

BACKGROUND

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Focusing on School Safety After Parkland

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Abstract

There is no question that people on all sides of the school safety conversation want to protect the nation's children against threats of violence, whether in the classroom or at home and in their neighborhoods. Statistically, there is no safer place for children to be than in our schools, but recent events at Parkland and elsewhere highlight significant concerns about the possibility of devastating attacks even in our educational institutions. We can and must do better to guard against future incidents of violence that threaten students, but peace of mind will not be restored by wholesale restrictions on gun ownership or vilification of fundamental constitutional rights. Devising and implementing effective measures will require clear-headed, open-minded, fact-based analyses of proposed policies.

Columbine High School, Sandy Hook Elementary School, Marjory Stoneman Douglas High School—the mere mention of these names evokes raw and searingly painful images and memories of tragedy and of innocent lives, so full of promise, that have been lost due to violence perpetrated by an unhinged current or former student. Responding to these tragedies effectively in the hope of stopping the next one requires careful analysis and sober reflection.¹

Peace of mind with respect to the safety of the nation's students will not be restored by wholesale restrictions on gun ownership or the vilification of fundamental constitutional rights. Rather, if we are to prevent the recurrence of devastating school violence, our approach must be one worthy of the endeavor to value and protect life: an approach that is fact-based, practical, and holistic.

KEY POINTS

- Productive conversations about increasing the safety of schools in the United States cannot occur without a clear, accurate understanding of the threats posed to them.
- One of the main problems with analyzing the relative safety of America's schoolchildren is the lack of a standard definition of what type of incident constitutes a "school shooting."
- The most helpful definitions for purposes of understanding student safety are those that focus only on instances in which firearms are used to harm students or staff during school hours but that also exclude suicides.
- Gun-free zones in the United States have proven to be effective not at preventing gun violence, but at drawing gun violence—not just at schools, but at all gun-free locations.
- Holistic approaches to school safety should include an appreciation of the impact that a chaotic family life can have on a student's feelings of desperation and violent actions.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3295>

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The Kids Are All Right: An Analysis of School Safety in America

How we define the problem should dictate how we understand and respond to it. One of the main problems with analyzing the relative safety of schoolchildren in America is the lack of a standard definition of what type of incident constitutes a “school shooting.” Different organizations have compiled data sets using a wide variety of standards for inclusion, and this has resulted in significant confusion about the scope of the danger posed to children by guns on school campuses.² The most helpful definitions for purposes of understanding student safety are those that focus only on instances in which firearms are used to harm students or staff during school hours but that also exclude suicides.

When evaluating claims regarding the prevalence of school shootings in the United States, it is always important to note the parameters used by the claimant to define “school shooting.” For example, the gun control advocacy group Everytown for Gun Safety³ (Everytown) makes the dramatic claim that 18 school shootings occurred during the first six weeks of 2018.⁴ What many people fail to realize, though, is that Everytown uses an extremely broad definition of the term “school shooting” and includes all incidents in which “a firearm was discharged inside a school building or on school or campus grounds.”⁵ Hence, Everytown counts accidental discharges, suicides, incidents that did not result in injury, and shootings that took place outside of school hours involving persons unaffiliated with the school. The “18 school shootings” include an incident that occurred between nonstudents in a high school parking lot at 8 p.m., well after school hours, in which no one was injured.⁶ Everytown also counts an incident in which a 31-year-old man shot himself in the parking lot of a closed-down elementary school.⁷

In other words, the “18 school shootings” claim, while certainly attention-grabbing, is misleading and does little to answer the major question posed by worried parents: “How likely is it that my child will be killed by a firearm at school today?”

Since 1992, the National Center for Education Statistics (NCES) has tracked “school-associated violent deaths,” including a subcategory of “homicides of youth ages 5–18 at school.”⁸ This provides a much more accurate—but not perfect—indication of how safe children are on school property during school hours. One of the drawbacks, however, is that the

NCES does not distinguish between firearm-related and nonfirearm-related homicides. Nor does it include violent deaths that occur on college campuses.

Similarly, the FBI records “active shooter situations” on school grounds, defined as “an individual actively engaged in killing or attempting to kill people” on school property.⁹ The FBI breaks the incidents down by location (whether it occurred at a primary, secondary, or higher education facility); gives information on the context of the active-shooter situation; and records resulting fatalities and injuries. Like the NCES statistics, this information is useful for understanding school violence, but its limitations must also be taken into account: Although it is helpful to understand the number of times each year that individuals undertake to harm others with a firearm on school property, not every active-shooter incident indicates an attempt to kill students on a Columbine-esque scale.¹⁰ For example, the FBI includes a 2003 incident in West Virginia where a man began shooting during a Kanawha County Board of Education meeting and tried to set a board member on fire.¹¹ Shootings like these raise concerns for several reasons, but not because they reflect a security risk to schoolchildren in the classroom during school hours.

Productive conversations about increasing the safety of schools in the United States cannot occur without a clear, accurate understanding of the threats posed to them. For these reasons, this paper takes great care to explain in detail and to qualify the claims made regarding the various reports of school shooting incidents.

Columbine-style school shootings are devastating but highly unusual events. Every violent death on school property is obviously abhorrent and a tragedy that this nation should seek to prevent. Statistically speaking, however, such events are still highly infrequent. In particular, shootings during normal classroom hours that result in injuries or death are incredibly rare in America’s primary and secondary schools. Out of the more than 55 million K–12 students across the nation’s public and private schools,¹² an average of 10 students are killed every year by gunfire at school.¹³ To put this number in perspective, over 800 students die every year during regular travel to and from school.¹⁴

Even rarer on K–12 campuses are the types of high-profile, multiple-casualty shooting rampages characterized by names like Columbine, Sandy Hook, and Parkland. Since 1990, America’s 100,000 public

primary and secondary schools have experienced 22 on-campus shootings that resulted in two or more fatalities (excluding the shooter), for an average of less than one multiple-fatality shooting per year.¹⁵ Most of these multiple-fatality shootings were not “Columbine-style” mass shootings: Of the 22 incidents since 1990, only nine involved the deaths of four or more people.¹⁶ Since 2000, there have been 17 shootings at K–12 schools that resulted in two or more injuries.¹⁷

While it appears that the frequency and lethality of high-profile school shootings have increased in recent years, this is not the first time America has seen this sort of uptick, nor is it necessarily the worst five-year period of school violence the country has experienced.¹⁸ Since 2013 and including the Parkland shooting, there have been five multiple-fatality shootings at K–12 schools, resulting in 27 deaths.¹⁹ But between 1995 and 1999, the height of the Federal Assault Weapons Ban,²⁰ there were seven multiple-fatality shootings, resulting in 33 deaths.²¹ During the last five years of the 20th century, there was so much public anxiety over school shooting deaths that President Bill Clinton established a White House committee of experts to advise him on the subject.²²

Statistically, schools are the safest places for America’s children to be at any given time. Often lost amid concerns over high-profile, multiple-casualty school shootings is the reality that a number of factors threaten the overall safety of America’s schoolchildren: gang violence, bullying, nonfirearm-related deaths, and—especially in recent years—student mental health crises and suicide. Each of these issues is certainly important in its own right and in some cases can have profound and long-lasting negative impacts that rival those of school shootings, but even beyond this reality stands an even more profound truth: Statistically, schools are the safest places for America’s children to be at any given time on any given day.

While none of this is meant to take away from the tragedies that have occurred or the urgent need to address them, America’s primary and secondary schools are safer than they have been in decades, and violent deaths of any kind rarely occur on school property. Four times as many children were killed in schools in the early 1990s than are killed today, and the number of shooting incidents involving students has been declining steadily for the past 30 years.²³ The percentage of students carrying weapons to

school also appears to be dropping, and during the 2014–2015 school year, the national rate of firearm possession incidents at school was three per 100,000 students for a total of 1,500 incidents.²⁴

Less than 3 percent of all youth homicides occur on a school campus, even though it is where youths spend a large portion of their time.²⁵ Since 1992, when the NCES began to compile data on school-related violent deaths, the highest number of on-campus student homicides at K–12 schools in a single school year has been 34, which occurred during the 1992–1993 and 1997–1998 school years.²⁶ During the 2013–2014 school year, the NCES concluded that there was approximately one student homicide or suicide at school for every 2.8 million enrolled students.²⁷ Meanwhile, an average of 50 children ages 7 to 18 are murdered by their parents every year.²⁸

In other words, school-age children are roughly five times more likely to be killed by their own parents than they are to suffer a violent death while at school.

Who Commits School Shootings and Why?

School shooters often exhibit the same signs of increasingly violent and dysfunctional behavior. Like public mass murderers generally, young adults who commit violent attacks at schools are significantly more likely than the average population to suffer from undiagnosed or untreated mental illness.²⁹ Even when serious mental illness is not present, school attackers almost always exhibit common traits of extreme resentment, anger, and a desire for revenge because of perceived social alienation.³⁰ It is not uncommon for a school attacker to have acted in increasingly disruptive and violent ways before the shooting, but for a variety of reasons, the individual was not involuntarily committed to a mental health institution or ordered by a court to receive mental health treatment.³¹

This does not mean that mental health disorders are synonymous with violence: In fact, the vast majority of individuals suffering from mental health disorders will never commit violent acts.³² It does mean, however, that the early identification and treatment of students with mental health disorders is of particular importance in reducing large-scale violent attacks at schools.

School attackers often “leak” their intentions to their peers, whether in person or via social media.³³ For example, one of the Columbine attackers wrote

online blogs that included statements about his desire to kill those who annoyed him, as well as specific violent threats directed against his classmates and teachers.³⁴ Before gunning down 17 students in Florida, the Parkland attacker was reported to the FBI for a YouTube posting in which he bragged about becoming a “professional school shooter.”³⁵ He also reportedly joked to classmates on numerous occasions that he would be the one to “shoot up a school.”³⁶ Other school attackers note their intentions less directly by praising other infamous massacres, completing writing projects focused on brutal violence or rampage killings, or exhibiting an unusual obsession with firearms.³⁷

It is essential that teachers and other school professionals be attuned to these warning signs and take appropriate action up to and including engaging with outside mental health professionals and local law enforcement officials.³⁸

School shooters often come from broken homes. Apart from warning signs manifested by school shooters directly, familial dynamics may also play a role in the early detection of students on the verge of committing catastrophic acts of violence. Sadly, a majority of school attackers also come from broken homes, often growing up in situations characterized by divorce, domestic violence, or absent fathers.³⁹ This does not mean that all students with difficult home lives should be considered potential school attackers or that students with intact, stable families should have troubling behaviors overlooked or dismissed. It may mean, however, that holistic approaches to school safety should include an appreciation of the impact that a chaotic family life can have on a student’s feelings of desperation and violent actions.

