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FEDERAL COMMISSION ON SCHOOL SAFETY MEETING:
CREATING A CITADEL OF LEARNING

Thursday, August 16, 2018

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U.S. Department of Homeland Security
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A T T E N D E E S

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2
3 Kirstjen M. Nielsen, Secretary of Homeland Security

4 Jeff Sessions, Attorney General of the United States

5 Alex M. Azar II, Secretary of Health and Human Services

6 Jay Brotman, Managing Partner, Svigals & Partners and

7 Member, American Institute of Architects (AIA)

8 Max Schachter, CEO and Founder, Safe Schools for Alex

9 Jarrod Burguan, Chief of Police, San Bernardino Police

10 Department

11 Chris Fraley, Region 2 Director, National Association

12 of School Resource Officers (NASRO)

13 Donna P. Michaelis, Manager, Virginia Center for School

14 And Campus Safety, Division of Law Enforcement,

15 Virginia Department of Criminal Justice Services

16 Susan Payne, Founder and Executive Director of

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18 Colorado and Director of Safe Communities - Safe

19 Schools
20
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1 P R O C E E D I N G S

2 SECRETARY DEVOS: Good afternoon everyone.
3 I'd like to welcome you to this Federal Commission on
4 School Safety Meeting. This is our fourth full
5 Commission meeting.

6 In late June we met and considered the impact
7 of cyber-bullying and youth consumption of violent
8 entertainment upon students as well as the effects of
9 the media coverage of mass shootings.

10 In early July we met to learn about
11 opportunities to improve access to mental health
12 treatment, the effectiveness and appropriateness of
13 psychotropic medication and student privacy.

14 Our last meeting featured experts who
15 presented information on proactively protecting our
16 schools. Today's meeting will focus on Best Practices
17 for School Building Security, Active Shooter Training
18 for Schools and School-based Threat Assessments -- more
19 on that soon from Secretary Nielsen.

20 This Commission was established by President
21 Trump in the wake of the tragedy at Marjorie Stoneman
22 Douglas High School in Parkland, Florida.

1 Unfortunately, we are all aware that was not an
2 isolated incident and so we continue to identify and
3 study what's already working in local communities
4 across the nation.

5 We know there's no "one size fits all" plan,
6 no standardized approach when it comes to school
7 safety. Every school in every community is different.
8 That's why the Commission will be making
9 recommendations and not issuing mandates.

10 This important work continues today with our
11 expert panels. I look forward to hearing from each of
12 our speakers and I thank my fellow Commissioners for
13 being here today for their leadership and your work on
14 behalf of this Commission, and I'd now like to turn the
15 meeting over to my colleague, Secretary Nielsen.

16 SECRETARY NEILSEN: Well thank you Secretary
17 DeVos. I always want to thank you for your leadership
18 and all the hard work that you and your team have put
19 into this, we greatly appreciate it. Also, a quick
20 thanks to the Attorney General and Secretary Azar. We
21 appreciate the meetings that you have hosted in the
22 past because we learned a lot.

1 It certainly will be helpful as we put
2 everything together towards our Commission report. I
3 also want to thank the panelists. Thank you for being
4 here, thank you for your passion, your compassion, your
5 energy, your expertise. We really look forward to
6 listening and hearing and learning from you today. As
7 I mentioned in other settings, we hope this
8 conversation continues, that we will continue to
9 partner to protect our children.

10 This is -- you know this is of the highest
11 priority for this administration. I know all of my
12 colleagues here are committed, certainly the Department
13 of Homeland Security. We have almost every one of our
14 mission sets that can lend experience and expertise to
15 this conversation.

16 So as you know we produced multiple guides in
17 the best practices. What we're hoping to find today is
18 how to apply those guides in the school setting and to
19 make sure that they're flexible and scalable in a way
20 that is acceptable to local communities, so we look
21 forward to the conversation.

22 In terms of today, we're going to look at

1 three approaches. The first panel in front of us today
2 will focus on incorporating physical security measures
3 at the school buildings. As Secretary DeVos has said,
4 there's no "one size fits all," so what we'd like to do
5 is find out different ways to do this.

6 There are key principles however, that we
7 believe should be applied and look to your thoughts on
8 that, to include beginning with the risk assessment to
9 identify those gaps so that we can use very limited
10 resources in the best way possible.

11 We recently released a School Security Guide
12 and a self-assessment survey. Together, they do
13 provide tailored options administrators can use to
14 protect their schools, but we'd like to iterate on that
15 and make it more and more user friendly based on any
16 local conditions.

17 Our second panel will focus on active
18 shooters, the unique characteristics of the K-12 school
19 environment such as age, student background, building
20 design, all of which present complex challenges.
21 Active shooter is something we do a lot of training on
22 at the Homeland Security with our colleagues at the

1 Department of Justice and so we look to see how we can
2 raise awareness, change the culture within school
3 communities in terms of reporting suspicious behavior
4 and making sure that students as well as the teachers,
5 administrators are trained for unfortunate situations
6 should they occur.

