family incomes (Tennessee Code § 67-6-104).

Armed educators in Tennessee are recruited on a volunteer basis, and not compensated for additional responsibilities associated with this status. Educators wishing to volunteer must first obtain a concealed weapon permit and complete 40 hours of firearms training at their local law enforcement agency, which includes the same training that peace officers receive under Tennessee Peace Officer Standards and Training. Armed educators must requalify annually with their weapons, and take a refresher course consisting of sixteen hours of training. In addition to firearms training, armed educators are taught techniques concerning how to respond to active school shooters, attending to victims of school shootings, legal issues, and use of deadly force (Tennessee Code § 67-6-104).

While working in their designated place of employment, armed educators may remain anonymous, but when working at interscholastic events, they must identify themselves as armed school security. School administrators must maintain a database of their armed employees and provide names and other pedigree information to local law enforcement. Schools with armed educators may only have one armed volunteer per every one hundred students. The cost of a volunteer's weapon and training is incurred at the expense of the participating individual and not at the expense of the school, although state law does not prohibit schools from covering these expenses. If a school is no longer designated as belonging to a distressed rural county, the policy

permitting armed educators is voided, and the armed volunteers have less than thirty days to relinquish their roles (Tennessee Code § 67-6-104).

United States Court of Appeals for the Seventh Circuit

The Seventh Circuit Court holds jurisdiction over Illinois, Indiana, and Wisconsin (U.S. Courts, 2019; see Table 9).

Table 9

K-12 School Gun Laws under the U.S. Court of Appeals for the Seventh Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Illinois	**N**	**N**	**N**	**N**	**Y**
Indiana	**N**	**N**	**Y**	**N**	**Y**
Wisconsin	**N**	**N**	**Y**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Illinois, Indiana, and Wisconsin prohibit firearms in their schools, including possession of concealed weapons regardless whether a person has been issued as permit by their respective state. Illinois and Indiana allow firearms on school grounds if the weapon is being used in an approved supervised school activity. Indiana's legislation uses more restrictive language than Illinois, requiring weapons to be secured in a student's vehicle only on days that an official event is scheduled. Wisconsin law permits hunters to hunt on school property provided the property is

located within a forest and a school board has granted permission (720 Illinois Comp. Stat. Ann. 5/24-1; Indiana Code Ann. § 35-47-9; Wisconsin Stat. § 948-605).

Indiana is the only state that grants school boards and school administrators the authority to give permission to individuals who wish to carry concealed firearms on school grounds (Indiana Code Ann. § 35-47-9). Each state under this Circuit permits armed law enforcement in their schools. Illinois is the only state that allows armed private security who are not law enforcement officers (720 Illinois Comp. Stat. Ann. 5/24-1; Indiana Code Ann. § 35-47-9; Wisconsin Stat. § 948-605). Wisconsin legislation grants permission to retired officers from their state, in addition to active and retired law enforcement from outside states provided they possess proper identification indicating that they can carry concealed weapons (Wisconsin Stat. § 941.23(2)).

United States Court of Appeals for the Eighth Circuit

The Eight Circuit Court holds jurisdiction over Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota (U.S. Courts, 2019; see Table 10).

Table 10

K-12 School Gun Laws under the U.S. Court of Appeals for the Eighth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Arkansas	**N**	**N**	**N**	**N**	**Y**
Iowa	**N**	**N**	**Y**	**N**	**Y**
Minnesota	**N**	**Y**	**N**	**N**	**Y**
Missouri	**N**	**Y**	**N**	**Y**	**Y**
Nebraska	**N**	**N**	**N**	**N**	**Y**

North Dakota	**N**	**N**	**N**	**N**	**Y**
South Dakota	**N**	**N**	**N**	**Y**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota all prohibit possession of firearms on school grounds. Arkansas, Minnesota, Nebraska and North Dakota permit firearms when lawfully used in an approved and supervised educational program or competitive sport. Minnesota and Missouri allow possession of concealed weapons when an individual is authorized by the state through an issued permit. Missouri grants this right to individuals who possess valid permits issued by the state in which they reside. North Dakota does not allow concealed weapons on school grounds; however, this law does not pertain to municipal, state, and federal judges. This exemption is also extended to employees of the North Dakota Attorney General's Office. In order to be eligible for this exemption, the aforementioned must first complete and maintain firearms training identical to the standards and requirements of law enforcement officers. The states permits law enforcement officers to possess firearms on school grounds (Arkansas Code. Ann. § 73-119; Iowa Code Ann. § 724.4B; Minnesota Stat. Ann. § 609.66(1)(d); Missouri Rev. Stat. 571.030.1(10); Nebraska Rev. Stat. 28-1204.04; North Dakota Cent. Code § 62.1-02-05; South Dakota Codified Laws § 13-32-7).

Missouri and South Dakota are the only two states under the United States Court of Appeals for the Eighth Circuit that have established laws implementing the arming of school employees (Missouri Rev. Stat. 160.665; South Dakota Codified Laws § 13-64-1). Missouri legislation permits their school boards to enact policies accepting school employees as volunteer "School Protection Officers." School Protection Officers are permitted to carry concealed firearms or non-lethal self-defensive sprays capable of temporarily incapacitating a combative

person. School employees seeking to become School Protection Officers must first petition their local superintendent through a written request, which indicates that the employee possesses a valid permit to carry concealed firearms issued by the State of Missouri and has completed the required School Protection Officer training. School Protection Officer training is established by the Missouri Peace Officer Standards and Training Commission, which requires candidates to complete training in preventing school violence, responding to school violence, legal issues, defensive and deadly force, self-defense sprays, and firearms (Missouri Rev. Stat. 160.665).

After all the requirements have been met, school boards must hold a public meeting addressing any questions or concerns before the employee can be appointed as a School Protection Officer. If an appointment is approved, the school board must publish the appointment in local and county newspapers, giving public notice to their citizens. The appointing school board has less than thirty days to inform the Missouri Director of Public Safety of the name and other pedigree information of the appointee, including the name of the school that the School Protection Officer will be working at. School boards may financially compensate School Protection Officers using their funding, as state funding for these programs is prohibited (Missouri Rev. Stat. 160.665).

According to South Dakota Codified Laws § 13-64-1,

> A school board may implement school sentinel program. Any school board may create, establish, and supervise the arming of school employees, hired security personnel, or volunteers in such manner and according to such protocols as the board may believe to be most likely to secure or enhance the deterrence of physical threat and defense of the school, its students, its staff, and members of the public on the school premises against violent attack. Those so authorized shall be referred to as *school sentinels.*

Before enacting a school sentinel program, school boards must first receive approval from the chief law enforcement officer who has jurisdiction over their school. Before enacting the policy and after receiving authorization from the chief law enforcement officer, school boards may elect to hold a vote on an election ballot, through a petition consisting of five percent of their voting population. The results of the vote must be published for at least two weeks, notifying local citizens. If approved, the school board cannot require a school employee to become a school sentinel, and those being appointed must voluntarily commit. School boards who elect not to participate in the school sentinel program cannot be held civilly liable by those challenging their decision not to participate (South Dakota Codified Laws § 13-64-1).

School sentinel candidates must complete eighty hours of training approved by the South Dakota Law Enforcement Training Commission. This training consists of the use of firearms, use of force, legal issues, self-defense, and medical first aid. In addition to the training, school sentinels must possess a valid concealed carry permit issued by the State of South Dakota and be seen by a medical doctor declaring that the sentinel is fit for duty (S.D. Attorney General, 2019).

United States Court of Appeals for the Ninth Circuit

The Ninth Circuit Court holds jurisdiction over Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. The Ninth Circuit holds jurisdiction over more states than any other United States Court of Appeals (U.S. Courts, 2019; see Table 11).

Table 11

K-12 School Gun Laws under the U.S. Court of Appeals for the Ninth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*

Alaska	**N**	**N**	**Y**	**N**	**Y**
Arizona	**N**	**N**	**N**	**N**	**Y**
California	**N**	**Y**	**N**	**N**	
Hawaii	**No Statute**	**No Statute**	**No Statute**	**No Statute**	**No Statute**
Idaho	**N**	**N**	**Y**	**Y**	**Y**
Montana	**N**	**N**	**Y**	**N**	**Y**
Nevada	**N**	**N**	**Y**	**N**	**Y**
Oregon	**N**	**Y**	**N**	**N**	**Y**
Washington	**N**	**N**	**N**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington have laws prohibiting possession of firearms on school grounds. However, California and Oregon permit the use of firearms on their school grounds during school shooting events or for educational programs. Hawaii's weapons law does not have a statute pertaining to the permission or prohibition of firearm possession on their school grounds; for this reason, a person would only be found in violation of possession if the weapon was used in the commission of a crime (Alaska Stat. Ann. § 11.61.210; Arizona Rev. Stat. Ann. § 13-3102(A); California Penal Code § 626.9(b); Idaho Code Ann. § 18-3302C; Montana Code Ann. § 45-8-361; Nevada Rev. Stat. Ann. § 202.265; Oregon Rev. Stat. Ann. § 166.370; Washington Rev. Code Ann. § 9.41.280).

Oregon is the only state in the Ninth Circuit that permits the carrying of concealed firearms on school grounds, provided the individual has a valid permit issued by the State of Oregon. Hawaii does not have any applicable state statutes allowing or prohibiting the possession of concealed weapons on school grounds; therefore, the possession of weapons are

only criminal if the weapon is used in the commission of a crime. Interestingly, California has a subsection (California Penal Code § 626.9(3)) that reads, "When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety," exempting a victim of a domestic violence who has a court-approved restraining order against another from laws prohibiting the possession of concealed weapons on school grounds. Interestingly, the subsection makes no mention of school teachers or school employees, and at the time of this study, it could not be determined whether a school employee who is a victim of domestic violence with an active restraining order would be permitted to possess concealed firearms during their official duties.

Alaska, Arizona, Idaho, Montana, and Nevada give school boards and school officials the authority to grant permission to individuals who possess a valid state issued permit to carry concealed weapons on their school grounds. Hawaii has no relevant state statute, and at the time of this study it could not be determined whether school officials have enacted policies allowing or prohibiting the possession of concealed firearms on school grounds. Every state in the Ninth Circuit allows law enforcement officers to carry weapons on school grounds. California (Cal. Penal Code § 830.32) is the only state that allows retired law enforcement to possess weapons on school grounds. Idaho and California are the only two states under the Ninth Circuit that permit use of armed private security who are not law enforcement officers. Hawaii has no applicable statute regarding police officers carrying weapons on school grounds (Alaska Stat. Ann. § 11.61.210; Arizona Rev. Stat. Ann. § 13-3102(A); Idaho Code Ann. § 18-3302C; Nevada Rev. Stat. Ann. § 202.265).