The Parkland attacker, who was raised alone by his adoptive mother since the age of six,⁴⁰ was merely the latest in a long line of troubled young men who grew up in less than ideal family situations.⁴¹

- The attackers at Sandy Hook, Chadron High School, Isla Vista, SuccessTech Academy, Northern Illinois University, and Santana High School (just to name a few) all had divorced parents.⁴²
- The young man who killed his grandfather before murdering seven of his classmates at Red Lake Senior High School had parents who never married, a father who shot himself, and a mother and stepfa-

ther who divorced; he also lived with a grandmother who was separated from her husband.⁴³

- Similarly, the teenager who shot five students at Chadron High School in 2012 had divorced parents, his father had been arrested numerous times for violent crimes against women, and his mother had criminal convictions for domestic violence.⁴⁴

The unfortunate fact that broken family relationships are often associated with greater risk factors for youths is nothing new: For decades, study after study has shown that stable, intact families play a vital role in developing thriving children and adolescents.⁴⁵ Adolescents living in intact families are less likely to exhibit violent behaviors or engage in physical fighting,⁴⁶ and youths in fatherless homes are significantly more likely to be incarcerated than are those from two-parent homes.⁴⁷ Several studies have found that adolescents from intact families tend to report lower levels of emotional and psychological stress, while those who do not live with both biological parents are more likely to exhibit psychological affective disorders such as hyperactivity, irritability, and depression as adults.⁴⁸ One in-depth study published in the journal *Lancet* concluded that children of single-parent homes had more frequent health problems as adults and were at a much higher risk of suicide, alcoholism, and drug abuse.⁴⁹ The study also found that, based on the data compiled, a child’s parental situation had the same importance as socioeconomic affiliation in predicting addiction and suicide attempts in adolescents.⁵⁰

Along these same lines, the importance of having actively involved fathers and father figures cannot be overstated when it comes to the mental and emotional development of children. Fathers are “important to their sons as role models. They are important for maintaining authority and discipline. And they are important in helping their sons to develop both self-control and feelings of empathy toward others, character traits that are found to be lacking in violent youth.”⁵¹ Adolescents who report having a close relationship with their fathers tend to report lower levels of psychological stress and exhibit lower levels of aggression, depression, and antisocial behavior.⁵² At least one body of research suggests that boys living in single-mother homes are almost twice as likely to end up as juvenile delinquents compared to boys who enjoy good relationships with their fathers.⁵³

Psychologist Marsha Kline Pruett notes that “[f]athers tend to be more willing than mothers to confront their children and enforce discipline, leaving their children with the impression that they in fact *have* more authority.”⁵⁴ On the other hand, mothers are more likely to reason with their children and rely on their emotional ties to encourage good behavior, giving the co-parents a diverse but balanced disciplinary approach,⁵⁵ and while caring, involved fathers can certainly exist outside of marriage, they are statistically more likely to be found inside the context of marriage.⁵⁶

The frequency of school shootings may be related to economic insecurity. Additional socioeconomic trends may provide clues to identify further risk factors related to school violence. A recent major study by criminologists at Northwestern University looked at the effect of economic conditions on the prevalence of school shootings and concluded that there is a significant correlation between periods of increased economic insecurity and periods of increased gun violence at schools.⁵⁷ The findings are particularly robust in that the effects are seen across several different economic indicators (other than unemployment), and the relationship remains even when analyzing the data on national, regional, and city levels.⁵⁸

The researchers noted that the results of this study are in line with other evidence that joblessness is related to low self-esteem and detrimental behavior, that minors are responsive to the unemployment of their parents, and that the attitudes of youths have a significant impact on their future economic outcomes. They further posited that “gun violence at schools is a response, in part, to the breakdown of the expectation that sustained participation in the educational system will improve economic opportunities and outcomes.”⁵⁹

This suggestion is profound in the context of the backgrounds of many individuals who commit violent attacks at schools and were either struggling to finish or failed to finish their educations and had limited future economic opportunities.

- The Sandy Hook attacker was removed from high school by his parents due to sensory-integration disorder, failed to obtain a degree after attending classes at Western Connecticut State University, and was unemployed without any likelihood of holding a job in the near future.⁶⁰

- The Parkland attacker had been expelled from high school for disciplinary problems, was taking adult education classes to get his GED, and worked at a Dollar Store.⁶¹

- The Isla Vista attacker graduated high school but dropped out of a local college within a year and was investigated by local law enforcement because of concerns about the state of his mental health.⁶²

Ineffective Responses to School Shootings

Legislation commonly proposed to combat school shootings is not based on fact and will not save lives. In the wake of tragic violence at schools, gun control advocates often push for the same “commonsense gun laws” that they claim will prevent future school shootings. Though no doubt well-intentioned, the policies usually demanded by these advocates—raising the minimum age for gun purchases and banning so-called assault weapons—would do little to save lives and seem to be based more on emotions than on factual analysis. Such policies also tend to divide the country, making people believe that they must make a false choice between protecting constitutional rights and protecting the nation’s schoolchildren.

State laws differ with regard to the age at which a person can legally purchase a firearm, but states typically allow persons over the age of 18 to purchase long guns (such as shotguns and rifles) and persons over the age of 21 to purchase handguns. Although raising the minimum age for firearm purchase may seem on its face like a good way to prevent would-be school shooters from accessing firearms, the reality is that most school shooters are not purchasing their own firearms in the first place. The majority of school shooters under the minimum age for gun purchase use firearms legally owned by immediate family members or friends, to which they had ready access at home.⁶³ This continues to be the case despite the fact that the number of high school students reporting easy access to loaded firearms at home has decreased significantly over the past two decades, dropping to 4 percent in 2015.⁶⁴

In other words, raising the minimum age for purchase makes it more difficult for law-abiding young adults to defend themselves, go hunting, or participate in shooting competitions, but it does little to address the principal ways by which school shooters

obtain their firearms. Between the ages of 18 and 20, many young adults will leave their parents' home to live on their own, and still others will get married and start families. Federal courts upholding the federal prohibition on handgun possession for persons under 21 have relied partially on the fact that these law-abiding adults still had the ability to purchase long guns for defense of house and home.⁶⁵ Even assuming it were constitutional, are we really prepared to deprive young adults of any means of adequate self-defense for themselves and their families—while at the same time holding them responsible enough for mortgages, student loans, marriage, and child-bearing—with the full knowledge that it would not likely have prevented a single school shooting?

Banning purchases of so-called assault weapons⁶⁶ would similarly skirt around the real threats faced by students without doing much to keep them safe. School shootings, like all shootings, are much more likely to be carried out by handguns or shotguns than by “assault weapons.” Roughly six out of 10 mass shootings of any kind are carried out with handguns alone, and only one in 10 is carried out with a rifle alone.⁶⁷ In fact, some of the deadliest school shootings have been perpetrated with low-caliber handguns:

- The Virginia Tech shooter used a .22 handgun and a 9mm handgun to kill 33 individuals;
- The Red Lake shooter used a shotgun, a .40 handgun, and a .22 handgun to kill 10 people; and
- The Umpqua Community College shooter killed nine students with nothing larger than a .40 handgun.⁶⁸

Even when mass shooters use “assault weapons” like the AR-15, studies have shown that their rates of fire are consistent with mass shooters who used “non-assault weapons,” and the shooter could have caused just as much damage with a handgun and multiple magazines.⁶⁹ By focusing on one particular type of scary-sounding but rarely used firearm, advocates are ignoring a more troubling underlying fact: There are a great many ways to cause lethal injuries to large numbers of people.

Stricter gun control laws do not ensure school safety. Countries with strict gun control laws have not been immune from multiple-casualty school shootings, and the rates of death per million students

experienced by some of these countries are quite comparable to the rates seen in the United States. For example, Germany has one of the most restrictive gun control systems in Europe,⁷⁰ yet in 2002, a 19-year-old recently expelled from his Erfurt high school used a handgun to kill 16 people at the school before turning the gun on himself.⁷¹ In response, Germany passed a law requiring psychological evaluations for any person under the age of 25 who applies for a firearm ownership license.⁷² Despite this measure, just four years later in 2006, an 18-year-old former student shot and wounded eight people (five of whom were students) in Emsdetten and then committed suicide.⁷³ After this shooting, Germany restricted the sales of violent video games to juveniles.⁷⁴ This, too, failed to stop school shootings in the country: In 2009, a 17-year-old in Winnendon used a handgun to kill 15 people at his former school.⁷⁵

Meanwhile, in France and Finland, where all firearm owners must have a firearms license and all firearms must be registered,⁷⁶ four school shootings have claimed the lives of 22 people and injured dozens more since 2007.⁷⁷

At the same time, China has experienced numerous instances of mass-casualty attacks on schoolchildren, none of which was carried out with a firearm. In 2004, a man entered a high school dormitory, stabbed eight boys to death while they were sleeping in their beds, and injured three more before attempting to commit suicide.⁷⁸ That same year, an elementary school teacher suffering from schizophrenia killed four of her students with a knife, injured another nine, and attempted to kidnap 65 others.⁷⁹ In 2006, an 18-year-old reportedly upset with a kindergarten teacher who rejected his romantic advances set her classroom on fire, injuring five and killing 12.⁸⁰ In 2010, a total of 18 children were killed in four separate school knife attacks, and in 2012, a mentally ill man seriously injured 22 young children at a school in central China.⁸¹ Just last year, another 12 children were wounded by a knife-wielding attacker in southern China. Mass-casualty knife attacks are such a substantial problem in China that the government has recently adopted measures to register, regulate, and seize knives.⁸²

Using gun control as the lens through which to view school safety is simply not an effective way to protect students. Even if every single gun in this country were confiscated and the ability to import or manufacture firearms eliminated, the underlying

ing realities that caused the public to worry about school shootings would still exist, and people intent on causing harm at school would still have ample opportunity to do so.

The number of school-related bomb threat incidents in the United States saw an unprecedented increase during the 2015–2016 school year.⁸³ In fact, just weeks after the highly publicized shooting at Marjory Stoneman Douglas High School, a Utah teen inspired by ISIS brought a homemade bomb to school. The lives of many students were saved only because, by sheer happenstance, the would-be bomber had not constructed the detonation device properly.⁸⁴ It is further worth noting that the deadliest school attack in the history of the United States was carried out by firebombing, not firearms: In 1927, a disaffected school board member in Bath, Michigan, used two explosive devices to kill 44 people, including 38 students.⁸⁵

No amount of gun control will create stable families or treat mental health issues. Criminalizing the possession of an “assault” weapon will not provide resources for teenagers in need of academic support or psychological counseling. The most restrictive interpretations of the Second Amendment will never stop an angry, despairing child from taking his life or the lives of others. If saving the lives of students and enhancing school safety is truly the objective, we need to widen our aperture.

Effective Responses to School Shootings: Practical, Fact-Based, and Holistic

Even though America’s schools are among the safest places for children, there still are measures that can be taken to make them even safer not just against threats of school violence, but also against the threats underlying most youth violence and negative outcomes: untreated mental health problems, unstable family lives, and economic difficulties. These types of responses hit at the very core of the problem and are much more likely to protect the safety of the nation’s students and produce capable, thriving young adults.

Fast, armed responses save lives. Perhaps the most immediate and concrete action that communities can take to increase school security is to treat our students as worthy of the same protection we afford fans at sporting events and concerts. Most people would think nothing of providing a half-dozen armed security personnel for 3,100 peo-

ple attending a rock concert, but when it comes to 3,100 students on a high school campus, communities too often think that one armed security officer is enough—and many communities think that is one too many. But if the safety of students is to be taken seriously and not used merely as a tool to advance a political agenda, communities should consider the reality of active-shooter situations: Every second cut out of the time it takes to engage in an armed confrontation with a shooter is vital to saving lives.

According to several studies of public mass shootings in general and school shootings in particular, almost two-thirds of active-shooter incidents end before local law enforcement officers arrive to confront the shooter.⁸⁶ One study analyzed all active-shooter incidents occurring on college and university campuses and concluded that the average duration of these events was 12.5 minutes, while the average response time of campus and local law enforcement was 18 minutes.⁸⁷ An FBI study of all active-shooter incidents between 2000 and 2013 similarly concluded that “[t]he findings reflect the damage that can occur in a matter of minutes.” Of the incidents where the FBI could ascertain the duration of the shooting, almost 70 percent ended in under five minutes, and the report noted that, according to the 2007 National Crime Victimization Survey, law enforcement was only able to respond to 53.4 percent of reported violent crimes in under 10 minutes.⁸⁸

Further, when law enforcement officers do arrive while a shooting is ongoing, the shooter’s knowledge of imminent armed confrontation is often the catalyst that prompts the shooter to surrender or commit suicide.⁸⁹ For example, armed confrontation ended the shooter’s targeting of victims at Sullivan Central High School in Tennessee,⁹⁰ Reynolds High School in Oregon,⁹¹ Pearl High School in Mississippi,⁹² Arapahoe High School in Colorado,⁹³ and Price Middle School in Atlanta.⁹⁴ Even at Columbine and Sandy Hook, the arrival of armed police officers prevented further loss of life.⁹⁵ Fatalities and injuries from mass-casualty shootings occur in a very short window of time, and lives would likely be saved by ensuring that active shooters are confronted with armed resistance as soon as possible.