7 Our third panel will focus on establishing
8 that particular threat assessment capability and this
9 is because we just -- we can't assume unfortunately
10 that school shootings will not occur and we're going to
11 spend some time today talking about prevention.

12 But should one occur, we want to really
13 understand the gaps and vulnerabilities in that school
14 environment so that we are best prepared to address it.

15 With the goal of these and other of our
16 Department activities, it's really to prevent the
17 attack from being successfully carried out. We're also
18 working to better mitigate potential consequences of a
19 successful attack.

20 For example, we recently established a 1.8
21 million dollar grant to enable schools and other groups
22 to train high school students with the skills necessary

1 to stabilize the injured and control severe bleeding.
2 We talked about this a little bit in the hall but we
3 have some resources on our website towards that,
4 helping the students be able to be part of the solution
5 after its safe for them to participate in the response
6 is also important.

7 Later this year, as Secretary DeVos said, we
8 will be releasing our final report and we look forward
9 to incorporating those insights and perspectives both
10 for today and the other meetings that we've had. We
11 really want to make this actionable, so we really look
12 forward to the conversation.

13 So with that, I'd like to turn to Secretary
14 Azar for any opening remarks and then to the Attorney
15 General.

16 SECRETARY AZAR: Great, well thank you very
17 much Secretary Nielsen and good afternoon to our
18 speakers and to my fellow Commissioners and those in
19 the audience.

20 I would especially like to welcome and express
21 our deep appreciation as a Commission to Max Schachter
22 and Rosie Stone, parents of children who were lost in

1 recent school shootings.

2 We really so appreciate your being here, your
3 courage being here and I know that every time you have
4 to talk about it, you're reliving just the most
5 horrible incident in your life and we really value your
6 courage and hope that some small amount of good can
7 come out of the horrendous personal and national
8 tragedy.

9 This is a high priority as Secretary Nielsen
10 mentioned for the President. We just had a cabinet
11 meeting on this -- the entire cabinet of the U.S.
12 government met on this very topic today, so it's quite
13 important.

14 The President highlighted an issue that
15 parochially is of great interest and importance to us
16 at the Department of Health and Human Services which is
17 the mental health issues and how very important the
18 mental health issues are in any type of -- in
19 preventing further shootings, any crimes of violence in
20 our schools.

21 Every American child deserves a safe place to
22 learn, a healthy place, and all Americans deserve to

1 know that their children spend each day in a safe and
2 caring environment. And, tragically, mass shootings
3 and other threats in our schools in recent years have
4 left many students and parents worrying that this is
5 not the case.

6 Too often schools have not had the resources
7 or the know-how to prevent these tragedies. We've got
8 a big job to do throughout the summer we've been
9 listening and learning about what it will take to
10 ensure that our children are safe and able to learn
11 effectively in school.

12 This needs addressing, this critical issue
13 from multiple viewpoints in developing tangible
14 solutions. School safety is a critical aspect of
15 promoting sound mental health among our children.

16 I'm looking forward to learning about and
17 discussing best practices for school building security,
18 active shooter training and school-based threat
19 assessments. Thank you all very much.

20 SECRETARY NIELSEN: Mr. Attorney General?

21 ATTORNEY GENERAL SESSIONS: Thank you Madame
22 Secretaries. It's good to be with all of you. Public

1 safety is a core function of government and doubly so
2 for our students and our children.

3 The President is firmly committed to us
4 improving our current situation. He directed the
5 formation of our Committee and it has been an honor to
6 work with Secretary DeVos and the other panelists as we
7 move forward.

8 To make this happen and effective right -- we
9 need to listen to the people who've been involved on
10 the front lines and not think that we can do this from
11 a top down method. We need to build it bottom up from
12 you.

13 So I'm excited for this, our fifth meeting
14 that Secretary Nielsen will be hosting today. It gives
15 us an opportunity to hear from people that deal with
16 this issue. We visited three different schools across
17 the country including a few weeks ago in Lake Hamilton
18 School District in rural Arkansas where it can take
19 police up to a half an hour to respond to a call from
20 that school.

21 During the visit I learned how local officials
22 and law enforcement officers have worked with school

1 administrators to train, to gather, to keep children
2 safe. I learned this local solution enjoyed strong
3 support throughout the community and it has been
4 ongoing for many years. So this is the way we are
5 looking at it.

6 I have no doubts that today's meeting will
7 help us get better. I thank you for being here. I
8 thank you Mr. Schachter, it's good to see you again and
9 I appreciate your willingness to speak out on this and
10 Miss Stone also in the next panel I believe. I look
11 forward to the remarks that we'll be hearing on Best
12 Practices for School Building Security.