Idaho is the only state that authorizes school employees to carry concealed weapons during the scope of their employment (Idaho Code Ann. § 18-3302D). One example of this is the Garden Valley School District's Policy 9410 (School Facilities: Firearms Policy and Procedure), which states,

> It is the intention of the Garden Valley School District to provide a safe, disciplined and drug free school environment for all who visit and occupy our buildings. Pursuant to its authority under Idaho Code, the School Board may, from time to time, authorize specific District employees to possess certain firearms or other equipment on school property, at school- sponsored or school related events, and at Board meetings. Selection and authorization of employees shall be in compliance with this policy and any other applicable rules or regulations of the District. The Superintendent shall issue written authorization to an approved employee. Any duties performed by an employee under this policy shall be considered within the course and scope of his or her employment.

Policy 9410 is governed by the following state statutes: Idaho Code §18-3302D; Idaho Code §19-201; Idaho Code §19-202A; Idaho Code §19-20, which authorizes school boards to enact these policies, and also establishes guidelines and directives that must be followed. Before an employee of the Garden Valley School District is allowed to carry firearms while on duty in a school, they must first undergo a psychological exam and obtain an enhanced concealed carry weapons permit, which is equivalent to the standards imposed on law enforcement officers. Armed employees must also be properly trained prior to possessing firearms on school grounds, which includes de-escalation and escalation training, including the use of deadly force. The training provided must be issued by a qualified private or law enforcement source, and certified by the National Rifle Association. Emphasis is placed on practical scenarios, such as a "shoot,

don't shoot" practicum. Once qualified, armed teachers must train and requalify at least three times per year using their issued firearm. Issued weapons must be stored in a secured location on school grounds, and cannot be carried while a teacher is off duty. Emphasis is placed on the continuation of force, which begins with constructive and authoritative communications to de-escalate a potentially violent encounter. The continuation of force also outlines the use of physical force and chemical agents such as self-defense sprays and batons (blunt striking device). In some cases, less-lethal equipment is issued, such as a Taser, which is a weapon that shoots electrified barbs at a combative person, causing temporary paralysis and incapacitation (Garden Valley School Policy, 2016).

Armed educators employed by the Garden Valley School District are issued bulletproof ballistic vests, handcuffs, and handheld radios linked directly to their local police department. Handguns limited to revolvers and semi-automatic weapons (capable of only firing one bullet at a time) are also issued. Long guns, such as semi-automatic rifles, are also readily available, but cannot be carried and must be in a secured location. The cost equipment is covered by the school district. The Garden Valley School Board has the authority to decide whether a teacher can open carry in a plain view holster rather than covertly carrying the weapon in a concealed fashion (Garden Valley School Policy, 2016).

United States Court of Appeals for the Tenth Circuit

The Tenth Circuit Court holds jurisdiction over Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming (U.S. Courts, 2019; see Table 12).

Table 12

K-12 School Gun Laws under the U.S. Court of Appeals for the Tenth Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Colorado	**N**	**N**	**N**	**N**	**Y**
Kansas	**N**	**N**	**Y**	**Y**	**Y**
New Mexico	**N**	**N**	**N**	**N**	**Y**
Oklahoma	**N**	**N**	**N**	**N**	**Y**
Utah	**N**	**Y**	**Y**	**N**	**Y**
Wyoming	**No Statute**	**No Statute**	**N**	**Y**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Colorado, Kansas, New Mexico, Oklahoma, and Utah have legislation in place prohibiting weapons in their K-12 public schools. Wyoming does not have a statute permitting or prohibiting the possession of weapons in their schools, and only criminal offenses associated with a weapon would constitute unlawful possession of a weapon, similar to Hawaii legislation, which falls under the jurisdiction of U.S. Court of Appeals for the Ninth Circuit. New Mexico and Utah are the only two states that prohibit guns in schools but authorize their presence during approved and supervised activity. Utah is the only state that allows the possession of concealed weapons, provided an individual possesses a valid permit issued by the state. Each state under the Tenth Circuit allows law enforcement officers to possess firearms in schools, with New Mexico and Oklahoma granting permission to private non-law enforcement security officers. None of the legislation under this Circuit court grants retired law enforcement the right to carry concealed weapons in their schools (Colorado Rev. Stat. § 18-12-105.5(1); Kansas Stat. Ann. § 21-6301(a)(11); New Mexico Stat. Ann. § 30-7-2.1; Oklahoma Stat. Tit. 21, § 1277(A)(3); Utah Code Ann. § 76-10-505.5; Wyoming Stat. 21-3-132).

Only the states of Kansas and Utah give school boards and school officials the authority to grant permission allowing individuals with valid concealed carry weapon permits issued from their respective states. Wyoming gives school officials the authority to grant school employees permission to possess concealed weapons during the scope of their normal duties as educators (Kansas Stat. Ann. § 75-7c10; Oklahoma Stat. tit. 21, § 1280.1; Wyoming Stat. 21-3-132).

Kansas and Wyoming are the only two states that allow teachers and other school employees to carry concealed weapons in their schools. Kansas has fewer requirements than Wyoming, as Kansas legislation allows the governing body to establish policies and the requirements associated with school employee possession of concealed weapons, provided the individual being granted permission is authorized by the state to possess and carry weapons (Kansas Stat. Ann. § 75-7c-20(a)). In March of 2018 and in the wake of the Parkland, Florida incident, Kansas Representative, Blake Carpenter authored House Bill 2789, Staff As First Emergency Responders (SAFER), which would hold schools and school districts liable if a school shooting takes place on their grounds and they did not arm school employees to deter and defend against school shooters. On March 4, 2018 HB 2789 died in the House committee, and the proposed legislation did not progress further. However, for the purposes of this research, HB 2789 was determined to be worthy of exploring, due to the fact a high-ranking government official introduced the bill that would hold schools liable if they failed to arm school employees; these provisions are not included under any other state legislation or proposed legislation (KS HB 2789, 2018).

Unlike Kansas, Wyoming school boards must work in conjunction with their local law enforcement to establish policies and requirements governing the arming of school employees. A school employee granted permission to carry concealed weapons on school grounds must first

be licensed through an established application process set forth by Wyoming legislation. If an employee is granted permission, he or she must always carry the weapon while on duty or house the weapon in a secured location within the immediate reach of the employee. The only training required consists of 16 hours of firearms training and eight hours of scenario-based training. Additionally, armed employee(s) must maintain no less than 12 hours of annual firearms training leading up to an annual requalification. School superintendents must inform parents and guardians that their children's school employs armed personnel. The superintendent must also inform local law enforcement whenever an employee is granted this permission (Wyoming Stat. 21-3-132).

United States Court of Appeals for the Eleventh Circuit

The Eleventh Circuit Court holds jurisdiction over Alabama, Florida, and Georgia (U.S. Courts, 2019; see Table 13).

Table 13

K-12 School Gun Laws under the U.S. Court of Appeals for the Eleventh Circuit

State	*Guns Permitted*	*CCW Permitted*	*School Approval*	*Armed Teachers*	*Armed Police*
Alabama	**Y**	**Y**	**N**	**N**	**Y**
Florida	**N**	**N**	**N**	**Y**	**Y**
Georgia	**N**	**N**	**Y**	**N**	**Y**

Note. The above states were grouped according to U.S. Courts (2019): Geographic Boundaries https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

Florida and Georgia both prohibit the possession of firearms with or without a permit. In comparison to Florida and Georgia, Alabama is much more liberal with their gun laws, allowing anyone who does not demonstrate intent to cause bodily harm to possess firearms in K-12 public

schools. Each state under the Eleventh Circuit permits firearms on public school grounds during approved and supervised educational or sporting events. Each state also allows armed law enforcement on school grounds, with Alabama also allowing armed non-law enforcement security officers. Neither state allows retired law enforcement officers to carry concealed weapons (Alabama Code § 13A-11-72(c), (g); Florida Stat. Ann. § 790.115(2)(a); Georgia Code Ann. § 16-11-127.1).

Florida is the only state and the most recent state in the U.S. to enact legislation allowing armed school employees, with the catalyst coming from the February 14, 2018 attack on the Marjory Stoneman Douglas High School in Parkland. Florida legislation Florida Stat. Ann. § 30.15(1)(k) permits a county sheriff to institute a School Guardian Program, named after football coach Aaron Feis, who courageously attempted to physically subdue the school shooter before being fatally shot. At the time that the legislation was enacted, school teachers who had direct contact were not eligible to become school guardians; however, in May of 2019, Governor Ron DeSantis signed SB 7030 into law, granting school teachers permission to volunteer as armed school guardians.

School guardians do not have power of arrest and must possess a permit from the State of Florida to carry concealed weapons before being considered for the voluntary position. In addition to meeting these requirements, school guardians must complete the following training outlined by the Florida Criminal Justice Standards and Training Commission:
132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:

- eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must

include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85% pass rate on the firearms training,

- sixteen hours of instruction in precision pistol,
- eight hours of discretionary shooting instruction using state-of-the-art simulator exercises,
- eight hours of instruction in active shooter or assailant scenarios,
- eight hours of instruction in defensive tactics,
- twelve hours of instruction in legal issues,
- twelve hours of diversity training, and
- annual firearms requalification.

Volunteer school guardians must also pass a psychological examination before being deployed as armed guardians of their schools. Florida is the only state of nine that currently requires armed school employees to submit to a drug test and random drug screenings if they continue to be deployed as school guardians (Florida Stat. Ann. § 30.15).