The usefulness of armed school security is especially evident in Israel, where a national law requires schools with more than 100 students to employ an armed guard.⁹⁶ While it is true that American schoolchildren do not regularly face threats of ter-

rorism and Israelis are armed by their government to face many external threats, the lessons are equally applicable: After gunmen attacked an Israeli school in 1974, killing almost two dozen students,⁹⁷ Israel did not declare schools “gun-free zones.” On the contrary, it mandated armed security, provided weapons training to teachers, and started running regular active-shooter drills.⁹⁸ There have been very few school shootings since that time, and most have ended with armed adults killing violent attackers before they could inflict mass casualties.⁹⁹

Gun-free zones in the United States have proven to be effective not at preventing gun violence, but at drawing gun violence—not just at schools, but at all gun-free locations. In fact, most studies show that roughly 90 percent of mass public shootings, including school shootings, occur in places where civilians are not permitted to carry firearms.¹⁰⁰ Although some gun control organizations correctly point out that mass public shooters can have many different motivations for choosing their targets,¹⁰¹ there is a plethora of evidence that many do in fact take into account the likelihood of being confronted by armed resistance. For example:

- In 2016, an eighth-grader in South Carolina recently expelled from his middle school was arrested after attempting a mass shooting at an elementary school playground. His handgun jammed after the first shot, but he told authorities that he had planned to kill “around 50 or 60” people. He explained in his confession that he chose this specific elementary school instead of his own middle school in large part because it had no armed security, and he calculated that he would have at least 15 minutes before an armed response arrived.¹⁰²
- It is well documented that the Aurora movie theater attacker abandoned his original plan to attack an airport because of the “substantial security”¹⁰³ and that his eventual target was the only one of the seven theaters within 20 minutes of his apartment to ban permitted concealed handguns.¹⁰⁴
- The Isla Vista attacker similarly explained in his “manifesto” that he ruled out various targets because he worried that he might be stopped by someone with a firearm.¹⁰⁵

- The Charleston attacker initially planned an attack at the College of Charleston but decided to attack a predominantly African American church instead after reading that the college employed armed guards.¹⁰⁶

Currently, many school districts in the United States either employ armed resource officers or work out deals with local law enforcement agencies to place officers at or near schools.¹⁰⁷ In some of the country’s largest school districts, there are more armed security officers per 1,000 students than there are school counselors, in part because of conscious decisions by these school districts to focus limited resources on concrete means of immediately stopping threats.¹⁰⁸ But this is a costly endeavor both for schools and for the communities around them, and hiring the number of armed security personnel necessary to provide adequate safety for students may not be feasible for some school districts.

There are approximately 100,000 public elementary and secondary schools and another 33,000 private schools in the U.S.¹⁰⁹ As of 2012 (the most recent year for which the Department of Justice has compiled numbers), there were 750,000 full-time “sworn” law enforcement officers and another 325,000 “non-sworn” officers.¹¹⁰ Even if local law enforcement agencies were to place just one officer at every school during classroom hours, the result would be a drastic reduction in the number of law enforcement officers available for service calls and emergency response within local communities. Nor is simply hiring more school resource officers necessarily an easy solution. Studies by Cleveland State University estimate that the annual cost of hiring and training new security guards is between \$80,000 and \$100,000,¹¹¹ an amount that is likely prohibitive for many school districts.¹¹²

In response to this reality, Representative Mark Meadows (R-NC) has proposed legislation that would fund a \$1.5 billion initiative to help states and localities put more law enforcement officers in schools.¹¹³ Several schools have also opted for more creative arrangements with local law enforcement, such as locating police substations within or next to school buildings.¹¹⁴

Armed teachers are a threat to violent attackers but not to students. For school districts that find it financially infeasible to hire additional security guards, there may be a more practi-

cal way to decrease the response time of armed first responders: arming qualified and willing teachers and administrators already on campus and training them to confront violent individuals in emergencies.¹¹⁵ Although armed teachers should serve only as a last line of defense against violent school attacks, they can be an important means of deterring, confronting, and eliminating threats to the safety of students. Despite the various assertions by gun control advocates that arming teachers is a foolish measure that is likely to result in the deaths of more students, there already are thousands of armed teachers in schools across the country—not one of whom has misused his or her firearm to threaten, harm, or kill students. Utah, for instance, has allowed teachers with concealed carry permits to arm themselves on the state’s K–12 campuses since 1995.¹¹⁶ There has been exactly one instance of negligent firearm use by a teacher in that time¹¹⁷ and not a single recorded student injury or death.

Similarly, Alaska, Alabama, Rhode Island, Oregon, Wyoming, and New Hampshire allow teachers to conceal-carry on public school campuses,¹¹⁸ and none of these states has experienced a single incident of negligent firearms use by a teacher, much less a spike in student deaths at the hands of gun-toting adults. Several other states also allow for teachers to be armed under certain circumstances on K–12 campuses, with varying degrees of approval required from the individual schools or school districts.¹¹⁹ In Pennsylvania, where private schools apparently may choose to allow staff members to arm themselves while on campus,¹²⁰ there has been only one reported example of negligent firearm use: An elementary school teacher left a holstered handgun on the back of a toilet tank in a unisex, one-toilet restroom where it was discovered by students. Like the incident in Utah, no students were harmed, and the teacher resigned after being charged with reckless endangerment.¹²¹

This is not to say that such an incident might not occur at some point in the future, but given the hundreds of school districts across the country where teachers are regularly permitted to carry firearms on campus, any problems associated with the practice have had ample time and opportunity to manifest themselves. In reality, the practice of arming teachers has not resulted in a single student injury or death,¹²² and the number of negligent mishaps has been incredibly small. This is hardly surprising

given that concealed carry permit holders as a group are some of the country’s most careful and most law-abiding citizens.¹²³

In Ohio, teachers with concealed carry licenses must leave their firearms locked in their cars unless they have written permission from their school district to do otherwise.¹²⁴ At least a handful of school districts in the state keep guns hidden in safes throughout the school, accessible in emergencies only to staff members meeting the strict requirements for the school’s “armed response team.”¹²⁵ The state offers funding for schools that want to train their staffs to respond to emergency situations, and the nonprofit Faculty/Administrator Safety Training & Response (FASTER) program offers 26 hours of intensive, hands-on active-shooter training for teachers and administrators at no cost to the individuals or school district.¹²⁶

FASTER has trained over 1,300 school staff members from 225 school districts in 12 states since it started as a response to the Sandy Hook shooting in Newtown, Connecticut.¹²⁷ This program not only provides an excellent framework for cost-effective and reliable school safety measures, but also is further proof that the arming of responsible and willing adults in schools does not lead to chaos and death.

Schools can build safer infrastructures without turning classrooms into prisons. Even without arming teachers or hiring additional armed security officers, changes in a school’s infrastructure can help to prevent violence and contain violent incidents when they do occur. For example:

- One of the least expensive but most effective measures is the use of door barricades, which typically consist of small, portable rods or wedges that can be placed on doorframes within seconds and prevent intruders from physically entering a room.¹²⁸
- In the past few years, a number of schools have installed “safe rooms,” which often serve dual functions as a tornado shelter and protection during active-shooter situations.¹²⁹ Such rooms can typically be locked from the inside and are made of materials that cannot be penetrated even by powerful (and heavily regulated) automatic weapons.
- Along similar lines, schools can replace classroom windows with bulletproof glass, which, though

expensive, would likely have saved the lives of many students in previous school shootings.¹³⁰

- Another measure available to schools is to install a system of layered zoning and door locks that can be used to contain an active threat in one small location, inhibiting the ability of the violent individual to move between floors and buildings to target larger numbers of people.¹³¹

America’s schools and communities desperately need better mental health services. Current estimates suggest that as many as one in five K–12 students in the United States show signs of a mental health problem every year, but nearly 80 percent of those five million students will not receive any form of counseling, therapy, or medication.¹³² Although school staff members are frequently in the best position to recognize signs of mental health problems,¹³³ they often lack the training to identify and help students on the verge of a mental health crisis.¹³⁴

Too often, high school students concerned about their mental health have difficulty accessing counseling or treatment because their school districts have not allocated adequate resources to providing mental health support.¹³⁵ Although schools have seen considerable increases in nonteaching staff over the past five decades,¹³⁶ many schools either do not have a full-time nurse, psychologist, or counselor or share one with other schools. Even in schools that have on-campus mental health centers, there are not nearly enough resources. In a typical school district, there is only one counselor per 500 students, one nurse per 1,200 students, and one psychologist per 1,400 students.¹³⁷

Congress has recently taken steps to help fill these gaps, introducing various bills that would create federal grant programs to help schools identify signs of violence and intervene early enough to prevent students from harming themselves or others. One of the proposals currently under consideration is the Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018, which appears to have broad bipartisan support in both the House and the Senate.¹³⁸ The funds would be distributed to schools to enable them to implement evidence-based programs designed to prevent on-campus shootings and other violent activities. Such programs could include installing new technologies and equipment

to improve a school’s security infrastructure, developing and operating anonymous reporting systems to enable students and others to report threats of school violence, developing school threat assessments and training Behavioral Intervention Teams (BITs), and facilitating coordination with local law enforcement officials.¹³⁹

It is important to note, however, that although these bills can help to raise awareness of school safety issues and could help to kick-start local programs, they are not substitutes for long-term commitments by state and local officials and local communities.

Behavioral Intervention Teams in particular have shown promise as a proactive way to identify red flags in student behavior and address threats and crises in a coordinated and holistic manner before they turn violent.¹⁴⁰ When staff, students, or family members report disruptive, problematic, or seemingly dangerous behaviors by an individual student, the BIT investigates and assesses the nature of the concern, develops a plan of intervention and support, and oversees and coordinates its implementation. These targeted intervention plans may include disability support, academic assistance, referrals to mental health providers, and treatment requirements. Although common on college campuses, BITs are not yet widely available as tools for increasing positive student outcomes in primary and secondary schools.

Financially struggling districts could consider sharing BITs across multiple schools, using social workers on an on-call basis, and investing in teacher development to help identify the signs of stress, suicidal thoughts, or other disturbing behaviors in the classroom.¹⁴¹ Even if a school cannot directly provide the necessary services, it can identify students who may benefit from such services and refer them to the right resources in the community. Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-TN) suggested in an address to the Council of Chief State School Officers that states could also use money currently allocated under Titles II and IV of the Every Student Succeeds Act (formerly the No Child Left Behind Act) to address “mental health, hiring more school counselors and steps for violence prevention.”¹⁴²

“Red flag” laws give law enforcement more options for disarming the dangerous. More removed from the concept of on-campus mental health services but equally valuable in the discussion surrounding the mental health of the nation’s stu-

dents is the general lack of intermediate measures available to prevent a troubled youth from harming himself or others. On the least intensive, least intrusive side of the spectrum are voluntary treatment programs, whether through school-based or community-based mental health services, and school-based “diversion” programs for behavioral correction.¹⁴³ These types of services can be effective with cooperative individuals but have relatively little authority to induce the cooperation of individuals who do not otherwise wish to participate actively. On the other end of the spectrum are the highly intensive, highly intrusive mental health court systems and involuntary civil commitment procedures with high standards of proof, the full weight of government force, and potential life-long consequences.¹⁴⁴

Rarely are there adequate options between these two extremes.¹⁴⁵ That does not, however, necessarily have to be the case.