13 It's a very important issue and I think some
14 real progress can be made here if we work together. I
15 look forward to what will be a productive discussion
16 and I appreciate all of you being here, thank you.

17 SECRETARY NIELSEN: So without further ado
18 we'd like to move to our first panel. As in our
19 meetings in the past we ask that you speak for eight
20 minutes each and then we're going to ask you some
21 questions, so we can have a bit of a dialogue.

22 This first panel focuses on Best Practices for

1 School Building Security. We'd like to start with Mr.
2 Brotman, hopefully I'm pronouncing that correctly,
3 fabulous. Mr. Brotman is the Managing Partner at
4 Svigals and Partners. He's a Member of the American
5 Institute of Architects and was the partner in charge
6 of the designing of the new Sandy Hook School in
7 Newton, Connecticut, welcome and we look forward to
8 hearing from you.

9 MR. BROTMAN: Thank you very much. Secretary
10 DeVos, Secretary Azar, Secretary Nielsen, and Attorney
11 General Sessions, thank you for the invitation to
12 appear here today. On behalf of the American Institute
13 of Architects, it is an honor to partner with you and
14 your staff to promote design strategies for the
15 challenges facing today's schools.

16 For over 20 years the American Institute of
17 Architects, through its Committee on Education, has
18 been working to develop and disseminate best practices
19 in education architecture -- ones that create positive,
20 learning environments while better safeguarding
21 students and school faculty.

22 While I have designed many schools during my

1 40 years practicing architecture, perhaps none has been
2 more impactful and fulfilling than the new Sandy Hook
3 Elementary School.

4 The success of this new school was only
5 possible with the full participation and collaboration
6 of hundreds of partners including my fellow architects,
7 our consulting engineers, the construction workers and
8 most importantly, the people of Newtown. Not
9 surprisingly there was a significant focus to design
10 this new school in a way that would prevent a tragedy
11 of this caliber from happening again.

12 To be clear though, no design could stop all
13 school violence, especially ones involving guns. There
14 is no single design standard that can prevent them.
15 However, there are design principles and best practices
16 that can help to mitigate risk -- both before and
17 during an act of violence.

18 In general, whether it is a retrofit or new
19 school, each must be designed for its unique student
20 population for its unique location and to meet the
21 needs of its unique community.

22 The primary goal in each design is to provide

1 an inspiring healthy environment that promotes
2 learning. Security features are vital and necessary,
3 should be as invisible as possible and incorporated
4 into the school's design. Failing to do so put's
5 children's education, emotional development and pro-
6 social behavior at risk.

7 There has been much discussion about hardening
8 new schools which may be the most common reaction to
9 recent tragic events. However, the architects' key
10 security design tool is layering. With layering, if
11 one design element or layer is breached, another layer
12 will be encountered to continue, to slow or limit the
13 assailant's progress.

14 Layering reinforces each selected security
15 design element to build in more minutes for first
16 responders while giving students and school personnel
17 more time to react -- the concept of layering is
18 defined by the Crime Prevention through Environmental
19 Design Guidelines -- CPTED, if you've heard of that
20 term.

21 These many design principles bring about
22 deter, detect -- delay the assailant while defending

1 the occupants. This is critically important,
2 especially in rural areas where longer law enforcement
3 response times happen more.

4 When designing the new Sandy Hook Elementary
5 School, we considered and applied these design
6 principles with extensive input from the local
7 community. It is our responsibility as architects to
8 design a school that is both functionally responsive
9 and contextually sensitive to a variety of community
10 interests.

11 In the case of Sandy Hook, parents initially
12 envisioned impenetrable fencing and high windows.
13 These reactions had to be balanced against the negative
14 effects overt security tactics would have on students
15 and staff. So instead of costly impenetrable fencing,
16 we employed a combination of minimal fencing,
17 landscaping materials and natural geography to achieve
18 the goal of signaling that you were entering an area
19 where you are being observed and monitored.

20 There are no blind approaches to these
21 schools. For additional layer, incoming traffic is
22 diverted into staff or visitor parking lots while

1 school buses are the only vehicles that can come close
2 to the school.

3 All of this activity is visible from the
4 school where natural surveillance is paired with the
5 technology in the form of well-placed video cameras and
6 other monitoring devices.

7 Architects are especially concerned with
8 maximizing transparency which allows for natural
9 surveillance and access to daylight and views.
10 Daylight illuminates classrooms while using less energy
11 and research shows positively influences a student's
12 ability to concentrate and learn.

13 This transparency can also establish a greater
14 sense of school community. As noted earlier, limiting
15 window areas would eliminate natural surveillance and
16 also the proven benefits of connecting to nature and
17 light.

18 Based on research, high windows would be
19 perceived as a fortress and young students would not be
20 able to see out of these windows. Instead, our
21 approach was to slope the ground away from the
22 building, limiting visibility for the assailant but

1 still allowing the children to look out.