Conclusion of the Research Findings

At the time of this study, Alabama and New Hampshire allowed guns in their K-12 public schools, while Wyoming and Hawaii had no applicable statute, thus making it legal under state law to possess guns in their K-12 public schools. These findings indicate the presence of a contradiction to the 1990 Gun-Free School Zones Act, which states that it is illegal to possess firearms within one thousand feet of a school zone. The states listed above have circumvented this federal law with their gun laws. In compliance with the 1990 Gun-Free School Zones Act, Alabama, Minnesota, Missouri, New Hampshire, Oregon, Utah, and Rhode Island allow the

possession of concealed weapons in their schools pursuant to 18 U.S.C. § 922(q)(2)(B)(ii), which states, "Individuals holding state licenses or permits to carry firearms in that respective state are exempt from the Act." Wyoming and Hawaii have no relevant statute prohibiting or permitting the possession of concealed weapons, making it legal to possess them unless used in the commission of a crime. This amounts to 18% of U.S. states permitting the possession of concealed weapons, while the remaining 82% elect not to allow concealed weapons in K-12 public schools.

Although 82% of states do not permit the possession of concealed weapons in K-12 public schools, a common exemption exists, permitting them through the approval of a school board or administrator, which increases the number of states allowing the possession of concealed weapons. Currently, the following states allow the governing body authorization to implement policies allowing concealed weapons: Alaska, Arizona, Connecticut, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Jersey, New York, Ohio, South Carolina, Texas, Utah, Vermont, and West Virginia, with Hawaii having no applicable statute. In summary, this indicates an increase in the number of states allowing the possession of concealed weapons in their K-12 public schools.

As noted in the preceding pages, California does not permit the possession of concealed weapons, and their current legislation does not grant the governing body authorization to approve possession on a case-by-case basis. However, their legislation includes provisions for victims of domestic violence who have active restraining orders against their perpetrator allowing them to carry concealed weapons, provided they can demonstrate the need, such as the fear of being in "grave danger." Individuals granted this right are exempt from California laws prohibiting the possession of concealed weapons in their public schools (California Penal Code § 626.9(3)).

Affording a victim of domestic violence the right to carry concealed weapons is consistent with the Second Amendment and right to self-defense.

Reflecting on Katz v. Medford School District (2009), the Court of Appeals of the State of Oregon sided with the lower court's ruling, which indicated that although Katz was a victim of domestic violence, she could not possess a concealed weapon despite having a valid permit and fearing for her safety. The reason for this was the Medford School District's enacted policies, which she was provided with upon being hired by the school district. California and Oregon differ with respect to governance of the possession of concealed weapons and domestic violence despite both being under the jurisdiction of the United States Court of Appeals for the Ninth Circuit Court.

This research also found that the following nine U.S. states (18%) allow the arming of school employees: Florida, Idaho, Kansas, Louisiana, Missouri, South Dakota, Tennessee, Texas, and Wyoming. However, this research determined that this number may be significantly increased based on the proportion of states that authorize the governing body of K-12 public schools to enact policies allowing individuals with valid permits to carry concealed weapons. Notably, none of the states authorizing school governing bodies specifically prohibit school employees for being allowed to seek and obtain approval from their governing body.

Another notable and common exemption emerging from this public policy analysis not included in the categorical table is that several states allow firearms to be secured in motor vehicles and used in an approved and supervised school function, in compliance with the Gun-Free School Zones Act, pursuant to 18 U.S.C. § 922(q)(2)(B)(ii). These exemptions may have a considerable effect on the number of guns in public schools or held on school grounds secured in

motor vehicles, which may be accessible to potential school shooters during school hours and other extra curriculum activities.

Lastly, all 50 states either permit armed law enforcement in their schools or have no applicable statute preventing them from entering a K-12 public school while armed. This research also found that many states allow governing bodies of K-12 public schools to hire private security on contract, in keeping with those states' authorization of public school governing bodies to enact policies allowing armed personnel in the schools they administer.

At the time of this study, the United States Court of Appeals had heard seven cases post-Lopez (1995). Four of these cases sided with the lower court's rulings, upholding the charges and convictions of individuals who possessed firearms in a school zone, while three cases reviewed by the higher courts were overturned, resulting in the charges and convictions of individuals possessing firearms in a school zone being dropped.

The Eighth Circuit was the first high court to hear a case post-Lopez (1995) in U.S. v. Danks (1999), in which Danks argued that his conviction should be overturned due to the Commerce Clause, which was excluded from the 1990 Gun-Free School Zones Act. The Eighth Circuit ruled that Danks was in fact in violation at the time of his criminal offense, because the Commerce Clause was introduced post-Lopez, and it was after the Lopez case that the Gun-Free School Zone was amended to include the Commerce Clause.

The Ninth Circuit heard U.S. v. Dorsey (2005), who argued the same as Danks, on the grounds that the Commerce Clause was not included in the original Gun-Free School Zone Act; however, this high court reached the same ruling as the Eighth Circuit, indicating that the Commerce Clause was added to the original 1990 Act prior to Dorsey's crime, thus making him in violation as well.

In 2007, the Ninth Circuit Court heard U.S. v. Nieves-Castaño, who was arrested for drug distribution and possession of firearms in a school zone; however, on appeal, Nieves-Castaño argued that she did not know she was in a designated school zone. After hearing the appeal, the Ninth Circuit upheld the lower's court rulings, citing that the government proved that Nieves-Castaño knew she was in a school zone, adding that any reasonable person should know if they are within 1000 feet of a school.

The United States Court of Appeals for the Eleventh Circuit was the first high court to overturn the conviction of an individual for possessing a firearm in a gun-free school zones post-Lopez, in U.S. v. Tait (2000). The Eleventh Circuit ruled that despite threatening a student at a local high school and possessing a firearm, he did not violate the Gun-Free School Zones Act, because at the time of his arrest he was a valid permit holder and thus authorized to possess concealed weapons.

In 2004, the Third Circuit Court ruled on U.S. v. Haywood, overturning his conviction for possessing a firearm in a gun-free school zone following an armed robbery, because the government failed to prove that Haywood knew he was in a school zone at the time of his arrest, due to the lack of posted signage indicating that it was a school zone. In 2014, the First Circuit Court ruled in the same manner as the Third Circuit Court during U.S. v. Haywood, on the case of U.S. v. Guzman-Montanez, concluding that the government failed to prove that Guzman-Montanez knew he was in a designated school zone at the time of his arrest.

At the time of this study all cases heard in the United States Court of Appeals stemmed from a criminal offense, as none of the courts heard cases challenging the legal possession of firearms for self-defense in a school zone. The highest court to rule on a case concerning the legal possession of firearms for self-defense was the Court of Appeals of the State of Oregon,

Katz v. Medford School District (2009), who chose not to petition the United States Court of Appeals for the Ninth Circuit.

The constitutionality of the Gun-Free School Zone Act (1990) as heard in the appellate courts does not infringe upon individual rights, due to the addition of the Commerce Clause post-Lopez (1995). However, the overturned convictions in U.S. v. Haywood (2004) and U.S. v. Guzman-Montanez (2014) suggest that there is a sense of caution among the courts who have indicated that the government bears the burden of proof to demonstrate that an individual has a clear and concise understanding that he or she is possessing a firearm in a gun-free school zone, prior to establishing criminal charges.

Remarkably, all the cases heard relate to events that stemmed from criminal charges, which was the intended purpose of the 1990 Gun-Free School Zones Act. As this federal law was instituted as part of the Crime Control Act with the intention of reducing gun violence and other firearms related crimes, as outlined in Chapter I. In addition, this research found no evidence to suggest that the Gun-Free School Zones Act was designed to deny law-abiding citizens their right to self-defense under the Second Amendment, and only placed restrictions on this right, while also allowing the states to enact discretionary policies and laws granting individuals the right to lawfully protect themselves through the possession of firearms. Furthermore, the Gun-Free School Zone Act fails to reference the arming of school employees, once again leaving it up to the individual states to enact laws either prohibiting or permitting their public-school employees to carry firearms during their employment.

Despite the established constitutionality of the Gun-Free School Zones Act, the debate continued throughout the duration of this public policy analysis, which spanned a two-year period that concluded in July of 2019. For example, on June 11, 2019, Republican Congressman

Thomas Massie, representing the state of Kentucky, reintroduced a 2007 failed bill, known as the Safe Students Act (H.R. 3200) that was proposed by Congressman Ron Paul, a Libertarian representing the state of Texas. H.R. 3200 was first proposed by Paul as a repeal of the Gun-Free School Zones Act, which he believed would reduce school gun violence (Lington, 2019).

Since the bill failed initially, Massie has attempted to have the Act repealed, with subsequent attempts failing also; however, more recently, he has gained the support of the following seven co-sponsors, representing six different states: Rep. Justin Amash (R-MI), Rep. Jody Hice (R-GA), Rep. Jeff Duncan (R-SC), Rep. Matt Gaetz (R-FL), Rep. Loui Gohment, Rep. James Comer, and Rep. Brain Babin (R-TX; Congress.Gov, 2019).

H.R 3200 aligns with ideology of President Donald Trump, who has spoken publicly about eradicating the Gun-Free School Zones Act, because he believes it has caused more harm than good and does not effectively deter active school shooters. Following his reintroduction of H.R. 32000 Rep. Massie stated, "Gun-free zones are ineffective and make our schools less safe. 98 percent of mass public shootings since 1950 have occurred in places where citizens are banned from having guns." Rep. Massie added, "Banks, churches, sports stadiums, and many of my colleagues in Congress are protected with firearms. Yet children inside the classroom are too frequently left vulnerable." Co-sponsor, Rep. Jeff Duncan (R-SC) also commented, stating, "The only thing gun-free zones do is disarm law-abiding citizens and take away their ability to protect themselves and others. We shouldn't leave our most vulnerable – our children – in an unsafe environment like gun-free zones where acts of violence cannot be stopped," (Lington, 2019).

Rep. Massie based his statistical analysis on a 2018 report authored by the Crime Prevention Research Center (CPRC), which reported that 98% of all public mass shootings

occurred in gun-free zones, including public schools, between 1950 and May 24, 2018. The analysis conducted by CPRC used the Federal Bureau of Investigation's definition of a mass public shooting that was updated in 2013 to include shootings on public property with three or more fatalities, excluding the offender from the count. These statistics slightly decreased between 1998 and 2015, during which it was reported that 96% of all mass public shootings have occurred in gun-free school zones (CPRC, 2019).