In the wake of Parkland, politicians and commentators have sparked a renewed interest in Gun Violence Restraining Orders (GVROs) and so-called red flag laws, concepts already used by some states to limit the ability of individuals to access firearms when they are exhibiting signs of mental health crisis or dangerous behavior.¹⁴⁶ The specifics vary from state to state, but the general idea is that courts may issue search warrants to seize the firearms of individuals upon the affidavit of a law enforcement officer explaining why the individual presents an imminent risk of harm, either to self or to others, due to mental illness, emotionally unstable conduct, personal crisis, or other behaviors that support a reasonable belief that the person has a propensity toward violence. After the firearms are seized, the state has a limited time in which to conduct an evidentiary hearing where it must prove beyond some heightened burden of proof that the individual does indeed pose a risk of imminent harm to self or others. Sometimes, under exigent circumstances, law enforcement officers may seize the firearms without a warrant, but a judge must subsequently find that there was probable cause to do so, often within 48 hours of the seizure.

Perhaps the best example of a red flag law in practice is Indiana’s “Jake Laird Law.”¹⁴⁷ Under this statute, law enforcement officers may remove firearms from the possession of individuals if there is probable cause to believe the person poses an imminent risk of harm to self or others. If the officer seizes the weapons without first obtaining a search warrant

from a judge, he must submit a written statement to the court within 48 hours describing why the individual is considered dangerous. The firearms can remain seized only if the court subsequently determines that probable cause exists. In every case where probable cause is found to exist, the individual whose firearms were seized must be afforded an evidentiary hearing no more than 14 days after the seizure, and the state must prove at that hearing by clear and convincing evidence that the person is “dangerous” as defined by the statute. If the state fails to meet this burden, the firearms must be returned to the owner. If the state does meet its burden, the individual who is determined to be dangerous may petition the court for the return of the firearm after 180 days. After a petition to have the firearms returned has been filed, the state must show by a preponderance of the evidence that the person remains dangerous under the statute.

These types of red flag laws have many benefits. For example:

- They focus on dangerous behavior instead of a clinical diagnosis of mental illness, closing a loophole that has often allowed violent individuals to access firearms simply because they lacked a disqualifying criminal conviction or involuntary civil commitment for mental health problems.¹⁴⁸
- They often induce otherwise uncooperative individuals to seek mental health treatment or crisis counseling voluntarily in order to have their firearms returned to them, and they do so in a way that does not necessarily result in the types of life-long rights disabilities imposed by criminal convictions and civil commitments.
- They remove firearms from dangerous individuals expeditiously while still affording them due process rights and limiting the likelihood of mistake or arbitrary seizure.
- They are one of the few mechanisms that could realistically have prevented a significant number of mass shootings.

We must address the underlying cultural factors related to youth violence. As noted, there is strong evidence connecting decreased family stability and religious involvement with increased risks of

youth violence. These factors do not garner the same attention after violent school incidents that is given to gun control proposals and ad hominem attacks on supporters of the Second Amendment. They are, however, the factors that are most directly related to the emotional health and well-being of adolescents. Although beyond the scope of this paper, policies that encourage the creation and maintenance of stable, two-parent families, that acknowledge the important mediating effects of religious institutions on society, and that focus on removing barriers to educational and economic success for the average American are critically important to increasing the overall fiscal, mental, and emotional health of Americans and would go a long way toward ensuring school safety.

Finally, if the nation is serious about the safety of its students, it must look at the consequences of failing to punish and correct serious wrongdoing by troubled youths. Particularly in the aftermath of the Parkland, Florida, shooting, questions are being raised about whether an unhealthy emphasis on maintaining low arrest rates among students—even when they commit serious crimes—may have played a role in allowing the shooter to remain capable of obtaining firearms despite obvious warning signs.

While the investigation is still ongoing and many facts are still unknown, it is clear that the Broward County Sheriff's Department entered into a Memorandum of Understanding with the Broward County School District to minimize the number of students arrested for various types of criminal activity.¹⁴⁹ This Memorandum of Understanding has a laudable overall goal of seeking to protect high school students from being unnecessarily diverted to the criminal justice system over relatively minor infractions and protecting them from criminal records that might ruin their future educational and employment opportunities. But many have rightly pointed out that as a consequence of such policies, schools often do not adequately investigate and discipline dangerous criminal activity by students, and this failure has created “a school climate catastrophe [that] puts more students at risk.”¹⁵⁰

Measures taken by the Obama Administration that threatened the loss of federal funds for schools that disciplined too many nonwhite students may also have contributed to this overly lax attitude that some schools display toward student discipline. In 2014, the U.S. Department of Education issued a “Dear Colleague” letter warning that schools could face federal

probes and sanctions for disproportionately punishing minority students or otherwise engaging in disciplinary practices that the department considered “discriminatory.”¹⁵¹ This “punish by the numbers” approach to school discipline induces school officials to overlook disciplinary problems committed by some disruptive students out of a fear that the school will be investigated and lose federal funds—which in turn can lead to unpunished nonviolent disruptive conduct escalating into violent conduct.¹⁵² At least in some cases, it also has led to schools simply “failing to record” suspensions or “warehousing” students in alternative “Success Centers” in order to make it appear as though suspension rates are falling in accordance with the Obama guidance.¹⁵³

It is therefore hardly surprising that teachers have reported being told that student referrals would not be considered suspension-worthy “unless there was blood,” with students repeatedly mocking teachers’ inability to suspend them as a result.¹⁵⁴

It is clear that the Parkland attacker was never arrested, charged with a crime, or ordered to receive mental health treatment despite numerous instances of apparently criminal and dangerous activity that reflected a serious risk of harm to himself or others.

- According to reports, information forwarded to the school’s resource officer in the year before the shooting reflected that the student “planned to shoot up the school” and was armed with knives and a BB gun. It appears that no action was taken based on that information.¹⁵⁵
- Months later, a peer counselor at the high school alerted the same resource officer that the student “possibly ingested gasoline” in a suicide attempt and was likely cutting himself. Although the school initiated a “threat assessment,” the Florida Department of Children and Families concluded that he was not at risk of harming himself or others and recommended against seeking civil commitment.¹⁵⁶
- County law enforcement received 18 calls about the student, five of them specifically regarding his access to weapons, including one in which he was alleged to have held a gun to another child’s head. The student was transferred out of Marjory Stoneman Douglas for threatening others but was not expelled or otherwise disciplined.¹⁵⁷

- At one point during the months leading up to the attack, the student called 9-1-1 on himself after a violent encounter with his foster family in which he described punching walls and being unable to cope with the emotional hardship of his mother's recent death.¹⁵⁸

It is very evident that at many points in the years leading up to the horrific deaths of 17 people in Parkland, Florida, both the school and local law enforcement had numerous interactions with a troubled student, all of which indicated that he posed a serious threat to himself and others. It is equally evident that none of the most common disciplinary measures for assault and threats of violence—suspension, expulsion, arrest, criminal charges—were imposed and that no government agency mandated that he receive much-needed mental health services. What is *not* clear is whether and to what extent the Memorandum of Understanding and unofficial policies worked out between the Sheriff's Department and the school district are related to the almost unbelievable reality that such a troubled teenager had no criminal or mental health history to disqualify him from legally purchasing a weapon.

It is important to recognize that mental health resources, early identification of red flags, and all the background checks in the world are no match for a system that does not act on evidence that a person is a danger to self or others. No one seriously suggests that students (and juveniles generally) should be arrested for every instance of misbehavior or that unnecessarily creating criminal histories for high school children is likely to help the country in the long run, but there must be a serious inquiry into the effects of threatening schools with federal probes for undertaking to punish serious misbehavior.

Conclusion

There is no question that people on all sides of the school safety conversation want to protect the nation's children against threats of violence, whether within the four walls of the classroom or at home and in their neighborhoods. While there is no safer place for children to be than in our schools, recent events at Parkland and elsewhere have highlighted significant concerns about the possibility of devastating attacks even in the hallways of educational institutions.

We can and must do better if we are to guard against future incidents of violence that threaten students. For example, we can:

- **Decrease** the response time for active threats in schools by increasing the number of armed school resource officers or by allowing trained, qualified, and willing school staff members to carry concealed firearms on campus.
- **Increase** the safety of schools by changing their physical infrastructures so that they better protect students from active threats without creating a prison-like environment.
- **Allocate** resources to increase the availability and training of school counselors, nurses, and psychologists, and coordinate school and community mental health services to serve the needs of local districts more effectively.
- **Consider** the implementation of "red flag" laws that allow police officers to remove firearms from individuals who pose a risk of imminent harm to self or others while still respecting due process and the fundamental importance of the Second Amendment right.
- **Address** the underlying cultural factors related to youth violence, including the creation and maintenance of stable, intact families, removing barriers to educational and economic success, and allowing schools to punish student misbehavior effectively without the fear of losing federal funding.

Devising and implementing effective measures to address this critical issue will require clear-headed, open-minded, fact-based analyses of proposed policies. Our children deserve nothing less.