2 Architects have a unique ability to
3 incorporate a variety of climates into a single design
4 element. For Sandy Hook its key security design layer
5 was to provide a buffer in the front of the school
6 where both people and vehicles were prohibited.

7 At the same time, we needed to provide an
8 environmental friendly method to divert rainwater from
9 the school roof and for the front façade we needed to
10 create a welcoming approach that was symbolic of the
11 community's identity.

12 Our solution to all three was a rain garden
13 with hearty, colorful plants and a sunken river of
14 locks along the entire front of the school creating a
15 moat of sorts -- that is clearly not friendly to cars
16 or people.

17 The design then has three small foot bridges
18 that cross this rain garden and enter the school,
19 effectively controlling entry. The children are
20 unaware about the security benefits provided by the
21 rain garden and they don't need to know.

22 The rain garden is where they can learn and

1 see about the cycle of water and the seasonal plants
2 with which we share our land. This small, but
3 impactful example shows the value of taking a
4 comprehensive design-centered approach to school
5 security.

6 It is a highly specific answer to multiple
7 physical and emotional considerations at once. The
8 desire to craft design strategies that mitigate the
9 challenges schools face is an absolute priority. As
10 architects, we do this every day. However, two ongoing
11 problems prevent local school officials from
12 implementing these solutions -- a lack of access to
13 quality school design information and the ability to
14 fund them.

15 A nationwide survey of architecture and design
16 firms conducted one year after the Sandy Hook shooting
17 asked the simple question, "Has there been an increase
18 in request for security features at school?" Well
19 unfortunately the answer to that was, "no" or "about
20 the same".

21 One of the reasons was lack of funding.
22 Another was the lack of trusted information. Both

1 issues can be solved by allowing certain federal grants
2 to fund design services and to establish a federally-
3 housed school design clearing house that serves as an
4 unbiased informational repository for the local and
5 state education officials to utilize.

6 In conclusion, while there are limitations to
7 our ability to prevent these tragedies, well-designed
8 schools can significantly mitigate them. Therefore,
9 the AIA would like to continue working with you and
10 your Congressional colleagues on potential solutions
11 that can truly help protect and nurture our children.
12 Thank you, I look forward to your questions.

13 SECRETARY NIELSEN: Well thank you Mr.
14 Brotman. Our next speak for this panel is Mr. Max
15 Schachter. Mr. Schachter is the CEO and Founder of
16 Safe Schools for Alex which is a foundation that he
17 established following the loss of his son Alex in the
18 tragedy at Marjory Stoneman Douglas High School. You
19 have our thoughts and prayers.

20 You and all the families who have lost loved
21 ones and also to the Park members who are here. It
22 goes without saying that each and every time we meet

1 that we're here because of the lives that were lost and
2 because you want to prevent future loss, so thank you
3 for sharing your story and for coming forward and being
4 willing to work with us, so thank you.

5 He is also focused on identifying state of the
6 art school safety guidelines and best practices to
7 support the development of safer schools nationwide and
8 we look forward to hearing from you now Max.

9 MR. SCHACHTER: Thank you very much. My
10 little boy Alex was one of the first victims of the
11 Marjory Stoneman Douglas massacre in Parkland this past
12 Valentine's Day. During my presentation today, I will
13 talk about three things.

14 The first is what brought me here today. The
15 second is what we can do inside schools to make them
16 safer and the third is to look at the big picture and
17 discussing what the federal government can do to
18 protect our children and teachers.

19 My Valentine's Day started off perfect. I was
20 out celebrating with my wife and then shortly
21 thereafter at 2:21 in the afternoon my day descended
22 into hell and it became a frantic search for Alex. My

1 family and I waited 9 hours to find out that we would
2 never be able to tell my little boy that I loved him
3 again.

4 Those were the worst hours of my life. As the
5 dread set in, I became enraged that if the door to
6 Alex's classroom had ballistic hardened glass he would
7 still be alive today. That monster did not enter any
8 of the classrooms. He shot right through the glass
9 window in Alex's classroom door and proceeded to kill
10 Alex, two of his classmates and injure five others.

11 He then went classroom to classroom ending the
12 beautiful lives of 14 children and 3 teachers in just
13 over three minutes. After the tragedy I was determined
14 to make Marjory Stoneman Douglas safe.

15 I still had a senior in that school at the
16 time and a daughter that would be there in two years.
17 I said to the school district and law enforcement
18 officials to show me the best practices, the safety
19 standards and I will get to work.

20 To my dismay every one of them told me there
21 were none. I didn't understand. We had fire codes to
22 protect children from dying in a fire and it's worked.

1 No child has died in a fire in school since 1958.

2 We have a national drug policy -- how could we
3 not have a national school safety policy? I then quit
4 my job and created a foundation called Safe Schools for
5 Alex to develop these best practices. I set out to
6 travel the country to see what schools were doing it
7 right in protecting their children and teachers.