In conclusion to the findings of this research, the current debate does not revolve around the Second Amendment, but rather revolves around making schools safer, through the possibility of arming more school employees, which has an increased viability since the 2017 election of President Donald J. Trump and the 2018 Parkland, Florida shooting. This increased viability is evident in the remarks of Sheriff Bob Gualtieri, Commissioner of the Marjory Stoneman Douglas High School Public Safety Commission assigned to investigate the Parkland, Florida shooting, who stated in his final report that he found it disturbing that attempts to confront the shooter, Nikola Cruz, failed because school employees were unarmed. These remarks were followed by a recommendation of arming school employees to deter future attacks and to also appropriately respond to them in an event that other safeguards fail. Because of the commission's report, Florida's legislature ultimately agreed with the recommendation by a majority vote and in 2019, Florida Governor Ron DeSantis signed the bill allowing school employees, including teachers, to carry concealed weapons during their course of employment.

Another recent indication of an increased viability of arming more public-school employees was observed in Bill HR 3200 Safe Students Act, introduced by Rep. Thomas Massie, which relies not on the language of the Second Amendment to make a case, but rather the safety

and security of students through the possession of lawfully possessed firearms, which he and his co-sponsors indicated is they only available option at this time.

The next chapter will include recommendations for school boards, school administrators, law enforcement, legislatures, and stakeholders regarding policies and legislation concerning the arming of school employees, in addition to discussing available alternatives.

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

Introduction

This public policy analysis was a three-prong study that first identified individual state legislation either allowing or prohibiting the possession of firearms in K-12 public schools, while also reviewing exemptions as defined in sub-sections of established laws. The second prong involved an evaluation of state legislation related to the possession of firearms in K-12 public schools, and a comparison of the legislation through regionally-assigned United States Courts of Appeals to determine how they differ, and to shed light on any contradictions with regard to the courts' interpretation or application of the Gun-Free School Zones Act. The last prong consisted of the analyzing rulings of the United States Courts of Appeals to determine whether the Gun-Free School Zones Act violates the Second Amendment. This three-prong study was guided by the research questions listed below, which began with the following overarching question:

To what extent does the Gun-Free School Zones Act impact the U.S. Constitution's Second Amendment, when affording teachers, a right to self-defense through the legal possession of firearms within K-12 public schools?

After establishing the overreaching question, I then used the following research questions to guide me throughout this public policy analysis:

1. How have the appellate courts ruled on cases related to the Gun-Free School Zones Act in accordance with the Second Amendment and the Constitutionality of the Act?
2. How have the appellate courts ruled on cases brought before them by K-12 public school teachers, who have challenged the Gun-Free School Zones Act, in accordance with the Second Amendment right?
3. How do United States firearm laws at the state-level compare, including the permission of arming school teachers, as analyzed through their assigned appellate courts?
4. Do school boards and administrators have the authority to enact policy allowing school teachers and other school employees to carry concealed weapons during the performance of their duties?

These research questions exposed a need for an in-depth public policy analysis, since the ever-growing debate concerning the arming of school employees as a way of preventing and reacting to school shootings has significantly increased, since the 2012 Sandy Hook Elementary School shooting and most recently, the 2018 Marjory Stoneman Douglas High School incident.

The following policy recommendations were constructed drawing on court rulings from the United States Court of Appeals, established caselaw, state legislation, and the outlined exemptions in accordance with the Gun-Free School Zones Act. Throughout this qualitative analysis, the most significant variable observed emerged from research question 4: "Do school boards and administrators have the authority to enact policy allowing school teachers and other school employees to carry concealed weapons during the performance of their duties?" As cited throughout this study, school boards and school administrators do in fact have the right to authorize the carrying of firearms in K-12 public schools, pursuant to the Gun-Free School Act;

however the research findings indicate that only 21 states are currently allowing school officials to make the critical decision to either prohibit or permit the carrying of weapons in their public schools. Before moving forward with recommendations for school administrators, state legislatures, and stakeholders, alternatives to arming school employees will be discussed.

Alternatives to Arming K-12 Public School Teachers

After the Columbine attacks, the single most preventive measure suggested was learning the warning signs and remaining vigilant of these signs, but that has since changed, as more proactive and reactive approaches are beginning to take shape. For preventive measures to work, a strategic plan must be implemented for addressing a situation when warning signs have been uncovered. Federal, state, and local governments have mandated that schools work hand-in-hand with law enforcement agencies to develop action plans. Typically, the first plan of action involves mandating training for all personnel employed in K-12 public schools, requiring them to receive training on how to recognize the warning signs and appropriately report their observations.

The next plan of action mandates that all schools be equipped with the appropriate resources to address the needs of their at-risk students, through the establishment of school counselors, school psychologists, peer support groups, and participation in the anti-bullying campaign. The last plan of action is the development of a response plan in the event of an actual active shooter. This plan should be established by law enforcement officials and school leaders in a joint effort to ensure that it can be successfully executed. A typical response plan includes the sounding of an alarm, followed by a lock down of the school requiring all students, teachers,

school employees, and visitors to position themselves in a secured area until law enforcement personnel determine the school is safe.

A lockdown of the school is designed to keep students from running in open hallways, which would make them more vulnerable to gun fire. Another purpose is to prevent the school shooter from entering classrooms and or offices until law enforcement officers arrive on scene. Lastly, the lockdown is initiated so law enforcement officers can move more quickly through the school as they search for the shooter without having to evacuate students that are running toward them. In most states, K-12 public schools are required to drill for active shooters just as they are required to drill for fire alarms. School officials are held accountable for drilling and are routinely monitored by law enforcement officials to ensure that their schools are compliant with established training and guidelines.

Some states, such as New Jersey have established a School Security Task Force to assist school districts with implementing an active shooter plan. In 2007, then-Governor Chris Christie announced that the task force would be randomly testing school responses to an active shooter by holding unannounced lockdown drills, as a way to assess the preparedness of schools, offering critiques and recommendations for improvement. The New Jersey task force is also responsible for issuing annual reports pursuant to the legislative enactment of P.L. 2013, C.142, outlining their findings and ultimately publishing their recommendations with the intention of making New Jersey schools safer. One notable recommendation routinely made by the task force is the deployment of school resource officers and or retired special law enforcement officers, which was discussed in Chapter IV (N.J. School Security Task Force, 2015).

The United States Department of Homeland Security has also been very actively involved in K-12 public school safety and security. Like New Jersey's School Security Task Force, the

Department of Homeland Security has issued recommendations on how to improve school security, in particular targeting potential school shooters, and how a school can be better prepared to handle these acts of gun violence.

In 2018, the U.S. Department of Homeland Security (DHS) published their second edition report titled "K-12 School Security: Guide for Preventing and Protecting Against Gun Violence." The report begins by illustrating statistics reported by the Federal Bureau of Investigations, which indicated that there were 250 active shooter incidents in the United States from 2000 – 2017 and of these, K-12 active shooter incidents accounted for 14.8% (37 incidents). The 2018 report conveys what they believe to be the most critical part in preventing school violence; the reporting phase. Under the reporting phase, the phrase "If You See Something Say Something" was coined post 9-11, and has made its way into public, private, and educational sectors throughout the United States. More recently, the Suspicious Activity Report (SAR) initiative has taken shape, providing a defined system of how and to whom one should report suspicious activity. SAR also places emphasis on training adults and K-12 students how to recognize and report suspicious activity through an organized reporting system that uses anonymous voice messaging, text messaging, and or established e-mail hotlines staffed by school employees assigned to Threat Assessment Teams (TAT), who are then tasked with notifying law enforcement (United States DHS, 2018).

Threat Assessment Team members are trained to receive, evaluate, and disseminate reported threats to law enforcement, who then investigate the validity of the threat. TAT members are also trained to recognize warning signs associated with student behavior to determine whether a student or students are a threat to themselves or others (United States DHS, 2018).

According to Dr. Mary Ellen O'Toole, Special Agent in Charge with the Federal Bureau of Investigations, the most important warning sign associated with a school shooter or potential school shooter is referred to as "Leakage." Leakage refers to the intentional or unintentional act of revealing feelings, thoughts, fantasies, and or actions that may signify their intention to harm others. Leakage has been identified in the past on social media, in diaries, journals, writing assignments, and in audio and video recordings. Another form of leakage is attempts to recruit others into either helping them plan an attack or physically participate in the attack. In many cases leakage is a cry for help that takes place prior to and leading up to the point of crisis. Leakage should and must be taken seriously and addressed through the appropriate plan of action (O'Toole, 2012).

Other warning signs include low tolerance of normal stress, poor coping skills, failed relationships, depression, alienation, dehumanization of others, lack of or decreased empathy, externalized blaming, low self-esteem, inappropriate humor, manipulation of others, lack of trust, socially inept or isolation, change in behavior, extreme interest in violence, fascination with violence, and negative role models. Reviewing and reflecting upon case studies, one can easily begin to piece together factors that may lead an individual to become a school shooter, which occurs with the culmination of many of these signs (O'Toole, 2012).

Family dynamics also play a contributing role in leading an individual to a crisis. In many cases, students in crisis come from broken or dysfunctional homes, with frequent relocation, divorce, death of a parent, or a history of domestic violence. In these cases, students have displayed signs of a change in behavior, but it is difficult for parents to accept that their child may be going through something. In fact, parents often defend their child's behavior or discredit warning signs, sometimes blaming bullying, or simply live in a state of denial. Some

parents do not set enough rules or boundaries, and the child may use intimidation when their parent(s) try to impose disciplinary actions. Parents also sometimes allow their child too much privacy, not showing enough interest in the child's school and social life, which may cause them to withdraw from their peers and society without intervention (O'Toole, 2012).

School dynamics also play a major role in leading students to a crisis, including detachment from teachers, peers and social events, disrespectful behavior, inequitable discipline, unsupervised computer access, inflexible culture, and being a member of a lower pecking order, as they perceive more popular individuals as being more important than they are, which leads to poor self-esteem (O'Toole, 2012). Lastly, social dynamics is also a significant role as students are often poorly influenced by the media, social media, peer groups that share the same violent interests and tendencies, drugs and alcohol, and the copycat effect, whereby the student admires and emulates the violent acts of others (O'Toole, 2012).

The 2018 DHS K-12 School Security Report concludes that educational facilities are different from each other, and establishing a more safe and secure school environment is challenging based on their diverse needs, but suggests that advanced technology may assist in fulfilling these needs. The report outlines (but does not endorse) the following products for schools aiming to be more reactive and proactive when dealing with a school shooter:

- Closed-Circuit Video (CCV) and Motion Detectors –These are designed to monitor who is entering and exiting a school, using a forensic tool to track and relay the shooter's location to law enforcement responding to the incident. Unlike CCV, motion detectors do not offer visual footage, but can be used to track an unexpected intruder.