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Endnotes

1. See John Malcolm & Jennifer Marshall, *The Newtown Tragedy: Complex Causes Require Thoughtful Analysis and Responses*, HERITAGE FOUND. BACKGROUNDER No. 2761 (Jan. 18, 2013), <https://www.heritage.org/crime-and-justice/report/the-newtown-tragedy-complex-causes-require-thoughtful-analysis-and>.
2. For example, CNN determined that 12 school shootings had occurred in the first two months of 2018. Darran Simon, *Nine Weeks into the Year and There Have Already Been 12 School Shootings*, CNN (updated 11:46 AM ET, Mar. 2, 2018), <https://www.cnn.com/2018/03/02/us/school-shootings-2018-list-trnd/index.html>. Every Town for Gun Safety asserted that 18 school shootings had occurred in that same period and then changed the number to 17 after criticism of its inclusion of a suicide at a closed-down school. John Woodrow Cox & Steven Rich, *No, There Haven't Been 18 School Shootings in 2018, That Number Is Flat Wrong*, WASH. POST (Feb. 15, 2018), https://www.washingtonpost.com/local/no-there-havent-been-18-school-shooting-in-2018-that-number-is-flat-wrong/2018/02/15/65b6cf72-1264-11e8-8ea1-c1d91fcec3fe_story.html?utm_term=.ea0bf94c71e4. The *Guardian* counted eight school shootings that resulted in death or injury in the first seven weeks of 2018. Lois Beckett, *How Many US School Shootings Have There Been in 2018 So Far?*, THE GUARDIAN (Feb. 15, 2018), <https://www.theguardian.com/world/2018/feb/14/school-shootings-in-america-2018-how-many-so-far>. On the same day, *Time* reported that six shootings with at least one injury had occurred on K-12 campuses thus far in 2018. Jamie Ducharme, *The Florida School Shooting Was One of Several This Year. And It's Only February*, TIME (updated Feb. 15, 2018), <http://time.com/5159039/florida-school-shooting-parkland/>.
3. Everytown for Gun Safety describes itself as “an independent, non-partisan 501(c)(3) organization dedicated to understanding and reducing gun violence in America.” *About*, EVERYTOWN FOR GUN SAFETY, <https://everytownresearch.org/about/> (last visited Mar. 12, 2018). However, it frequently demonizes gun rights organizations and aligns itself with politically liberal politicians and movements. See, e.g., *Welcome to NRA Madness*, EVERYTOWN FOR GUN SAFETY, <https://everytown.org/nra-madness/> (last visited Mar. 12, 2018); *Throw Them Out: An Action to Kick Out Lawmakers Beholden to the Gun Lobby*, EVERYTOWN FOR GUN SAFETY, https://everytown.org/throwthemout/?source=etno_ETHHomepage&utm_source=et_n_&utm_medium=_o&utm_campaign=ETHHomepage&refcode=ETHHomepage (last visited Mar. 12, 2018).
4. Cox & Rich, *supra* note 2.
5. *Analysis of School Shootings*, EVERYTOWN FOR GUN SAFETY (Dec. 31, 2015), <https://everytownresearch.org/reports/analysis-of-school-shootings/>.
6. *Compare 310 School Shootings in America Since 2013*, EVERYTOWN FOR GUN SAFETY (Feb. 15 2018), <https://everytownresearch.org/school-shootings/> (including a January 26, 2018, incident at Dearborn High School), with Amber Ainsworth, *No Injuries Reported After Altercation Leads to Shooting in Dearborn High School Parking Lot*, WDIV DETROIT (Jan. 27, 2018), <https://www.clickondetroit.com/news/no-injuries-reported-after-altercation-leads-to-shooting-in-dearborn-high-school-parking-lot> (reporting on the details of the same incident).
7. See Cox & Rich, *supra* note 2.
8. See NAT'L CTR. FOR EDUC. STATISTICS, INDICATORS OF SCHOOL CRIME AND SAFETY: 2016 32-33 (2016), <https://nces.ed.gov/pubs2017/2017064.pdf> (hereinafter INDICATORS OF SCHOOL CRIME AND SAFETY).
9. See FED. BUREAU OF INVESTIGATION, A STUDY OF ACTIVE SHOOTER INCIDENTS IN THE UNITED STATES BETWEEN 2000 AND 2013 5, 15-17 (Sept. 16, 2013), <https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf> (hereinafter STUDY OF ACTIVE SHOOTER INCIDENTS).
10. For example, the FBI report concludes that there were 27 incidents of active shooters at schools (including colleges and universities) between 2000 and 2013. Like the data compiled by Everytown, however, this number includes incidents that took place when classes were not in session or that took place in administrative offices or during school board meetings. See *id.*
11. See *id.* at 23. The report also counts as an active-shooter incident on school grounds a 2010 violent attack at a Panama City, Florida, School Board meeting by the husband of a former school district employee. No one was killed or injured, and the shooter committed suicide after being confronted by armed security. See *id.* at 36.
12. *Fast Facts: Back to School Statistics*, NAT'L CTR. FOR EDUC. STATISTICS, <https://nces.ed.gov/fastfacts/display.asp?id=372> (last visited Mar. 12, 2018).
13. Allie Nicodemo & Lia Petrinio, *Schools Are Safer Than They Were in the 90s, and School Shootings Are Not More Common Than They Used to Be, Researchers Say*, NEWS @ NORTHEASTERN (Feb. 26, 2018), <https://news.northeastern.edu/2018/02/schools-are-still-one-of-the-safest-places-for-children-researcher-says/>.
14. *Greatest Risk in School Travel Is Not on School Buses*, COMM. ON SCH. TRANSP. SAFETY (June 18, 2002), http://www8.nationalacademies.org/onpinews/newsitem.aspx?recordid=10409&_ga=2.233205406.1402489765.1520449338-111637238.1520449338.
15. James Alan Fox, Opinion, *School Shootings Are Not the New Normal, Despite Statistics That Stretch the Truth*, USA TODAY (updated Feb. 20, 2018, 6:38 PM ET), <https://www.usatoday.com/story/opinion/2018/02/19/parkland-school-shootings-not-new-normal-despite-statistics-stretching-truth-fox-column/349380002/>. Fox does not list which incidents he included in his calculation, but our own analysis of multiple records suggests that this number is correct: Thomas Jefferson High School, New York (1992); Lindhurst High School, California (1992); East Carter High School, Ohio (1993); Richland High School, Tennessee (1995); Frontier Middle School, Washington (1996); Bethel Regional High School, Alaska (1997); Pearl High School, Mississippi (1997); Heath High School, Kentucky (1997); Westside Middle School, Arkansas (1998); Thurston High School, Oregon (1998); Columbine High School, Colorado (1999); Santana High School, California (2001); Ricori High School, Minnesota (2003); Red Lake High School, Minnesota (2005); West Nickel Mines Amish School, Pennsylvania (2006); Chadron High School, Ohio (2012); Sandy Hook Elementary School, Connecticut (2012); Marysville-Pilchuck High School, Washington (2014); North Park Elementary School, California (2017); Aztec High School, New Mexico (2017); Marshall County High School, Kentucky (2018); and Marjory

- Stoneman Douglas High School, Florida (2018). Moreover, of the 22 multiple-casualty shootings identified herein, the list could arguably exclude the 2017 shooting at North Park Elementary School, where an aggrieved husband walked into his wife's elementary school classroom and fired 10 rounds at her before turning the gun on himself. Along with the wife, a student was killed by an errant bullet. It does not appear that the shooter intended to harm any children, making it difficult to compare that incident with the other school shootings on the list. See Rob Kuznia et al., "He Heard People Yelling, 'No, Don't!': Inside the Murder-Suicide in a San Bernardino Classroom, WASH. POST (Apr. 11, 2017), https://www.washingtonpost.com/news/post-nation/wp/2017/04/11/san-bernardino-reels-from-elementary-school-shooting-that-left-teacher-8-year-old-student-dead/?utm_term=.54e9c9bffd85.
16. See Nicodemo & Petrinio, *supra* note 13; *Deadliest U.S. Mass Shootings, 1984–2017*, L.A. TIMES (Oct. 1, 2017), <http://timelines.latimes.com/deadliest-shooting-rampages/>.
 17. Fox, *supra* note 15.
 18. See, e.g., *Information on K-12 and University Shooting Deaths: The Number of Deaths Has Been Declining Over Time*, CRIME RESEARCH PREVENTION CTR. (Feb. 28, 2018), <https://crimeresearch.org/2018/02/information-k-12-university-shootings-deaths-number-deaths-declining-time/>.
 19. If the five-year span is shifted back one year in order to include the high-casualty Newtown tragedy but exclude 2018, the number of shootings and deaths remains roughly the same. As of March 19, 2018, there were two multiple-fatality school shootings on K-12 campuses in 2018: 17 were killed at Marjory Stoneman Douglas High School in Florida, and two more were killed at Marshall County High School in Kentucky. In 2012, there were two school shootings with multiple fatalities: Three students were killed and another three wounded at Chadron High School in Ohio, and 28 were killed and two wounded at Sandy Hook Elementary School in Newtown, Connecticut.
 20. Title XI, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994 (the Federal Assault Weapons Ban) prohibited the manufacture, transfer, and possession of certain semiautomatic firearms designated "assault weapons" on the basis of certain (mostly cosmetic) features, as well as the use of magazines with the capacity to hold more than 10 rounds. The law expired under a sunset provision in 2003, and the final report authorized by the Justice Department on the law's effectiveness concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement." The ban could not be credited with causing any of the nation's drop in gun violence, "[a]nd, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence, based on indicators like the percentage of gun crimes resulting in death or the share of gunfire incidents resulting in injury." CHRISTOPHER S. KOPER ET AL., AN UPDATED ASSESSMENT OF THE FEDERAL ASSAULT WEAPONS BAN: IMPACTS ON GUN MARKETS AND GUN VIOLENCE, 1994–2003 (June 2004), <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>.
 21. Fox, *supra* note 15.
 22. *Id.*