8 One school that stood above the rest was in
9 Indiana -- the school deemed the safest school in
10 America. The Indiana Sheriff's Association assisted me
11 in organizing a private tour for our Sheriff,
12 Superintendent, Department of Homeland Security
13 officials and Department of Education officials --
14 everyone was extremely impressed.

15 In the 19 years since the Columbine tragedy we
16 have focused most of our efforts on mental health and
17 prevention. School hardening has been at the bottom of
18 the list. Visiting that school in Indiana convinced me
19 that it is time to bring hardening up to the top as
20 evidenced that hardening works after 911 we hardened
21 the cockpits in the airports.

22 After the Oklahoma City bombing, we hardened

1 our federal buildings. The reason these monsters are
2 still attacking our schools is because they're
3 extremely soft targets. It is time to protect our
4 schools like we protect our airports and federal
5 buildings.

6 I'm now going to go over a list of issues that
7 hardening will address. Number one -- during an active
8 killer event there is no immediate notification. In
9 Indiana the teachers wear a key fob. Within two
10 seconds of pressing that fob, law enforcement is
11 notified.

12 Number two -- children have no ability to
13 protect themselves. Most doors in schools can be
14 penetrated or breached within ten seconds without shots
15 being fired. In the safest school they use a ballistic
16 hardened hybrid door, so the shooter cannot access the
17 classroom.

18 If the shooter shoots into that door, the
19 bullet has a high probability of bouncing back at the
20 attacker instead of penetrating the door.

21 Number three -- law enforcement has no ability
22 to track or locate the assailant. They have no ability

1 to know where he is, what he looks like, what he's
2 wearing -- his weapon's platform. Law enforcement
3 arrives on scene with very little intelligence and due
4 to confusing and inaccurate information, many times,
5 they up going into the wrong building wasting valuable
6 seconds and minutes.

7 In Indiana the school has the ability to
8 locate, track and identify the threat all from the
9 dispatch center. This knowledge is critical to saving
10 lives.

11 Number four -- there is no ability to know the
12 status of the kids in the classroom during an active
13 shooter event. They don't know if they're wounded, if
14 they're safe or even if they're under attack presently.

15 In Indiana, each classroom has the ability to
16 let law enforcement know the status of the kids in that
17 classroom.

18 And number five -- law enforcement has no
19 ability to stop the shooter or protect the victims
20 while they're in route. In Indiana they have the
21 ability to launch a smoke suppressant from the dispatch
22 center to blind the shooter -- impede his movement,

1 force the suspect towards the SRO or SWAT and protect
2 the children and teachers from being killed.

3 The safest school in America can remotely
4 attack the attacker within 50 seconds. No other school
5 has that capability.

6 I am Chair of the Marjory Stoneman Douglas
7 Task Force responsible for vetting companies that want
8 to donate their products and services into our school.
9 And as one that has been working non-stop to improve
10 the safety of our school after this shooting, I will
11 tell you it is a daunting task.

12 One of the reasons is due to the fact that
13 there is no nationally recognized best practices. I'm
14 happy to report that for the first time, all of the
15 major law enforcement organizations have committed to
16 collaboratively creating national school safety best
17 practices.

18 The law enforcement organizations are uniquely
19 qualified to doing so. They're the first responders
20 and most of the time they're the ones that are
21 performing the vulnerability assessments in schools. I
22 urge the Commission to include these soon to be

1 developed best practices as one document to give
2 schools guidance on how to harden their campuses.

3 This Commission is doing good work bringing
4 together all of these subject matter experts and best
5 practices, but after Columbine, after Virginia Tech,
6 after Sandy Hook they also had a Commission.

7 Those Commissions made recommendations. My
8 question to you is who is going to be responsible for
9 following through after this Commission ends? Who will
10 coordinate the best practices that this Commission
11 identifies? That the law enforcement organizations are
12 developing? There are six different law enforcement --
13 I'm sorry, six different federal agencies all working
14 on school safety but not really collaborating or
15 coordinating.

16 They're all doing great work producing reports
17 and recommendations at the same time, but for the most
18 part they're working in their individual silos. It is
19 for these reasons that I am recommending the creation
20 of a single authority that can coordinate policy and
21 budget across all federal agencies in regards to school
22 safety.

1 In the past we've had drug tsars, Aids tsars,
2 Ebola tsars and even a car tsar. I come before you
3 today to ask that you formally recommend the creation
4 of a School Safety Tsar to streamline the myriad of
5 efforts to prevent these tragedies so that we can
6 reduce duplication, work together and give guidance to
7 schools across the country.

8 The last issue that I feel this Commission
9 needs to address -- and I would be remiss if I didn't
10 mention it, are the communication-related problems that
11 impede law enforcement during all tragedies including
12 mine.