- Door Blockers and Locks – The installation of door locks on all exterior perimeter doors and interior classrooms is key to an effective lockdown of a school. Door Blockers are used where doors are not available, such as common areas like hallways and cafeterias. These devices generally span the length of an area, acting as a corral, secured with locking mechanisms to reduce the mobility of an active shooter.
- Gunshot Detection- This is a technologically-advanced system originally designed for the military and law enforcement that uses sound receivers placed strategically on school property to detect and report the sound of gunshots, which can be integrated on computerized maps for school officials and responding law enforcement in order to pinpoint shooting location.
- Integrated Application Based Services – These services are technologically advanced to offer teachers and other school employees the ability to sound silent panic alarms that are sent to local law enforcement or school resource officers on-location. These services also allow for the activation of a school lockdown, CCV monitoring on handheld devices, and deployment of distracting devices such as strobe lights and smoke cannons.
- Mass Notification – Either separate or in conjunction with integrated application-based services, mass notification via text messaging and e-mails is used to alert school teachers and other employees that an intruder or active shooter has breached a school. In most cases, this notification system can also be integrated with law enforcement in an effort to reduce response time.
- Smoke Cannons and Strobe Lights – These devices are generally installed in the ceiling of common areas and are remotely activated, designed to disorient and distract

an active shooter as he or she attempts to navigate through a school. These devices are also designed to reduce shooter mobility by delaying their actions as responding law enforcement make their way into the school.

- School Resource Officers – The deployment of active law enforcement officers assigned to work at a specific school or shared between schools with in a district.

Ironically, despite being published in 2018, the DHS report makes no reference to arming school teachers and other school employees as a means of deterring and combating school shooters. It might be argued that this controversial subject has been purposely omitted by those tasked with making recommendations. However, it cannot be denied that the issue of arming school teachers remains at the forefront of the school security debate, routinely surfacing not only on the local level, but often in conversations happening at the highest levels of government. This camp includes the President of the United States, who has indicated that he believes the current school safety recommendations and practices are inadequate based on the frequencies of these events and number of casualties.

In summary, there are alternatives to arming school employees as outlined above, with greatest emphasis being placed on recognition of warning signs and establishing a reporting system that ensures immediate notification of law enforcement. Ideally, in a perfect world these alternatives would eliminate the debate of arming school employees, but as evident from recent school shootings, warning signs are often missed; in the Parkland, Florida incident, offender Nikolas Cruz had multiple contacts with law enforcement, but unfortunately still found his way into Marjory Stoneman Douglas High School. This has kept the debate at the forefront of discussions on this subject among school administrators, state legislatures, and other stakeholders.

Recommendations for School Boards and Administrators

First and foremost, members of our public-school boards and administrators must adhere to legislation regarding the possession of firearms in K-12 public schools, and they must have a clear and concise understanding of such legislation. If a K-12 public school belongs to a state that authorizes school officials to enact policies allowing the possession of firearms in their schools, several considerations must be addressed. First, a decision must be reached regarding who will be allowed to possess weapons in their schools, such as visitors and employees. This public policy analysis focused on school safety and security. The permission of armed visitors may create a risk that could lead to a potential school shooting, as they cannot be monitored or identified in the same manner that a designated school employee can be, as school employees must adhere to an enacted school policy in accordance with the legal possession of weapons under state legislation.

If a school board is aiming to increase school safety and security through the possession of firearms in their schools, it would be reasonable for the board to prohibit visitors from carrying weapons, and limiting it to only qualified and approved employees. The aim of this prohibition is not gun-control, but rather to prevent an unknown person from carrying a deadly weapon on school grounds, which may potentially become an active shooter incident if the visitor intends to cause harm.

If the governing body of a school wishes to arm their school employees, policies and procedures must be established in accordance with the law, and with the guidance of law enforcement. As observed in in many of the states allowing school employees to carry weapons, they first require the employee to accept the increased responsibilities of carrying a firearm during their regularly-assigned duties as educators. Seeking only volunteer employees

eliminates the need for increasing armed employees' salaries. Mandating employees to carry firearms would require some sort of compensation, and could lead to litigation by employees challenging the mandate. As observed in all the states that allow the carrying of firearms, firearms should remain concealed and out of the view of students and members of the public visiting the school. It was also noted when evaluating states allowing the carrying of concealed weapons that employee volunteers must first obtain a permit from their respective state.

When enacting policies permitting school employees to carry concealed weapons, a strong emphasis needs to be placed on background checks and training. To ensure the integrity of background checks and training, the best practice (as noted in sub-sections of laws within the states allowing educators to carry firearms) is mirroring what is required of law enforcement officers before they are permitted to carrying firearms. For example, law enforcement officers in New Jersey must undergo a psychological examination to ensure their mental stability, in addition to a random drug screening, in order to remove the possibility of officers carrying a firearm while under the influence or impaired. Furthermore, extensive criminal history background checks are conducted to determine whether the applicant has a criminal past or history of violence, which would in most cases disqualify an individual from employment (NJ State Police, 2019). School policies should also indicate that failure to these minimum requirements would disqualify school employees from being armed.

After the above minimum requirements have been satisfied, training requirements should be outlined in the school's policy. Once again, the best practice to mirror what is observed in the training of law enforcement officers, to ensure that a school employee is proficient in the use of firearms. A typical model to assist in the establishment of training school employees can be found in the New Jersey Division of Criminal Justice Police Training Commission Basic

Firearms Course Manual, which lists the following: Safe handling of handguns, weapon retention, shooting fundamentals and principles, shooting exercises, and successfully completing a handgun qualifications course with a minimum score of 80%, while shooting sixty rounds of ammunition from different distances and positions. As mandated for law enforcement officers, armed school employees should be required to complete biannual firearms qualification and training to ensure that they are still fit to carry a firearm. All initial and biannual firearms training should be conducted by a certified law enforcement firearms instructor (N.J. PTC, 2009).

Another element that should be included in the training of armed school employees and outlined in school policy is the use of force, which is designed to teach an armed person a continuation of force that begins with verbal commands, which can legally escalate to the use of deadly force (N.J.S.A. 2C:3-4). A typical model that can be adopted in school policies is found in the New Jersey Attorney General's Use of Force Guidelines, which includes: Constructive Authority (verbal commands), Physical Contact (detention), Physical Force (defensive tactics), Mechanical Force (use of defensive chemical sprays), and Deadly Force (to prevent the death or serious bodily injury to another; N.J.A.G. Guidelines, 2000).

Also outlined in the use of force is the understating of imminent danger and substantial risks associated with the discharge of a firearm when deploying deadly force. Limitations of force are also taught, including that deadly force cannot be used to protect property or against individuals who are only inflicting injury on themselves (N.J.A.G. Guidelines, 2000).

Among the states that allow their K-12 public school employees to carry concealed weapons, providing medical first aid and verbal de-escalation training—though not a necessity—is a good practice that should be included in the schools' policy. Lastly, school boards and

administrators who enact policies authorizing their employees to carry concealed weapons should notify students' parents and guardians that armed educators have been deployed in their schools. However, confidentiality of those tasked with carrying concealed weapons should be protected unless the individual state law requires them to be identified.

School boards in states that prohibit them from authorizing an individual to carry concealed weapons must adhere to the law when preventing and reacting to an active school shooter. These can be provided by their local law enforcement agency or through exploring the alternatives to arming school employees that were mentioned at the beginning of this chapter.

Recommendations for State and Federal Legislators

Currently, the debate surrounding the Gun-Free School Zones Act continues, and with each large school shooting the controversy increases significantly, as seen following the Sandy Hook Elementary School (2012) and the Marjory Stoneman Douglas High School (2018) massacres. At the time of these most recent school shootings, both schools were identified as being gun-free; however, the concept of being gun-free failed to protect their students and staff, as the perpetrators simply chose not to comply with the law.

Through the course of this study, no evidence was unearthed that suggested that the Gun-Free School Zones Act is unconstitutional, and rather than seeking an eradication of this law that does not violate rights (as determined by the United States Court of Appeals overseeing appeals challenging the Act), it would be more reasonable to include exemptions in an addendum. One future recommendation for an addendum that emerged throughout the course of this study is that the Gun-Free School Zones Act only apply in cases where a weapon is used for an unlawful purpose in a designated school zone. This recommendation aligns with the Act's original intended purpose of reducing gun-violence associated with the commission of a crime—Gun

violence committed by criminals and not by law-abiding citizens adhering to the Second Amendment and state legislation.

Another recommendation is to remove the burden from school boards and administrators, who are currently tasked with deciding whether to allow or prohibit firearms in their schools for self-defense. The most feasible way to do this is by increasing law enforcement personnel and placing them in our schools. As this study indicated, all 50 states permit armed police officers in their K-12 public schools; therefore, it is suggested that these highly trained professionals be deployed in schools rather than implementing new state laws and school polices. Deploying armed law enforcement rather than school employees also elevates the arguments of educational labor unions who do not want school employees armed. Increasing our law enforcement presence does come with an increased financial burden, but the lives of innocent children should not be dictated based on funding.

When the government enacts new public policies, the expense of implementing these policies is always taken in consideration. When passed, the government bears the burden of funding new policies, which may require increased taxation that is often met with resistance from taxpayers. There are alternatives that could significantly reduce the expense of putting armed law enforcement in our schools. One example of reducing the cost of placing armed law enforcement officers in our schools is to use recently retired officers, as initiated by the State of New Jersey (discussed in Chapter IV), who enacted N.J. Stat. Ann. § 40A:14-146.15, commonly referred to as "Class III Special Police Officers." In New Jersey, Class III Special Police Officers are exclusively assigned to K-12 public schools and work under the jurisdiction of the law enforcement agency that covers the school district. These special police officers work just below fulltime status, which eliminates the need to supply health insurance and other benefits,

yielding astronomical savings when compared to the cost of deploying fulltime law enforcement officers. Another savings observed when deploying special officers is their salary, as their part-time rate can be as much as 50% less per hour compared to full-time officers.

To make this a more viable option across the United States, the federal legislature should create an addendum to the Gun-Free School Zones Act, exempting retired law enforcement officers from the Act, through recognizing the Law Enforcement Officers Safety Act, commonly referred to as "H.R. 218," which allows retired law enforcements to carry concealed weapons similar to off-duty active law enforcement officers. If federal legislature fails to exempt retired officers from the Gun-Free School Zones Act, state legislatures can enact laws granting retired law enforcement officers the right to carry concealed weapons, in relation to H.R. 218, as seen in West Virgin in accordance with West Virginia Code § 61-7-11a(2).