 23. See Nicodemo & Petrinio, *supra* note 13. Even when controlling for gang-related firearm deaths and firearm suicides, there is a regression line from 1993 to 2004. This means that, in terms of five-year averages, the rate of deaths for more "newsworthy" school shootings is also decreasing. See also *Information on K-12 and University Shooting Deaths: The Number of Deaths Has Been Declining Over Time*, CRIME RESEARCH PREVENTION CTR. (Feb. 28, 2018), <https://crimeresearch.org/2018/02/information-k-12-university-shootings-deaths-number-deaths-declining-time/>. See also *Information on K-12 and University Shooting Deaths*, *supra* note 18.
 24. Data compiled by the NCES show that the percentage of high school students reporting that they carried a weapon on school property at least once in the past 30 days dropped from 14 percent in 1993 to 4 percent in 2014. See INDICATORS OF SCHOOL CRIME AND SAFETY, *supra* note 8 at 90–93. Firearm possession incidents do not mean that the student was intending to harm himself or others and can include even incidents involving an honors student who inadvertently left a hunting rifle in her truck after a Thanksgiving hunting trip with her family, a student athlete who was suspended for having a disassembled shotgun in his locked truck, and an Eagle Scout who was expelled for forgetting to remove his unloaded shotgun from his trunk after going skeet shooting the previous weekend. See, e.g., Jana Winter, *Montana Honor Student Faces Expulsion for Leaving Hunting Rifle in Car While at School*, FOX NEWS (Dec. 9, 2010), <http://www.foxnews.com/us/2010/12/09/honor-roll-students-future-balance-gun-law.html>; Susan Redden, *Students Protest After CHS Senior Suspended for Leaving Disassembled Gun in Locked Truck*, JOPLIN GLOBE (Apr. 23, 2015), http://www.joplinglobe.com/news/local_news/students-protest-after-chs-senior-suspended-for-leaving-disassembled-gun/article_c55887fe-5936-5279-be2e-5139c41e8456.html; *Classmates Rally Around Princeton Student Who Left Gun in Car*, WRAL (updated May 2, 2013), <http://www.wral.com/classmates-rally-around-princeton-student-expelled-for-gun-in-car/12401713/>.
 25. INDICATORS OF SCHOOL CRIME AND SAFETY, *supra* note 8, at 32.
 26. *Id.* at 33.
 27. *Id.* at 32.
 28. See *Child Abuse and Neglect Fatalities 2015: Statistics and Interventions*, CHILDREN'S BUREAU (Apr. 2017), <https://www.childwelfare.gov/pubPDFs/fatality.pdf>; see also *Analysis: 32 Years of U.S. Filicide Arrests*, BROWN UNIVERSITY (Feb. 25, 2014), <https://news.brown.edu/articles/2014/02/filicide>.
 29. Grant Duwe, *The Patterns and Prevalence of Mass Public Shootings in the United States, 1915–2013*, in THE WILEY HANDBOOK OF THE PSYCHOLOGY OF MASS SHOOTINGS (Laura C. Wilson ed., 2017).
 30. James L. Knoll IV & George D. Annas, *Mass Shootings and Mental Illness*, AM. PSYCHIATRIC ASS'N 84–85 (2016), <https://psychiatryonline.org/doi/pdf/10.5555/appi.books.9781615371099>.
 31. *Id.* at 96.
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32. See Paul S. Appelbaum, *Public Safety, Mental Disorders, and Guns*, 70 JAMA PSYCHIATRY 565 (2013), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/1674804>.
33. Knoll & Annas, *supra* note 30, at 85, 97. See also Peter Langman, *School Shooters: The Warning Signs*, SCHOOLSHOOTERS.INFO (Feb. 12, 2016) (hereinafter *School Shooters: The Warning Signs*), https://schoolshooters.info/sites/default/files/school_shooters_warning_signs_1.2_0.pdf.
34. *School Shooters: The Warning Signs*, *supra* note 33.
35. See Joel Rose & Braktkton Booker, *Parkland Shooting Suspect: A Story of Red Flags, Ignored*, NPR (Mar. 1, 2018), <https://www.npr.org/2018/02/28/589502906/a-clearer-picture-of-parkland-shooting-suspect-comes-into-focus>.
36. Jon Schuppe, *Who Is Nikolas Cruz? School Shooting Suspect Joked About Guns, Worrying Classmates*, NBC NEWS (Feb. 15, 2018), <https://www.nbcnews.com/news/us-news/who-nikolas-cruz-florida-school-shooter-joked-about-guns-worried-n848266>.
37. *School Shooters: The Warning Signs*, *supra* note 33, at 2–4.
38. Within the context of “warning signs” often comes a discussion of violent video games and movies and the role they might play in encouraging violent behaviors. However, while some studies suggest that violent video games and movies may desensitize troubled individuals to the effects of violence and may contribute to the likelihood that such individuals will perpetrate acts of violence, the studies are inconclusive. It is also unclear whether any correlation that exists between mass murderers and their obsession with violent video games and movies is the result of self-selection bias. In other words, it is not that exposure to violent video games and movies causes violent behaviors, but rather that those prone to engaging in violence for other reasons also prefer to play violent video games and watch violent movies. See, e.g., Tobias Greitemeyer, *Intense Acts of Violence During Video Game Play Make Daily Life Aggression Appear Innocuous: A New Mechanism Why Violent Video Games Increase Aggression*, 50 J. EXPERIMENTAL SOC. PSYCH. 52 (2013) (positing that many individuals who play violent video games become more aggressive in real life without knowing it); Whitney DeCamp & Christopher J. Ferguson, *The Impact of Degree of Exposure to Violent Video Games, Family Background, and Other Factors on Youth Violence*, 46 J. YOUTH ADOLESCENCE 388 (2017) (cautioning that there is no “consensus” among scholars that violent video game play is causally linked to actual violence and concluding from the researchers’ own study that “increased time spent playing violent video games does not significantly affect the risk of violent behavior” but that, rather, “it is the social and familial background that seems to play a larger role in determining risk of violent behavior”); Craig A. Anderson et al., *Screen Violence and Youth Behavior*, 140 PEDIATRICS 142 (2017) (concluding that “[t]he vast majority of laboratory-based studies have revealed that violent media exposure causes increased aggressive thoughts, angry feelings, physiological arousal, hostile appraisals, aggressive behaviors, and desensitization to violence” but also stating that additional large-sample, high quality, longitudinal studies are needed to fully understand the potential for long-term harm from media violence exposure); AM. PSYCH. ASS’N, *Resolution on Violence in Video Games and Interactive Media* (2015), (updating a 2005 resolution finding a number of limitations in the research, and now determining the research establishes a direct link between violent video game use and aggressive outcomes, but noting that interpretations of these effects vary widely).
39. See Peter Langman, *School Shooters: The Myth of the Stable Home*, SCHOOLSHOOTERS.INFO (2016), https://schoolshooters.info/sites/default/files/shooters_myth_stable_home_1.7.pdf (hereinafter *School Shooters: The Myth of the Stable Home*).
40. Brittany Wallman et al., *School Shooter Nikolas Cruz: A Lost and Lonely Killer*, SUN SENTINEL (Feb. 24, 2018), <http://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-florida-school-shooting-nikolas-cruz-life-20180220-story.html>.
41. *School Shooters: The Myth of the Stable Home*, *supra* note 39.
42. Although the Sandy Hook attacker’s father was apparently active in his son’s life before the divorce and remained in contact afterward, it is apparent from the official report that he had very little significant involvement in the years leading up to the attack. For example, he played little role in his son’s day-to-day medical and academic decisions and had not spoken to his son in over two years. See OFF. OF THE CHILD ADVOCATE, *FINAL REPORT: SHOOTING AT SANDY HOOK ELEMENTARY SCHOOL* (Nov. 21, 2014), <http://www.ct.gov/oca/lib/oca/sandyhook11212014.pdf>.
43. Joel Roberts, *Troubled Life of Minnesota Shooter*, CBS NEWS (Mar. 22, 2005), <https://www.cbsnews.com/news/troubled-life-of-minnesota-shooter/>.
44. Rachel Dissell, *Parents of Teen Accused of Shootings Faced Charges*, CLEVELAND.COM (updated Feb. 28, 2012), http://www.cleveland.com/chardon-shooting/index.ssf/2012/02/parents_of_teen_accused_of_sho.html.
45. For another overview of the relationship between familial stability and youth violence, see Malcolm & Marshall, *supra* note 1.
46. Marcia J. Carlson, *Family Structure, Father Involvement, and Adolescent Behavioral Outcomes*, 38 J. OF MARRIAGE AND FAM. 137–54 (2006); Kathleen B. Rodgers & Hillary A. Rose, *Risk and Resiliency Factors Among Adolescents Who Experience Marital Transitions*, 4 J. MARRIAGE & FAM. 64, 1024–37 (2002).
47. Cynthia C. Harper & Sara S. McLanahan, *Father Absence and Youth Incarceration*, 14 J. OF RES. ON ADOLESCENCE 369 (2004).
48. Steven P. Cuffe et al., *Family and Psychosocial Risk Factors in a Longitudinal Epidemiological Study of Adolescents*, 2 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 44, 121–129 (2005); ANN MOONEY, CHRIS OLIVER & MARJORIE SMITH, INSTITUTE OF EDUC., U. OF LONDON, *IMPACT OF FAMILY BREAKDOWN ON CHILDREN’S WELL-BEING: EVIDENCE REVIEW, RESEARCH REPORT DCSF-RR113* (June 2009), <http://dera.ioe.ac.uk/11165/1/DCSF-RR113.pdf>; Karen Shoum Teel et al., *Impact of a Father Figure’s Presence in the Household on Children’s Psychiatric Diagnoses and Functioning in Families at High Risk for Depression*, 25 J. CHILD FAM. STUD. 588 (2015).
49. Gunilla Ringbäck Weitoft et al., *Mortality, Severe Morbidity, and Injury in Children Living with Single Parents in Sweden: A Population-Based Study*, 361 LANCET 289 (2003), <http://forumdafamilia.com/arquivo/mortality-single-parents.pdf>. The study found that girls with single parents were more than twice as likely to commit suicide and more than three times as likely to die from an addiction to drugs or alcohol as were girls with