13 These problems are the exact same issue that
14 responders encountered during 911. When responders
15 showed up on scene at the Twin Towers to the Pentagon
16 and in February to Marjory Stoneman Douglas, different
17 agencies could not talk to each other. They had to
18 resort to using hand signals on scene.

19 It is ridiculous and an embarrassment that in
20 2018 inoperability is still a problem and has not been
21 fixed. Another Commission like this one -- the 911
22 Commission made a recommendation to fix that 17 years

1 ago. We cannot afford to kick the can down the road
2 any longer. We have to fix this if we expect to
3 protect and save lives and I strongly recommend this
4 Commission call this out as a recommendation in its
5 final report. Thank you very much and I'll be happy to
6 answer any questions the Commissioners have.

7 SECRETARY NIELSEN: Well thanks to you both
8 for your valuable insights. Mr. Schachter, I'm struck
9 by the fact that all of your recommendations
10 demonstrate that time is of the essence. Once an event
11 begins we need the technology, the training, the
12 personnel, the muscle memory if you will to exercise to
13 know what to do and to do it very, very quickly to
14 mitigate the situation, so I greatly appreciate that.

15 Your recommendation on a focal point for a
16 clearing house or for someone to facilitate as we go
17 forward, we certainly will consider and we thank you
18 for that.

19 Mr. Brotman, the layering is something we are
20 so familiar with at DHS, as you know that's what we do
21 in the aviation environment and many of our other
22 environments include the protection of federal

1 buildings. It has to be done that way because they are
2 always vulnerabilities. We must have layers upon
3 layers upon layers to really secure a school in this
4 case.

5 So if I could I just wanted to ask you a bit
6 more of this concept you mentioned in one particular
7 school of the rain garden. Is that something when we
8 look at access control -- that you think could be used
9 elsewhere? Access control is a particular concern
10 because there are many who need access but don't
11 necessarily need access to a particular classroom in a
12 particular time, so I'd love your thoughts on that Mr.
13 Brotman.

14 MR. BROTMAN: Thank you very much. I do
15 believe it is useful in many circumstances but
16 obviously not every circumstance. The school at Sandy
17 Hook was a rural environment where we had plenty of
18 room to create this stand-off area which was the rain
19 garden across the front of the school.

20 It's become a very beautiful symbol of the
21 school. The town itself has a lot of rivers and
22 bridges so it communicates that vision of that

1 environment. It's not something that's impenetrable,
2 you can walk across it, but anybody walking across it
3 is observed through natural surveillance and then the
4 alarms can go off and people notice.

5 So it can be a very effective tool, but
6 certainly not the only one. And the concept is
7 actually one that could be used in many different ways.

8 SECRETARY NIELSEN: Mr. Schachter, anything to
9 add on that?

10 MR. SCHACHTER: Yes, absolutely. You know as
11 far as we're making Marjory Stoneman Douglas safe -- we
12 have a school of over 3,000 kids. There's 13 buildings
13 on our campus and that's a major issue for us is how to
14 shrink these entry points and that's what we're going
15 to do.

16 You cannot have a major open campus like ours
17 and it be secure and so that's what we're doing --
18 we're putting fencing up and funneling all the kids
19 through three entrances. But after school starts
20 you've got to have one central, you know, single point
21 of entry and then that single point of entry you have
22 to walk through a visitor vestibule and that's got to

1 be ballistic hardened, you cannot have open access so a
2 monster can come in and attack your school, it's
3 extremely important.

4 SECRETARY NIELSEN: Thank you. Secretary
5 DeVos, any questions for the panel?

6 SECRETARY DEVOS: Thank you Secretary Nielsen
7 and thank you Mr. Brotman and Mr. Schachter, for both
8 of your contributions and your input. My question is
9 from your experience at Marjory Stoneman and in your
10 experience in your profession, most of the schools
11 we're talking about will ultimately be retrofits. What
12 are the most important considerations in looking at how
13 to make schools -- those schools the safest and what
14 are sort of the most simple and practical approaches to
15 start with?

16 MR. SCHACHTER: You know you've got to focus
17 on the perimeter first. We don't want these monsters
18 to be able to get on campus so you've got -- personnel
19 is -- you can have all the technology in the world but
20 if you've got a security monitor that opens the gate
21 too early like that happened at Stoneman Douglas, you
22 know, you're going to have a problem.

1 So you have got to have good people that are
2 trained properly and then you know, the other problem
3 that we have is if they do breach that first perimeter,
4 you've got to have restrictions on them getting in the
5 school like we talked about earlier and then you've got
6 to have locks on all the doors. And in so many schools
7 around the country they don't even have locks on their
8 doors.