Another example that could significantly reduce the cost of placing armed law enforcement officers in K-12 public schools is the use of a volunteer reserve or special police officer program, as observed in North Carolina in accordance with North Carolina General Stat. § 160A-288.4, which allows a local police chief to create a "Safety Officer Program" consisting of commissioned non-salaried officers to work as armed police officers, having successfully completed the required training that fulltime officers must complete. At the time of this study, North Carolina was the only stated that had such a program, and a recommendation that state legislatures enact similar laws should be considered.

Another option that could reduce the cost of stationing armed law enforcement officers in K-12 public schools, also an alternative to the arming of school employees, is the deployment of non-law enforcement armed private security, which was observed among many states during this study. This recommendation should be considered by states looking to deploy armed personnel

in their schools while avoiding the arming of school employees. School boards and administrators must have a clear understanding of the powers of armed non-law enforcement private security officers. For example, these individuals do not have power of arrest, and their training in most cases is significantly less comprehensive than that of active and retired law enforcement officers assigned to K-12 public schools. Something else that should be considered is that armed non-law enforcement security are monitored by privately-owned companies, and the standards are generally far lower than those law enforcement officers must adhere to.

Recommendation for Future Research

Throughout this qualitative public policy analysis, it was evident that educational labor union leaders are adamantly against the arming of school teachers and other school employees under their collective bargaining unit. A two-prong quantitative study would be beneficial to determine the accuracy of statements made by the union leaders, by first surveying unionized teachers through a series of research questions to determine their perceptions of the arming of teachers and whether they would be willing to volunteer for the increased responsibility of carrying concealed weapons for self-defense. The second prong of this study would consist of surveying parents and guardians of K-12 public school teachers, to gather their perceptions of arming school teachers to act as a possible deterrent against future school shootings.

Another study that would benefit this topic is researching whether gun-free zones encourage criminal offenses by suggesting to perpetrators that they would be unchallenged. This study would work best inside a correctional facility, and would involve surveying and/or interviewing individuals convicted of weapons offenses within a designated school zone. Lastly, building upon my recommendation to place armed law enforcement in our public schools rather

than arming teachers, I believe there is a need for further investigation of the influences and impacts of stationing armed law enforcement in public schools on the student body, school employees, and parents of K-12 public school students.

Conclusion

The burning question surrounding active school shooters is not whether they will happen, but rather when they will happen, as statistical evidence spanning the last two decades beginning with the 1999 Columbine shooting suggests that attacks on our most vulnerable population are imminent. As the debate on how to best mitigate and reduce these attacks rages on, potential school shooters may be lurking outside K-12 public schools contemplating when it is best to attack the defenseless.

The concept of prevention is failing students who simply want to learn in a safe environment conducive to healthy learning. This concept is also failing educators, who have been observed placing themselves in the direct line of fire to protect their students, as seen in the Sandy Hook Elementary School and Marjory Stoneman Douglas High School shootings. Preventative measures such as learning warning signs failed with Adam Lanza (Sandy Hook Elementary School) and Nikolas Cruz (Marjory Stoneman Douglas High School), who both exhibited numerous warning signs that were either overlooked or ignored (F.B.I., 2018).

Other preventative measures, such as lockdown drills, have also failed to protect students and staff, as observed in Sandy Hook Elementary School and Marjory Stoneman Douglas High School; after the attacks, we learned that the alarms were sounded to lockdown. In Sandy Hook Elementary School, when a classroom of first graders was able to make it into their classroom but did not have enough time to lock down the room, the failure brought especially devastating consequences (Roig-DeBellis, 2015).

After the September 11, 2001 attacks on New York City, society demanded that we harden potential targets, which resulted in the mass hiring of law enforcement who were deployed at our bridges, airports, and other mass transportation hubs. When schools are attacked we fail to harden them, and the lessons learned are quickly forgotten until another attack arises.

This public policy analysis was not designed to find an end-all solution to active school shooters; nor was it designed to promote the arming of school teachers or advocate for the eradication of the Gun-Free School Zones Act. This public policy analysis was rather designed to find the best possible methods for increasing the safety and security of K-12 public schools by comparing what each state is doing to make their schools safer. The final conclusion of these findings, which can be implemented to protect schools, is through the deployment of armed law enforcement officers, whether active or retired, as this method is universally permitted across all 50 U.S. states.

References

13 V.S.A. § 4004-a. Retrieved from https://legislature.vermont.gov/statutes/section/13/085/04004

18 U.S. Code § 922. Retrieved from https://www.cornell.edu/uscode/text/922

18 U.S. Code § 921. Retrieved from https://www.cornell.edu/uscode/text/921

720 Illinois Comp. Stat. Ann. 5/24-1. Retrieved from http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072000050K24-1

Achen, P. (2009). Teacher Loses Appeal to Carry Gun at School. Mail Tribune. Retrieved from https://mailtribune.com/news/education/teacher-loses-appeal-to-carry-gun-at-school

Alabama Code § 13A-11-72(c), (g). Retrieved from https://www.atf.gov/file/117136/download

Alaska Stat. Ann. § 11.61.210. Retrieved from https://codes.findlaw.com/ak/title-11-criminal-law/ak-st-sect-11-61-210.html

Arizona Rev. Stat. Ann. § 13-3102(A). Retrieved from https://www.azleg.gov/ars/13/03102.htm

Arkansas Code. Ann. § 73-119. Retrieved from https://codes.findlaw.com/ar/title-5-criminal-offenses/ar-code-sect-5-73-119.html

Austin v. Virginia Department of Criminal Justice (2019). The Circuit Court of Lee County Virginia. Retrieved from https://www.virginiafirst.com/news/local-news/district-pushing-to-arm-teachers-files-lawsuit-state-agencies/1706745832

Black's Law Dictionary (2018). *Legal Dictionary* (2nd ed.). Retrieved from https://thelawdictionary.org/case-law

Bogdan, R., & Bilken, S. (2007). *Qualitative research for education: An introduction to theories and methods* (5th ed). New York, NY. Pearson.

Brenan, M. (2018). Most teachers oppose carrying guns in schools. *Gallup*. Retrieved from https://news.gallup.com/poll/229808/teachers-oppose-carrying-guns-schools

Burton, N. (2012). Our Hierarchy of Needs. *Psychology Today*. Retrieved from https://psychologytoday.com/us/blog/hide-and-seek/201205/our-hierarchy-needs

California Penal Code § 626.9(b). Retrieved from https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=626.9

California Penal Code § 830.32. Peace Officers. Retrieved from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=830.32.

Carper, T. (2018). How a bill becomes a law. Retrieved from http://www.carper.senate.gov/public

Colorado Rev. Stat. § 18-12-105.5(1). Retrieved from https://www.colorado.gov/pacific/cbi/firearmstatutes

Commonwealth of Pennsylvania v. Andrew Josiah Goslin, J. E030006/16. Retrieved from https://caselaw.findlaw.com/pa-superior-court/1788947.html

Commonwealth of Massachusetts General Laws Ch. 71 § 37P. Retrieved from https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37P

Commonwealth of Massachusetts General Laws Ch. 269 § 10 (j). Retrieved from https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section10

Connecticut Gen. Stat. § 53a – 217b: Poss. of Weapons on School Grounds. Retrieved from https://law.justia.com/codes/connecticut/2005/title53a/sec53a-217b.html

Court of Appeals of the State of Oregon. (2009). Katz v. Medford County School District Legal Brief. Retrieved from https://fights4rights.com/doe/2008-03-19-EntireBrief.pdf

Creswell, J., & Miller, D. (2000). Getting good qualitative data to improve educational practice. *Theory Into Practice*, *39*(3), 126–127.

Crime Prevention Research Center (2019). Mass public shootings keep occurring in gun-free zones. Retrieved from https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/

Cullen, D. (2009). *Columbine*. New York, NY: Twelve Hatchett Book Group.

Delaware Code Title 11, § 1457(a). Retrieved from https://delcode.delaware.gov/title11/c005/sc07/

District of Columbia v. Heller, 554 U.S. 570 (2008). Retrieved from https://www.law.cornell.edu/supct/html/07-290.ZS.html

Dwyer, K. (2018). Tamaqua area says teachers have no legal right to sue over armed staff policy. *The Morning Call*. Retrieved from https://www.mcall.com/news/breaking/mc-nws-tamaqua-guns-district-objections-filing-20181207-story.html

Dye, T. (2013). Understanding Public Policy (4th ed.). Upper Saddle River, NJ: Pearson

Ehmke, R. (2018). Anxiety over school shootings. *Childs Mind Institute*. Retrieved from https://childmind.org/article/anxiety-school-anxiety

Florida SB 7030. (2019). Retrieved from https://www.flsenate.gov/Session/Bill/2019/07030

Florida Stat. Ann. § 30.15. Retrieved from http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0030/Sections/0030.15.html

Florida Stat. Ann. § 790.115(2)(a). Retrieved from http://www.leg. state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0790/Sections/0790.115.html

Fraternal Order of Police (2019). H.R. 218, Law Enforcement Safety Act. Retrieved from http://www.fop.net/legislative/issues/hr218/hr218faq.pdf

Foner, E. (March 23, 2008). A massacre and a travesty. *Washington Post*. Retrieved from www.washingtonpost.com/wp-dyn/content/article/2008/03/20.AR2008032003067.html

Freedman, A. (December 16, 2007). Clause and effect. *New York Times*. Retrieved from https://www.nytimes.com/2007/12/16/opinion/16freedman.html

Garden Valley School District (2016). Garden Valley School District Firearms Policy & Procedure. Retrieved from https://coredocs.s3.amazonaws.com/documents/asset/uploaded_file/113557/9410_GVSD_Firearms_Policy___Procedure.pdf

Georgia Code Ann. § 16-11-127.1. Retrieved from https://www.atf.gov/file/117196/download

Giffords Law Center to Prevent Gun Violence. (2017). Retrieved from https://lawcenter.giffords.org

Green, E. (2018). Betsy Devos eyes federal education grants to put guns in schools. *The New York Times* Retrieved from https://www.nytimes.com/2018/08/23/us/politics/devos-guns-in-schools.html

Halbrook, S. (2008). *The founders' second amendment: Origins of the right to bear arms*. Lanham, MD: Ivan R. Dee, Independent Institute.