- two parents. *Id.* at 292. Meanwhile, boys of single parents were five times more likely to die from a drug or alcohol addiction and three times more likely to die from a fall or poisoning than were boys with two parents. *Id.* Young people in single-parent households also had a greater risk of psychiatric disease during both childhood and early adulthood than did those with two parents. *Id.* at 293.
50. *Id.* at 293.
51. DAVID POPENO, *FAMILIES WITHOUT FATHERS: FATHERS, MARRIAGE AND CHILDREN IN AMERICAN SOCIETY* 35 (2009).
52. See Carlson, *supra* note 46.
53. W. Bradford Wilcox, *The Distinct, Positive Impact of a Good Dad*, *THE ATLANTIC* (June 14, 2013), <https://www.theatlantic.com/sexes/archive/2013/06/the-distinct-positive-impact-of-a-good-dad/276874/>.
54. *Id.* (quoting KYLE PRUETT & MARSHA PRUETT, *PARTNERSHIP PARENTING: HOW MEN AND WOMEN PARENT DIFFERENTLY—WHY IT HELPS YOUR KIDS AND CAN STRENGTHEN YOUR MARRIAGE* (2009)).
55. *Id.*
56. JEFFERY ROSENBERG & W. BRADFORD WILCOX, *CHILDREN'S BUREAU, THE IMPORTANCE OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN* 12 (2006), <https://www.childwelfare.gov/pubPDFs/fatherhood.pdf>.
57. A. R. Pah et al., *Economic Insecurity and the Rise of Gun Violence at US Schools*, 1 *NATURE HUMAN BEHAVIOR* 1 (2017), https://amaral.northwestern.edu/media/publication_pdfs/s41562-016-0040.pdf.
58. *Id.* at 5. Interestingly, the study found no correlation between the prevalence of school shootings and the rates of gun ownership. *Id.* at 2.
59. *Id.*
60. FINAL REPORT: SHOOTING AT SANDY HOOK ELEMENTARY SCHOOL, *supra* note 42.
61. Elizabeth Chuck, Alex Johnson & Corky Siemaszko, *17 Killed in Mass Shooting at High School in Florida*, *NBC News* (Feb. 15, 2018), <https://www.nbcnews.com/news/us-news/police-respond-shooting-parkland-florida-high-school-n848101>.
62. Alan Duke, *Timeline to "Retribution": Isla Vista Attacks Planned Over Years*, *CNN* (updated 7:43 PM ET, May 27, 2014), <https://www.cnn.com/2014/05/26/justice/california-elliott-rodger-timeline/>; Phillip Rucker & Robert Costa, *In Elliot Rodger, Authorities in Calif. Saw Warning Signs But Didn't See a Tipping Point*, *WASH. POST* (May 25, 2014), https://www.washingtonpost.com/national/sheriff-calif-shooter-rodger-flew-under-the-radar-when-deputies-visited-him-in-april/2014/05/25/88123026-e3b4-11e3-8dcc-d6b7fede081a_story.html?utm_term=.efbf3a122c52.
63. Knoll & Annas, *supra* note 30, at 85.
64. INDICATORS OF SCHOOL CRIME AND SAFETY, *supra* note 8, at 92. Also of note is the fact that the average age of public mass shooters as a group is 35, and most would not have been effected by an increase in the minimum purchase age. See Duwe, *supra* note 29, at 28.
65. See, e.g., *Nat'l Rifle Ass'n v. Bureau of Alcohol Tobacco Firearms and Explosives*, 700 F.3d 185 (5th Cir. 2013) (declaring the federal prohibition on handgun possession for persons under 21 to be narrowly tailored because "Congress restricted the ability of persons under 21 to purchase handguns from [Federal Firearms Licensees], while allowing (i) 18-to-20-year-old persons to purchase long guns, (ii) persons under 21 to acquire handguns from parents or guardians, and (iii) persons under 21 to possess handguns and long-guns").
66. "Assault weapon" is not an industry term, has no relation to a firearm's mechanics or lethality, and is often used by gun control advocates to convey the impression that these firearms are similar to fully automatic machine guns. In reality, "assault weapon" is another way of saying "this gun looks scary and dangerous." The irony is that many "assault weapons" are no more dangerous than safer-looking "non-assault weapons" and that most mass shootings are carried out with these supposedly less lethal firearms precisely because they have the same functionality but are much less expensive. See *What Should America Do About Gun Violence?*, S. Judiciary Committee (2013) (written testimony of David B. Kopel, Research Director, Independence Institute, Golden, Colo.), <https://www.judiciary.senate.gov/imo/media/doc/1-30-13KopelTestimony.pdf>; Jacob Sullum, *Obama Wants to Ban "Assault Weapons" but Does Not Know What They Are*, *REASON* (Dec. 7, 2015), <https://reason.com/blog/2015/12/07/obama-wants-to-ban-assault-weapons-but-d>.
67. See CRIME PREVENTION RESEARCH CTR., *THE MYTHS ABOUT MASS PUBLIC SHOOTINGS: ANALYSIS 9* (Sept. 30, 2014), <https://crimeresearch.org/wp-content/uploads/2014/10/CPRC-Mass-Shooting-Analysis-Bloomberg1.pdf>.
68. See Steve Suo, *Umpqua Community College 2015 Shooting Report: What We've Learned*, *THE OREGONIAN* (updated Sept. 9, 2017), http://www.oregonlive.com/pacific-northwest-news/index.ssf/2017/09/umpqua_community_college_inves.html; Sean Alfano, *Va. Tech Killer Bought 2nd Gun Online*, *CBS News* (Apr. 19, 2007), <https://www.cbsnews.com/news/va-tech-killer-bought-2nd-gun-online/>; *School Gunman Stole Police Pistol, Vest*, *CNN* (Mar. 23, 2005), <http://www.cnn.com/2005/US/03/22/school.shooting/>.
69. See Gary Kleck, *Large-Capacity Magazines and the Casualty Counts in Mass Shootings: The Plausibility of Linkages*, 17 *JUST. RES. & POL'Y* 28 (2016).
70. German citizens do not have a fundamental right to bear arms, and all Germans wishing to own a firearm must first obtain a firearms ownership license. To be approved, applicants must pass a "specialized knowledge test" on guns; provide proof of a specific and approved need for the weapon (self-defense does not count); and (for people younger than 25 who are applying for their first license) undergo a psychiatric evaluation. Since 2009, gun owners also have been subject to continued monitoring by government officials, who can request at any time to enter a gun owner's private property and check for proper firearm storage. See *Firearms-Control Legislation and Policy: Germany*, *THE LAW LIBRARY OF CONGRESS*, <https://www.loc.gov/law/help/firearms-control/germany.php#Current> (last visited Mar. 12, 2018).
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72. See *Firearms-Control Legislation and Policy: Germany*, *supra* note 70.
 73. *Gunman Dies After Storming School*, BBC News (updated Nov. 20, 2006), <http://news.bbc.co.uk/2/hi/europe/6164842.stm>.
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 75. Helen Pidd, *Students Killed in German School Shooting*, THE GUARDIAN (Mar. 11, 2009), <https://www.theguardian.com/world/2009/mar/11/germany-school-shooting>.
 76. In France, most firearm ownership licenses require active membership in a shooting club, at least three training practices a year at a firing range, and an annual physical and mental certification from a physician. For licenses covering hunting weapons limited to three-round capacities, the applicant still must undergo a full day of training on hunting theory, firearm safety, and protected species. All firearms for all license holders must be disassembled and in a locked case except when at the firing range or when actively being used in a hunt. See *France—Gun Facts, Figures and the Law*, U. OF SYDNEY: GUNPOLICY.ORG, <http://www.gunpolicy.org/firearms/region/france> (last visited Mar. 12, 2018); In Finland, all firearm owners must have a valid license, which must be renewed every five years. Licenses are granted for hunting, target shooting, and keeping as a souvenir—but not for general self-defense. Persons requesting a firearms license for hunting or target shooting must produce a “reliable account of his or her hobby.” Separate permits are required for purchasing ammunition. See *Finland—Gun Facts, Figures and the Law*, U. OF SYDNEY: GUNPOLICY.ORG, <http://www.gunpolicy.org/firearms/region/finland> (last visited Mar. 19, 2018).
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 98. See Csere, *supra* note 96. Israeli law permits police officers, military members, licensed guards from private security firms, and authorized teachers to be armed on school property. According to Orem Shemtov, CEO of Israel's Academy of Security and Investigation, "At one point the Interior Ministry mandated that a certain percentage of teachers be armed but because, over time, fewer teachers carried weapons, for a number of reasons, including philosophical reasons, and due to increased terror attacks, private guards were mandated..." Greg Tepper, *Armed Teachers, Guards Bolster School Security in Israel*, FOX NEWS (Dec. 12, 2012), <http://www.foxnews.com/world/2012/12/30/armed-teachers-guards-key-to-school-security-in-israel.html>.
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 102. John Woodrow Cox, *Inside an Accused School Shooter's Mind: A Plot to Kill "50 or 60. If I Get Lucky Maybe 150"*, WASH. POST (Mar. 3, 2018), https://www.washingtonpost.com/local/inside-a-teen-school-shooters-mind-a-plot-to-kill-50-or-60-if-i-get-lucky-maybe-150/2018/03/03/68cc673c-1b27-11e8-ae5a-16e60e4605f3_story.html?utm_term=.591682a376cb. This would-be mass killer also exhibited many of the same warning signs noted among other perpetrators of mass school violence: There is evidence his father may have mistreated him at home; he had a long history of behavioral problems in school, including being expelled for carrying weapons on campus; he exhibited an obsession with guns and other mass killers; and he was consumed by violent fantasies that manifested themselves in increasingly serious ways. See *id.*
 103. Maria L. La Ganga, *Colorado Theater Shooter James Holmes' Notebook: Attack Plans and Ramblings*, L.A. TIMES (May 27, 2015), <http://www.latimes.com/nation/la-na-nn-holmes-chilling-notebook-20150527-story.html>.
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113. Anna Giaritelli, *Mark Meadows Proposes \$1.5B to Boost School Safety After Florida Shooting*, WASH. EXAMINER (Mar. 7, 2018), <http://www.washingtonexaminer.com/mark-meadows-proposes-15b-to-boost-school-safety-after-florida-shooting/article/2650947>.
114. See Linda Williams, *Cops on Campus: Police Substation Set Up at Goodyear Elementary School*, FOX 10 ARIZONA (updated Feb. 27, 2018, 11:59 AM MST), <http://www.fox10phoenix.com/news/arizona-news/cops-on-campus-police-substation-set-up-at-goodyear-elementary-school>; *Texas School to Build Police Substation on Campus*, CBS DFW (Feb. 21, 2018), <http://dfw.cbslocal.com/2018/02/21/texas-school-build-police-substation-on-campus/>.
115. The importance of those qualifiers cannot be overstated. It is critical that armed teachers be voluntary, designated by school officials, well-trained, and regularly re-certified. Responding effectively and safely to active threats is not something that comes naturally to many people, and armed teachers—like armed law enforcement personnel and armed military members—should receive adequate training to ensure they are qualified to protect the nation's children. This is the case in Israel, where armed guards and armed teachers are a daily reality. There, anyone authorized to carry a firearm on a school campus must possess a valid license from the Ministry of Public Safety and the Israeli Police. To be qualified for this license, a person must have a high school diploma, no criminal record, and hours of weapons training. There are additionally strict protocols and guidance for carrying the firearm and for which types of firearms may be carried, and all private security companies and school personnel work coordinate with law enforcement officers and the Israeli Defense Forces. See Csere, *supra* note 96; Tepper, *supra* note 98.
116. UTAH CODE ANN. § 76-10-505.5(4)(a); see also *Concealed Firearm Permit Frequently Asked Questions*, UTAH DEPT. PUB. SAFETY (last visited Mar. 10, 2018), <https://bci.utah.gov/concealed-firearm/general-information/concealed-firearm-permit-frequently-asked-questions/>.
117. In 2014, a teacher mishandled her concealed handgun while using a school restroom, causing the gun to fire and shatter the toilet. The teacher resigned from her position and pled no contest to discharging a firearm within the city limits, a class B misdemeanor. As part of a plea in abeyance, she was ordered to take a firearms safety course and pay a \$705 fee, and the charge was dismissed upon her completion of those requirements. Pat Reavy, *Ex-Teacher Who Shot Toilet Pleads No Contest to Discharging Firearm*, DESERET NEWS (Nov. 5, 2014), <https://www.deseretnews.com/article/865614785/Ex-teacher-who-shot-toilet-pleads-no-contest-to-discharging-firearm.html>.
118. ALASKA STAT. §§ 18.65.755; ALA. CODE § 13A-11-72(c), (e); NH REV. STAT. ANN. §§ 193-D:1, 193:13; OR. REV. STAT. § 166.370(3)(d), (g); R.I. GEN. LAWS § 11-47-60; 2017 WY HB 194 (signed into law by the governor on Mar. 15, 2017), creating WYO. STAT. 21-3-132. Hawaii does not have a relevant statute addressing the prohibition of firearms on school campuses.
119. See, e.g., MO. REV. STAT. § 571.107.1(10); TEX. PENAL CODE § 46.03(a)(1); S.D. CODIFIED LAWS § 13-64-1.
120. It is illegal to carry firearms on any public or private school campus in Pennsylvania unless they are carried “in conjunction with a lawful supervised school activity or course or [are] possessed for other lawful purpose.” 18 PA. CONS. STAT. ANN. § 912. At the time of this incident, the term “lawful purposes” had not been defined in any Pennsylvania statute or court decision, and the state’s Department of Education determined that it lacked the authority to rule on criminal laws. It appears that some schools have looked to Indiana’s interpretation of a similar statute, which was deemed to permit school boards to set their own policies on allowing school staff to carry firearms. See Steve Esack, *Pennsylvania Teachers Could Carry Guns Under Senate Bill*, THE MORNING CALL (Apr. 19, 2017), <http://www.mcall.com/news/nationworld/pennsylvania/capitol-ideas/mc-pennsylvania-teachers-could-carry-guns-under-senate-bill-20170419-story.html>. In 2017, the Superior Court of Pennsylvania, sitting *en banc*, determined that an individual is entitled to claim the defense of “other lawful purpose” when carrying a weapon on school grounds even when the reason for carrying the weapon is not related to a school activity. *Commonwealth v. Goslin*, 2017 PA Super 38. It is still unclear, however, whether and how this affects the ability of schools to determine whether teachers may carry guns in the classroom for defense of self and others.
121. See Ben Guarino, *Teacher Resigns After Elementary Students Find Her Loaded Pistol in School's Bathroom, Pa. Cops Say*, WASH. POST (Sept. 15, 2016), https://www.washingtonpost.com/news/morning-mix/wp/2016/09/15/teacher-resigns-after-elementary-students-find-her-loaded-pistol-in-schools-bathroom-pa-cops-say/?utm_term=.af11c29658ef.
122. On March 14, 2018, a California teacher who was also a reserve police officer negligently mishandled his firearm during a high school class on public safety. See Fred Barbash, *Calif. Teacher Apologizes for Firing Gun in Class but Offers No Apology*, WASH. POST (Mar. 16, 2018), https://www.washingtonpost.com/news/morning-mix/wp/2018/03/16/calif-teacher-apologizes-for-firing-gun-in-class-but-offers-no-explanation/?utm_term=.a13292b11d27. The firearm discharged into the ceiling, and a piece of debris from the ceiling tile left a small mark on a student’s neck. Both California state law and the school’s policy prohibit the carrying of firearms on campus without authorization. See *id.*; CAL. PENAL § 626.9. Further, according to reports, the teacher pointed his gun at the ceiling and pulled the trigger to make sure it was not loaded, something that any person trained in gun safety knows should not be done under any circumstances. There are many questions surrounding this accident, and the teacher was immediately placed on administrative leave by both the school district and the police