9 In Santa Fe this monster walked through an
10 unlocked classroom door. In Marjory Stoneman Douglas
11 we had teachers having to put their heads around the
12 outside of the door, put their key in front of the
13 outside and locking it so that the monster couldn't get
14 in the classroom, so all teachers should be teaching in
15 a locked classroom door.

16 You lock your house when you leave. You put
17 your alarm on it -- that's the same thing that happens,
18 should happen, in a school.

19 MR. BROTMAN: Yes, as an architect and of
20 course we all have our perspectives which is very
21 important to understand. We like to look at the
22 holistic view first. So as you would approach anything

1 we'd like to create a master plan. So we want to see
2 all of the hazards, all of the possibilities for
3 security aspects and all the tools at our disposal,
4 especially those that Max spoke about here today --
5 very serious and very important aspects to it.

6 But then you have to weigh all those things
7 working with the local community and the particular
8 school and find out what is the priority for that
9 particular community. And that's where you need
10 somebody -- you can't rely on just the security
11 consultant to come in and tell you what to do, you need
12 to have somebody that will take the whole group -- the
13 parents, the students, the community, the people that
14 run the school, the first responders, the security
15 consultants, everybody together and look at that
16 holistically and look and create a master plan for
17 every school that then can be implemented when the
18 funding is available.

19 SECRETARY NIELSEN: And Secretary Azar?

20 SECRETARY AZAR: So I was wondering when you
21 don't have a situation like Sandy Hook where you're
22 able to almost do a de novo clean slate approach to

1 things, but more following Secretary DeVos's question
2 around retrofitting where you have more constrained
3 environments and you're working within that with
4 perhaps more constrained resources and you're having to
5 harden the school and then perhaps in more obvious
6 ways, is not quite as subtle as you were able to do in
7 Sandy Hook.

8 Are there any techniques that you can advise
9 on how to introduce the hardening tactics to students
10 so that they don't end up feeling they're in as secure
11 an environment as we're making it into or as hardened
12 an environment that's still sort of a healthy, happy
13 learning exposure -- what you've been able to do at
14 Sandy Hook with the subtlety and holistic sense, but
15 not everyone may have that luxury.

16 MR. SCHACHTER: You know the school in Indiana
17 that I toured does not look like a fortress at all.
18 You would never know that it has these security
19 features and this school was built in the 1950's it was
20 completely retrofitted.

21 We interviewed children, we interviewed
22 teachers, administrators and everyone said they felt

1 safer being in this environment. But they trained --
2 they train every month of what to do. They know if
3 every teacher has a key fob. So you talked about one
4 thing they can do -- every teacher should have a key
5 fob that's immediately linked to law enforcement.

6 One of the major issues in the United States
7 is that school districts do not let law enforcement
8 look inside their school. That needs to change. If
9 law enforcement is going to be the first responders,
10 they need to have live actionable intelligence and
11 these kids felt safer. They knew exactly what to do.
12 They have a red line -- they have a red line drawn in
13 each classroom, so they know exactly where to go in an
14 emergency and that is in their protected space. It's
15 outside the shooting fan.

16 They know that if they are in this area
17 they're going to be safe and nobody can hurt them.

18 MR. BROTMAN: I guess it's a little outside my
19 territory to really think about the psychology of the
20 students except that we know from studies and how the
21 buildings can affect that.

22 So we would just look at all the things you're

1 doing and then the best thing is again as Max is
2 saying, if you can educate the children in a
3 responsible way then they will understand the reasons
4 why you have done -- provided certain elements to the
5 project itself, but that would create, you know, that's
6 where you need to bring in those people that know how
7 to speak to the children and to create those training
8 exercises and things because every school now is doing
9 that.

10 So they're getting used to it now. The Sandy
11 Hook school in the same way has training because
12 there's three legs to the security. One of them is the
13 building and how the building is designed and hardened.

14 The other is the technology that allows you to
15 see where you need to see and observe those areas that
16 you couldn't and be aware. And the last and most
17 important thing is the people themselves -- operations.

18 How do you make sure that they're not going to
19 leave a door open? That they're not letting somebody
20 come in behind them? That the technology -- everything
21 we put in place is being followed to the design it was
22 intended.

1 SECRETARY NIELSEN: Thank you and the Attorney
2 General please?

3 ATTORNEY GENERAL SESSIONS: Thank you very
4 much. With regard to existing schools Mr. Schachter I
5 recall you talked about bulletproof windows,
6 bulletproof doors.

7 MR. SCHACHTER: Yeah.

8 ATTORNEY GENERAL SESSIONS: Doors lockable
9 from the inside in case the monster is in the hall.

10 MR. SCHACHTER: Yeah.

11 ATTORNEY GENERAL SESSIONS: It seems to me
12 those are some of the priorities in a school that maybe
13 has a tight budget but wants to do something. What
14 would you suggest on priorities for an existing school
15 system to take initially that might be most helpful?