Hamilton, A., Madison, J., & Jay J. (1787-1788). *The Federalist* [2006]. New York, NY: Barnes and Nobles Classics.

Hawkins, A. (2018). Trump campaigned on allowing teachers to be armed for self-defense. *Breitbart*. Retrieved from https://breitbart.com/politics/2018/02/16/flashback-trump-campaigned-on-allowing-teachers-to-be-armed-for-self-defense

Idaho Code Ann. § 18-3302C. Retrieved from https://legislature.idaho.gov/statutesrules/idstat/title18/t18ch33/sect18-3302c/

Indiana Code Ann. § 35-47-9. Possession of Firearms on School Property. Retrieved from http://iga.in.gov/static-documents/0/e/3/1/0e310c20/TITLE35_AR47_ch9.pdf

Iowa Code Ann. § 724.4B. Retrieved from https://educateiowa.gov/resources/legal-resources/legal-lessons/firearms-school-grounds-march-2018-school-leader-update

Jefferson, T. (1774-1788). *Jefferson's Literary Commonplace Book* [1989]. Princeton, NJ: Princeton University Press

Kansas House Bill 2789 (2018). Retrieved from http://kslegislature.org/ li_2018/b2017_18/ measures/hb2789/

Kansas Stat. Ann. § 21-6301(a)(11). Retrieved from http://kslegislature.org/li_2012/b2011_12/ statute/021_000_0000_chapter/021_063_0000_article/021_063_0001_section/021_063_0001_k/

Kansas Stat. Ann. § 75-7c10. Retrieved from https://ag.ks.gov/docs/default-source/ documents/concealed-carry-statutes.pdf

Kansas Stat. Ann. § 75-7c-20(a). Retrieved from https://csgjusticecenter.org/wp-content/ uploads/2014/03/NCSL-Arming-Staff-Brief.pdf

Kentucky Rev. Stat. Ann. § 527.070. Unlawful Possession of Weapons on School Property. Retrieved from https://codes.findlaw.com/ky/title-l-kentucky-penal-code/ky-rev-st-sect-527-070.html

Kingkde, T. (2013). Rand Paul: Sandy Hook shooting could have been prevented if teachers hand guns. *Huffington Post*. Retrieved from https://www.huffingtonpost.com/2013/ 04/03/04/03/rand-paul-sandy-hook_n_3006743.htmlPost

Li, Olivia. (2016). Trump vowed to eliminate gun-free zones on his first day. It's not nearly that easy. *The Trace*. Retrieved from https://www.thetrace.org/2016/11/donald-trump-eliminate-gun-free-zones

Lington, L. (2019). Congressman Thomas Massie. Presse Release. June 11, 2019. Retrieved from https://massie.house.gov/newsroom/press-releases/congressman-massie-introduces-bill-to-repeal-federal-gun-free-school-zones

Liptak, K. (2018). Trump proposes bonuses for teachers who get gun training. *CNN Politics*. Retrieved from https://www.google.com/amp/s/amp.cnn.com/cnn/2018/02/22/politics/donald-trump-gun-reforms-school-shooting/index.html

Louisiana Rev. Stat. Ann. § 14:95.2. Retrieved from https://www.atf.gov/file/117241/download

MacBradaigh, M. (2013). Gun control myth: Second amendment makes clear guns aren't just for the military. *Mic Network*. New York, NY: Retrieved from https://mic.com/articles/24210/gun-control-myth

Maine Legislature Revised Statutes (2009) Title 20-A: Education § 6552 (1). Retrieved from https://legislature.maine.gov/statutes/20-A/title20-Asec6552.html

Maryland Code Crim. Law § 4-102. Retrieved from http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr&section=4-102&ext=html&session=2019RS

Massachusetts General Laws. Ch 269, Section (10)J. Retrieved from https://malegilatrue.gov. Laws/GeneralLaws

McDaniel, J. (2018). Pa School Board Suspends Armed-Employees Policy Following Lawsuits. *Security InfoWatch*. Retrieved from https://www.securityinfowatch.com/education/news/21043527/guns-in-schools-tamaqua-board-suspends-armedemployee-policy-after-lawsuits

McDonald v. Chicago, 561 U.S. 742 (2010). Retrieved from https://www.law.cornell.edu/supct/cert/08-1521

Michigan. Comp. Laws Ann. § 750.237. Retrieved from http://www.legislature.mi.gov/(S(3vhqidshgwwpcvebi3g0atlv))/mileg.aspx?page=GetObject&objectname=mcl-750-237a

Miles, M.B., & Huberman, A.M. (1994). *Qualitative data analysis: An expanded source book* (2nd ed.). Newbury Park, CA, Sage Publications.

Minnesota Stat. Ann. § 609.66(1)(d). Retrieved from https://www.revisor.mn.gov/statutes/cite/609.66

Mississippi Code § 97-37-17(2). Retrieved from https://www.atf.gov/file/117271/download

Missouri Rev. Stat. 160.665. School Protection Officer. Retrieved from http://revisor.mo.gov/main/OneSection.aspx?section=160.665&bid=7812&hl=

Missouri Rev. Stat. 571.030.1(10). Retrieved from http://revisor.mo.gov/main/OneSection.aspx?section=571.030&bid=33874&hl=

MO Rev. Stat § 509. (2014). Retrieved from https://law.justia.com/codes/missouri/2014/title-xxxviii/chapter-590

Montana Code Ann. § 45-8-361. Retrieved from https://codes.findlaw.com/mt/title-45-crimes/mt-code-ann-sect-45-8-361.html

National Firearms Control Act 1934, Sess. 2, ch. 757, 48 §1236. Retrieved from http://legisworks.org/sal/48/stats/STATUTE-48-Pg1236.pdf

Nebraska Rev. Stat. 28-1204.04. Retrieved from https://nebraskalegislature.gov/laws/statutes.php?statute=28-1204.04

Nevada Rev. Stat. Ann. § 202.265. Retrieved from https://www.leg.state.nv.us/NRS/NRS-202.html#NRS202Sec265

N.J.S.A. 2C:3-4 (2011). Justification of Self-Defense. Retrieved from https://njcourts.gov/attorneys/assets/criminalcharges/justif001.pdf

New Jersey Attorney General Guidelines (2000). Use of Force. Retrieved from https://www.nj.gov/oag/dcj/agguide/useofforce2001.pdf

New Jersey Division of Criminal Justice Police Training Commission (2009). *Basic course firearms training manual*. Retrieved from https://www.state.nj.us/lps/dcj/njptc/manuals/BasicCourseFirearmsManual.pdf

New Jersey State Police. (2019). Minimum qualifications and disqualifications. Retrieved from https://www.njsp.org/recruiting/minimum-qualifications.shtml

New Mexico Stat. Ann. § 30-7-2.1. Retrieved from https://www.atf.gov/file/117306/download

North Carolina General Stat. § 14-269.2. Retrieved from https://www.ncleg.net/Enacted Legislation/Statutes/PDF/BySection/Chapter_14/GS_14-269.2.pdf

North Carolina General Stat. § 160A-288.4. Retrieved from https://www.ncleg.net/Enacted Legislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-288.4.pdf

North Dakota Cent. Code § 62.1-02-05. Retrieved from https://www.legis.nd.gov/cencode/t62-1c02.pdf

New Hampshire Rev. Stat. § 186:11 (2016) School Resource Officer. Retrieved from https://law.justia.com/codes/new-hampshire/2016/title-xv/chapter-186/section-186-11/

New Hampshire Revised Statutes: §§ 193-D1 and 193-D3. Retrieved from http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XV-193-D.htm

N.J. Rev. Stat. § 52:17B-71.8. Retrieved from https://law.justia.com/codes/new-jersey/2013/title-52/section-52-17b-71.8/

N.J. Stat. Ann. § 40A:14-146.15. Retrieved from https://law.justia.com/codes/new-jersey/2009/title-40a/40a-14/40a-14-146-14

N.J.S. 2C:39-5e. Retrieved from https://www.njleg.state.nj.us/2012/Bills/AL13/113_.HTM

Newport, F. (2018). Broad agreement on most ideas to curb school shootings. *Gallup*. https://news.gallup.com/poll/229805/broad-agreement-most-ideas-curb-school-shootings

New York Penal Law § 265.01-a: Crim. Poss. of Weapons on School Grounds. Retrieved from http://www.nycourts.gov/judges/cji/2-PenalLaw/265/art265hp.htm

New York Police Department. (2019). School safety agents. Retrieved from https://www1.nyc.gov/site/nypd/careers/civilians/school-safety-agents.page

The New York State Senate. (2019). Comprehensive school safety package. Retrieved from https://www.nysenate.gov/newsroom/press-releases/senate-passes-comprehensive-school-safety-package-improve-security-and-keep

Office of the South Dakota Attorney General. (2019). School Sentinel Training. Retrieved from https://atg.sd.gov/LawEnforcement/Training/schoolsentinel.aspx

Ohio Rev. Code Ann. § 2923.122. Retrieved from https://www.atf.gov/file/117326/download

Oklahoma Stat. Tit. 21, § 1277(A)(3). Retrieved from https://www.atf.gov/file/117331/download

Oklahoma Stat. Tit. 21, § 1280.1. Retrieved from https://www.atf.gov/file/117331/download

Oregon Rev. Stat. Ann. § 166.370. Retrieved from https://www.oregonlaws.org/ors/166.370

O'Toole, M. (2012). *The School Shooter: A Threat Assessment Perspective*. Quantico, VA: Federal Bureau of Investigation

Panagro, J (2016). *Planning the active shooter drill*. Brick, NJ: Pangaro Training.

Pavlic, K. (2018). Trump slams gun free zones during listening session on school shootings.