- department for which he served as a reserve officer. Following this incident, the superintendent of the California school district where this occurred stated, “Clearly, in this incident, protocols were not followed.” Fred Barbash, *Gun-Trained Teacher Accidentally Discharges Firearm in Calif. Classroom, Injuring Student*, WASH. POST (Mar. 14, 2018), https://www.washingtonpost.com/news/morning-mix/wp/2018/03/14/teacher-accidentally-discharges-firearm-in-calif-classroom-he-was-trained-in-gun-use/?utm_term=.a21631348e6e.
123. See CRIME PREVENTION RESEARCH CTR., CONCEALED CARRY PERMIT HOLDERS ACROSS THE UNITED STATES: 2017 (July 20, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3004915.
124. OHIO REV. CODE ANN. § 2923.122.
125. See Chelsea Spears, *Which Local School Districts Allow Teachers to Carry Guns?*, WBKN 27 (Feb. 20, 2018), <http://wkbn.com/2018/02/20/which-local-school-districts-allow-teachers-to-carry-guns/>; Hannah Sparling, *Does My Kid’s Teacher Have a Gun?*, CINCINNATI ENQUIRER (updated 1:48 PM ET Mar. 8, 2018), <https://www.cincinnati.com/story/news/education/2018/03/07/does-my-kids-teacher-have-gun/404341002/>.
126. *About*, FASTER SAVES LIVES, <http://fastersaveslives.org/about> (last visited Mar. 10, 2018).
127. Chad Baus, *Another Ohio School Board Votes to Incorporate Armed, Trained Staff Members into Safety Plan*, FASTER SAVES LIVES (Feb. 21, 2018), <http://fastersaveslives.org/another-ohio-school-board-votes-to-incorporate-armed-trained-staff-members-into-safety-plan>.
128. See, e.g., Geoff Herbert, *JustinKase: Student’s Invention Could Save Lives in Next School Shooting*, SYRACUSE POST STANDARD (Feb. 20, 2018), http://www.syracuse.com/us-news/index.ssf/2018/02/justinkase_school_shooting_device_classrooms.html; Fighting Chance Solutions, <https://fightingchancesolutions.com/> (last visited Mar. 10, 2018).
129. Avery Anapol, *Oklahoma School District Installs Bulletproof Shelters in Elementary School Classrooms*, THE HILL (Feb. 28, 2018), <http://thehill.com/blogs/blog-briefing-room/375978-oklahoma-school-district-installs-bulletproof-shelters-in-elementary>; Danny Clemens, *Step Inside the Bulletproof Shelter Designed to Protect Students from an Active Shooter*, ABC 13 NEWS (Mar. 1, 2018), <http://abc13.com/is-this-bulletproof-school-shelter-the-new-normal/3160640/>.
130. Kevin McCoy, *Sales of Bulletproof Doors and Windows Boom as Parkland Students Return to School*, USA TODAY (updated 9:10 PM ET, Mar. 1, 2018), <https://www.usatoday.com/story/money/2018/02/28/not-just-bulletproof-backpacks-interest-products-keep-shooters-out-growing/373012002/>.
131. Elizabeth Chuck, *Sandy Hook Shooting Anniversary: How Schools Have Changed Security*, NBC NEWS (Dec. 12, 2017), <https://www.nbcnews.com/news/us-news/sandy-hook-shooting-anniversary-how-schools-have-changed-security-n827371>; Jacob Passy, *Schools Rethink Building Design to Protect Students from Mass Shooters*, MARKET WATCH (Feb. 25, 2018), <https://www.marketwatch.com/story/how-schools-are-being-designed-to-protect-students-and-teachers-from-mass-shooters-2018-02-16>.
132. *A Silent Epidemic*, NPR (Sept. 7, 2016), <http://apps.npr.org/mental-health/>.
133. Randall Reback, *Schools’ Mental Health Services and Young Children’s Emotions, Behavior, and Learning*, 29 J. OF POL’Y ANALYSIS & MANAGEMENT 698 (2010).
134. Valerie Strauss, *How Big Is the School Counselor Shortage? Big*, WASH. POST (Mar. 20, 2013), https://www.washingtonpost.com/news/answer-sheet/wp/2013/03/20/how-big-is-the-school-counselor-shortage-big/?utm_term=.97fdcc5b252d.
135. See Pat Donachie, *Students Say They Don’t Know Where to Turn for Mental Health Services*, EDUCATION DIVE (July 27, 2017), <https://www.educationdive.com/news/students-say-they-dont-know-where-to-turn-for-mental-health-services/447971/>.
136. “Public schools hired non-teachers—meaning district and school administrators, teaching aides, counselors, social workers, reading and math coaches, curriculum specialists, janitors, bus drivers, and cafeteria workers—at a rate that is seven times the growth of the student population.” Madeline Will, *Teachers Less Frequently Hired, More Often Fired Than Other School Staffers*, EDUCATION WEEK (May 9, 2017), http://blogs.edweek.org/teachers/teaching_now/2017/05/teacher_hiring_staffing_surge.html.
137. Elizabeth A. Harris, *Little College Guidance: 500 High School Students per Counselor*, N.Y. TIMES (Dec. 25, 2014), <https://www.nytimes.com/2014/12/26/nyregion/little-college-guidance-500-high-school-students-per-counselor.html>; *A Silent Epidemic*, *supra* note 132.
138. Mike DeBonis, *House Will Vote Next Week on School Safety Bill—But Not on Gun Legislation*, WASH. POST (Mar. 6, 2018), https://www.washingtonpost.com/news/powerpost/wp/2018/03/06/house-will-vote-next-week-on-school-safety-bill-but-not-on-gun-legislation/?utm_term=.de1dbca4cc1b.
139. Long-term funding for school safety measures must ultimately be borne by state and local governments and private sources. As related to specific programmatic funding for local activities, the federal response should be limited to helping communities establish school safety programs, tailored for recipient communities that meet specific conditions, to set up broader school safety infrastructure that is maintained through local funding sources.
140. See *Behavioral Intervention Teams*, NAT’L BEHAVIORAL INTERVENTION TEAM ASS’N, <https://nabita.org/behavioral-intervention-teams/> (last visited Mar. 12, 2018).
141. See Donachie, *supra* note 135.
142. See John G. Malcolm & Lindsey Burke, *Here’s What Congress Is Doing to Tackle School Safety*, DAILY SIGNAL (Mar. 7, 2018), <http://dailysignal.com/2018/03/07/heres-congress-tackle-school-safety/>.
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143. *Compare* JENNI OWEN ET AL., DUKE UNIVERSITY CTR. FOR CHILD AND FAMILY POLICY, *INSTEAD OF SUSPENSION: ALTERNATIVE STRATEGIES FOR EFFECTIVE SCHOOL DISCIPLINE* (2015), https://law.duke.edu/childedlaw/schooldiscipline/downloads/instead_of_suspension.pdf, with Paul Sperry, *Obama's Lax Discipline Policies Made Schools Dangerous*, N.Y. POST (Dec. 23, 2017), <https://nypost.com/2017/12/23/obamas-lax-discipline-policies-made-schools-dangerous/>.
 144. The process for civil commitment is often arduous, involving evidentiary hearings, testimony from psychiatrists, law enforcement officers, and family members. Civil commitments for mental health treatment and adjudications of mental defect or incompetence often entail the loss of certain civil rights for a significant period of time, and in some states, it is as difficult for those with disqualifying mental health histories to have their civil rights fully restored as it is for felons. In some circumstances, persons under civil commitment can also face forcible medication and the use of physical restraints.
 145. This lack of intermediate options is partly, if not largely, the result of the deinstitutionalization movement of the 1960s and 1970s, which was itself partly a response to the poor conditions and treatment of mentally ill individuals in some state hospitals. See E. Fuller Torrey et al., Treatment Advocacy Ctr., *No Room at the Inn: Trends and Consequences of Closing Public Psychiatric Hospitals* (July 19, 2012), http://www.treatmentadvocacycenter.org/storage/documents/no_room_at_the_inn-2012.pdf. States began to move away from legal standards for civil commitment that focused on whether the individual was in need of treatment generally and toward standards focused on whether the person presented evidence of dangerousness. *Id.* This coincided with several Supreme Court rulings making it more difficult to treat individuals with mental illness involuntarily. The Court's 1975 decision in *O'Connor v. Donaldson* helped to accelerate the deinstitutionalization trend by holding that "a State cannot constitutionally confine, without more, a nondangerous individual who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends." 422 U.S. 563, 576 (1975). In short, the state could not involuntarily commit someone for treatment unless the state could establish that the person posed an imminent risk of harm to himself or others. On top of this, four years later, the Court held in *Addington v. Texas*, 441 U.S. 418 (1979) that the state must prove imminent dangerousness by "clear and convincing evidence"—a very high burden. Of course, it is not easy to prove that somebody who has not actually committed a violent act in the past poses an imminent danger of harm to self or others, and it is also the case that somebody who is in need of treatment but who does not receive it may deteriorate rapidly and suddenly become violent. It is entirely possible that the pendulum has swung too far and that it may be time for the Supreme Court to revisit the appropriateness of these standards.
 146. Kirk Johnson, *States Mull "Red Flag" Gun Seizures from People Deemed Dangerous*, N.Y. TIMES (Feb. 23, 2018), <https://www.nytimes.com/2018/02/23/us/red-flag-laws-guns.html>; David French, *Gun-Violence Restraining Orders Can Save Lives*, NATIONAL REVIEW (Mar. 1, 2018), <https://www.nationalreview.com/magazine/2018/03/01/gun-violence-restraining-orders-save-lives/>.
 147. House Enrolled Act No. 1776, First Regular Session 114th General Assembly (2005), <http://www.in.gov/legislative/bills/2001/HE/HE1776.1.html>.
 148. At least one review of the body of research on public mass shooters has concluded that "a history of civil commitment or legal adjudication of criminal insanity or incompetence is practically unheard of among perpetrators of mass homicide and mass homicide-suicide." Knoll & Annas, *supra* note 30, at 96. Similarly, many school shooters have histories of police contact but were never arrested or charged with a crime. See French, *supra* note 146.
 149. BROWARD COUNTY COLLABORATIVE AGREEMENT ON SCHOOL DISCIPLINE (Oct. 5, 2016), <https://www.browardprevention.org/wp-content/uploads/2013/10/Fully-Executed-Collaborative-Agreement.pdf>.
 150. Lauren Camera, *Did an Obama-Era School Discipline Policy Contribute to the Parkland Shooting?*, U.S. NEWS & WORLD REPORT (Mar. 6, 2018), <https://www.usnews.com/news/education-news/articles/2018-03-06/did-an-obama-era-school-discipline-policy-contribute-to-the-parkland-shooting>.
 151. U.S. DEPT. OF EDUC. & U.S. DEPT. OF JUST., DEAR COLLEAGUE LETTER ON THE NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE (Jan. 8, 2014), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.
 152. Heather Mac Donald, *Undisciplined: The Obama Administration Undermines Classroom Order in Pursuit of Phantom Racism*, CITY-JOURNAL (Summer 2012), <https://www.city-journal.org/html/undisciplined-13485.html>; Michael J. Petrilli, *A Supposed Discipline Fix Threatens School Cultures*, EDUCATION NEXT (Mar. 3, 2018), <http://educationnext.org/supposed-discipline-fix-threatens-school-cultures-forum-petrilli/>; Max Eden, *Why "Improved" Safety Stats Mean More Dangerous Schools*, MANHATTAN INSTITUTE (Jan. 12, 2018), <https://www.manhattan-institute.org/html/why-improved-safety-stats-mean-more-dangerous-schools-10878.html>; Max C. Eden, *On School Discipline, Fix the Problem, Not the Statistics*, NATIONAL REVIEW (Nov. 13, 2017), <https://www.nationalreview.com/2017/11/school-discipline-federal-rules-not-helping/>.
 153. Alejandra Matos & Emma Brown, *Some D.C. High Schools Are Reporting Only a Fraction of Suspensions*, WASH. POST (July 17, 2017), https://www.washingtonpost.com/local/education/some-dc-high-schools-reported-only-a-small-fraction-of-suspensions/2017/07/17/045c387e-5762-11e7-ba90-f5875b7d1876_story.html?utm_term=.351226ae390a; Isabella Vi Gomes, *Report: Miami-Dade Schools Hides Suspension Numbers by Shipping Students Off-Campus*, MIAMI NEW TIMES (Oct. 27, 2017), <http://www.miaminewtimes.com/news/miami-dade-schools-off-campus-detention-centers-fail-to-educate-students-report-finds-9771355>.
 154. Max Eden, *Obama Admin Made Schools More Dangerous*, USA TODAY (Mar. 27, 2017), <https://www.usatoday.com/story/opinion/2017/03/27/obama-education-trump-students-color-discipline-schools-column/99501366/>.
 155. Carol Marbin Miller & Kyra Gurney, *Parkland Shooter Always in Trouble, Never Expelled. Could School System Have Done More?*, MIAMI HERALD (updated Feb. 21, 2018), <http://www.miamiherald.com/news/local/article201216104.html>.
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156. Audra D. S. Burch, Frances Robles & Patricia Mazzei, *Florida Agency Investigated Nikolas Cruz After Violent Social Media Posts*, N.Y. TIMES (Feb. 17, 2018), <https://www.nytimes.com/2018/02/17/us/nikolas-cruz-florida-shooting.html>.
157. Miller & Gurney, *supra* note 155.
158. Del Quentin Wilber et al., *Months Before Florida Shooting, 911 Calls Show a Teenager in Crisis*, WALL ST. J. (updated Feb. 23, 2018, 11:59 PM ET), <https://www.wsj.com/articles/months-before-florida-shooting-911-calls-show-a-teenager-in-crisis-1519423400>; Merris Badcock, *Parkland Shooter Nikolas Cruz Recorded During 911 Call in Palm Beach County*, WPTV 5 (updated Feb. 23, 2018), <https://www.wptv.com/news/region-c-palm-beach-county/lantana/parkland-shooter-nikolas-cruz-recorded-during-911-call-in-palm-beach-county>.