Town Hall. Retrieved from https://www.google.com/amp/s/townhall.com/tipsheet/katiepavlich/2018/02/21/trump-blasts-gun-free-zones-hosts-listening-session-with-students-and-teachers-after-parkland-n2452447%3famp=true

Pennsylvania General Assembly (2017–2018). Senate Bill 383. Retrieved from https://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?syear=2017&body=S&type=B&bn=383

Pennsylvania Title 18, § 912(a, b, c). Retrieved from https://codes.findlaw.com/pa/title-18-pacsa-crimes-and-offenses/pa-csa-sect-18-912.html

Pushman, J. (2017). Law enforcement in schools: A new option is available in New Jersey. New Jersey School Boards Association. Retrieved from https://www.njsba.org/news-publications/school-leader/may-june-2017-volume-47-6/law-enforcement-schools-new-option-available-new-jersey/

Ray, M. (2012). Sandy Hook Elementary School Shooting. *Encyclopedia Britannica*. https://britannica.com/event/Newtown-shootigs-of-2012

Rhode Island Gen. Laws. Tittle 16-21.5-1: School Resource Officer. Retrieved from http://webserver.rilin.state.ri.us/Statutes/TITLE16/16-21.5/16-21.5-1.HTM

Rhode Island Gen. Laws Title 11-47-60: Possession of Firearms on School Grounds. Retrieved from http://webserver.rilin.state.ri.us/Statutes/TITLE11/11-47/11-47-60.HTM

Roig-DeBellis, K. (2015) *Choosing hope*. New York, NY: G.P. Putnam's Sons.

Rose, V. (2008). Summary of D.C. v. Heller. OLR Research Report 2008-R-0578. Retrieved from https://cga.ct.gov/2008/rpt/2008-R-0578.htm

Rose, V. (2010). Summary of the Recent McDonald v. Chicago Gun Case. ORL Research Report 2010-R-0314. Retrieved from https://www.cga.ct.gov/2010/rpt/2010-R-0314.htm

S.150, 113th United States Congress (2013-2014). https://www.cogress.gov/bill/113th-congress/senate-bill/150

S.2486, 115th United States Congress (2017-2018). Safe Students Act. Retrieved from https://www.govtrack.us/congress/bills/115/s2486

Safra, S. (Nov. 2000). The Amended Gun-Free School Zones Act: Doubt as to its Constitutionality Remains. *Duke Law Journal, 50,* 637–662.

Sanford Police Department, Maine (2019). School resource officers. Retrieved from https://www.sanfordmaine.org/police

Sherfinski, D. (2018). Trump At NRA convention calls for arming qualified teachers, slams gun-free zones. *The Washington Times*. Retrieved from https://www.washingtontimes.com/news/2018/may/4/donald-trump-nra-convention-calls- arming-qualified

Spenser, T. (2018). Sheriff Supports Armed Teachers to Stop School Shooters. *U.S. News and World Report*. Retrieved from https://www.usnews.com/news/best-states/florida/articles/2018-11-21/sheriff-supports-armed-teachers-to-stop-school-shooters

South Carolina Code § 16-23-420. Retrieved from https://www.scstatehouse.gov/code/t16c023.php

South Dakota Codified Laws § 13-32-7. Retrieved from https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=13-32-7

South Dakota Codified Laws § 13-64-1. School Sentinels. Retrieved from http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=StatuteChapter&Statute=13-64

State of New Jersey. (2015). N.J. school security task force report and recommendations. Retrieved from https://www.state.nj.us/education/schools/security/TaskForceReport.pdf

Sullivan, S. (2012). NRA's Wayne LaPierre: Put "armed police officers" in every school. *Washington Post*. Retrieved from https://www.washingtonpost.com/news/post-politics/wp/2012/12/21/nras-wayne-lapierre-put-armed-police-in-every-school/?utm_term=.C51619176234

Tamaqua Area School District, PA. (2018). Policy Manual. 700, Property 705. Retrieved from https://www.boarddocs.com/pa/tama/Board.nsf/Public#

Tennessee Code Ann. § 39-17-1309. Retrieved from https://law.justia.com/codes/tennessee/2015/title-39/chapter-17/part-13/section-39-17-1309/

Tennessee Code Ann. § 49-6-815. Retrieved from https://www.tn.gov/content/dam/tn/education/csh/csh_school_health_laws_2017.pdf

Tennessee Code § 67-6-104. Retrieved from https://codes.findlaw.com/tn/title-67-taxes-and-licenses/tn-code-sect-67-6-104.html

Texas Commission on Law Enforcement. (2018). School Marshals. Retrieved from https://www.tcole.texas.gov/content/school-marshals

Texas Educ. Code Ann. § 37.0811. School Marshals. Retrieved from https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm

Texas Occupations Code Tit. 10, Ch. 1701.260. Retrieved from https://statutes.capitol.texas.gov/Docs/OC/htm/OC.1701.htm#1701.260

Texas Penal Code § 46.03(a)(1). Retrieved from https://codes.findlaw.com/tx/penal-code/penal-sect-46-03.html

Torres, J. (2017). *The people behind school shootings and public massacres*. New York. NY: Enslow Publishing.

Touchberry, R. (2008). Betsy DeVos Faces Lawsuit from Teachers, Gun Control Group over Proposal to Arm Teachers. *Newsweek*. Retrieved from https://www.newsweek.com/gun-control-teacher-groups-threaten-devos-lawsuit-guns-1090401

United States Census Bureau. (2016). Top ten largest school districts. Retrieved from https://www.census.gov/content/dam/Census/library/visualizations/2018/comm/school-finances.pdf

United States Congress. (2019). H.R. 3200. Retrieved from https://www.congress.gov/bill/116thcongress/housebill/3200/cosponsors?s=1&r=1&overview=closed#tabs

United States Courts. (2018). Court role and structure. Retrieved from https://www.uscourts.gov/about=federal-court-role-and-structure

United States Courts. (2018). Appeals. Retrieved from https://www.uscourts.gov/about-federal-courts/types-cases/appeals

United States Courts. (2018). Supreme Court Procedures. Retrieved from https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme-1

United States Courts (2019). Geographic Boundaries: U.S. Court of Appeals and U.S. District Courts. Retrieved from https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links

University of Missouri. (2018). School Protection Officer Training. Law Enforcement Training Institute. Retrieved from https://extension2.missouri.edu/programs/law-enforcement-training-institute/school-protection-officer-training

U.S. Const. amend. I. Retrieved from https://law.cornell.edu/wex/second_amendment

U.S. Const. amend. XIV. Retrieved from https://www.law.cornell.edu/constitution/amendxiv

U.S. Department of Education. (2017) The facts about school safety. No Child Left Behind Act. Retrieved from https://www2.ed.gov/nclb/freedom/safety/keepingkids.html

U.S. District Court for the District Court of Columbia. (2018). American Federation of Teachers, et al. v. U.S. Department of Education. Case 1:18-cv-03388. Retrieved from https://democracyforward.org/wp-content/uploads/2018/10/Complaint.pdf

U.S. v. Cruickshank 92 v. 542. (1875). Retrieved from https://caselaw.findlaw.com/us-supreme-court/92/542.html

U.S. v. Cruz-Rodriguez, 541 F.3d – Court of Appeals, 1st Circuit 2008. Retrieved from https://caselaw.findlaw.com/us-1st-circuit/1166100.html

U.S. v. Danks, 221 F. 3d 1037 - Court of Appeals, 8th Circuit 1999. Retrieved from https://scholar.google.com/scholar_case?case=17405625671261403263&q=united+states+v.+danks&hl=en&as_sdt=6,31&as_vis=1

U.S. v. Dorsey, 418 F. 3d 1038 – Court of Appeals, 9th Circuit 2005. Retrieved from https://caselaw.findlaw.com/us-9th-circuit/1067767.html

U.S. v. Guzman-Montanez, 756 F. 3d 1, 12 – Court of Appeals 1st Circuit 2014. Retrieved from https://caselaw.findlaw.com/us-1st-circuit/1721347.html

U.S. v. Haywood, 363 F.3d 200 – Court of Appeals, 3rd Circuit 2004. Retrieved from https://law.justia.com/cases/federal/appellate-courts/F3/363/200/531920/

U.S. v. Lopez 514 U.S. 549 (1995). Retrieved from https://www.law.cornell.edu/supct/html/93-1260.ZO.html

U.S. v. Miller, 307 U.S. 174 (1939). Retrieved from https://www.law.cornell.edu/supremecourt/text/307/174

U.S. v. Nieves-Castano, 480 F. 3d 597 - Court of Appeals, 1st Circuit 2007. Retrieved from https://scholar.google.com/scholar_case?case=10051661349890160249&q=united+states+v.+Nieves-Castano&hl=en&as_sdt=6,31&as_vis=1

United States v. Tait, 54 F. Supp 2d 1100 – Court of Appeals, 11th Circuit 1999. Retrieved from https://caselaw.findlaw.com/us-11th-circuit/1177168.html

Utah Code Ann. § 76-10-505.5. Retrieved from https://le.utah.gov/xcode/Title76/Chapter10/76-10-S505.5.html

Virginia Code 18 § 18.2-308.1. Retrieved from https://law.justia.com/codes/virginia/2006/toc1802000/18.2-308.1.html

Washington Rev. Code Ann. § 9.41.280. Retrieved from https://apps.leg.wa.gov/rcw/default.aspx?cite=9.41.280

West Virginia Code § 61-7-11a. http://www.wvlegislature.gov/wvcode/code.cfm?chap=61&art=7

Whalen, J. (2019). Court dismisses teachers lawsuit against gun policy. *Pocono Record*. Retrieved from https://www.poconorecord.com/news/20190214/court-dismisses-teachers-lawsuit-against-gun-policy

Wisconsin Stat. § 948-605. Gun-Free School Zones. Retrieved from https://docs.legis.wisconsin.gov/statutes/statutes/948/605

Wisconsin Stat. § 941.23(2). Retrieved from https://docs.legis.wisconsin.gov/statutes/statutes/941/III/23/2/c/1

Wojick, S. (2019). Tamaqua School Board president says controversial gun policy reinstated. *The Morning Call*. Retrieved from https://www.mcall.com/news/education/mc-nws-tamaqua-reinstates-gun-policy-20190418-ylxexlx52jhwpofml4dnjmy6gq-story.html

Wojick, S. (2018). Tamaqua Area School District policy to arm teachers fires up community. *The Morning Call*. Retrieved from https://www.mcall.com/news/local/mc-nws-tamaqua-looks-to-arm-faculty-20181029-story.html

Wyoming Stat. 21-3-132. Retrieved from https://codes.findlaw.com/wy/title-21-education/wy-st-sect-21-3-132.html

Yin, R.K. (2003). *Case study research: Design and methods* (3rd ed.). Thousand Oaks, CA: Sage.