16 MR. SCHACHTER: You know that's -- that the
17 million-dollar question. The door that is ballistic
18 hardened, ballistic hardened glass is \$3,900 each. It
19 would take a million dollars just to put these doors in
20 the Marjory Stoneman Douglas. That's just one high
21 school in America.

22 So if you have a limited budget and you have

1 to make those hard decisions -- like I said perimeter
2 first. We want to keep them out. If they breach that
3 first perimeter you want to make sure they don't get
4 into the school and that's having a single point of
5 entry and making sure that's hardened.

6 If they get through that single point of
7 entry, it's making sure those doors are locked. Also,
8 every school in America has a vision window. These
9 shooters typically only shoot what they can see. So in
10 our schools we're putting up blinds over the glass so
11 if you look in the glass you cannot see inside the
12 classroom and it looks like nobody's in there and the
13 lights are off. That is a simple, very low-cost
14 measure that all schools should implement.

15 ATTORNEY GENERAL SESSIONS: Good, thank you.
16 Mr. Brotman, what about a new school -- what are some
17 things that could be implemented within a new school
18 building that might be cost-effective?

19 MR. BROTMAN: Well I think if you start with
20 the design of the school itself and how it sits on the
21 site and how you control the access, you're going to
22 create the biggest bang for your buck.

1 So right away you have to really look at the
2 holistic view of where you can create that first layer.
3 From there you look at the hard -- the points that are
4 as Max mentioned, the entrances to the building. How
5 do you control access to the building?

6 And then I believe that if you do provide
7 places for the children to be protected -- in the
8 classroom as being the best example of that, you need
9 to focus on hardening that condition at the doorway.

10 Fortunately there are great technologies out
11 there and there are great new products that are being
12 invented than we've implemented some of them in the
13 Sandy Hook school that allow you at a more affordable
14 level to provide a higher level of protection and no
15 locked doors or the standard doors that you find in the
16 schools that build new schools.

17 SECRETARY NIELSEN: Well we thank our first
18 panel, we appreciate it very much and we're going to
19 move to our second panel if we could.

20 Okay, and while we're getting settled the
21 difficulty of these meetings is there's always so much
22 to say so we're going to speed it up on our side and

1 I'll just ask my colleagues here to shorten our
2 questions. I, of course, will do the same.

3 Our first speaker on this panel, the Active
4 Shooter Training for Schools is Chief Jarrod Burguan.
5 Chief Burguan has been with the San Bernardino Police
6 Department since January of 1992 and has been serving
7 as the city's Police Chief since December of 2013.

8 He's been involved in several active shooter
9 events to include the North Park Elementary School
10 shooting in 2017. We certainly look forward to your
11 thoughts.

12 MR. BURGUAN: Well thank you very much for
13 inviting me here and giving me the opportunity to speak
14 on this subject. I have had the dubious distinction,
15 so to speak, of being a Police Chief in a city that's
16 had a couple of these active shooter events.

17 First was an event that happened on December
18 2nd, 2015 in our city. That was an event that was
19 ultimately classified as a terrorist event, but it was
20 a county employee that entered a building, opened fire
21 on his former coworkers, ultimately killed 14 and
22 wounded 22.

1 We had a fast and immediate response to that
2 in this proverbial active shooter environment. And
3 then second, about a year and a half later in 2017,
4 April 10th to be exact, we had an event at an
5 elementary school that was also classified as an active
6 shooter.

7 And that particular event at North Park
8 Elementary there was the estranged husband of a school
9 teacher that had gained access to the campus through a
10 single point of entry. He was not questioned because
11 he was the husband and they trusted him.

12 He went into a classroom and produced a hand
13 gun and within a couple of seconds he killed his wife
14 who was a teacher. He killed a student that was
15 standing next to her. He wounded another student and
16 then took his own life. And in that case, there was
17 again a very large police response.

18 It was an active shooter response so to speak
19 in the sense that officers went to their training on
20 this active shooter issue.

21 I've been asked to speak a number of times
22 about these incidents and when I travel around, I share

1 my experiences, there are a couple points that I make
2 in terms of lessons learned.

3 And first and foremost, among those is that
4 training works. And not just first responders, but it
5 works for everybody involved. So in the case of the
6 first responders in both of these cases -- we teach
7 police officers that they have to go immediately. You
8 can't wait for a tactical team, you can't wait for
9 additional resources, there has to be an immediate and
10 a fast response to make entry, to locate and identify
11 the threat, to eliminate the threat and then get help
12 to those that are in need.

13 And in both of our cases we found that that
14 helped. Not that it ever happens perfectly. Not that
15 it ever happens exactly the way that you train it, but
16 because the training has taken place, law enforcement
17 has learned and has gotten much better over the years
18 in terms of responding and responding quickly.

19 Secondly, I talk about the -- I apologize --
20 we talk about the value of training for citizens. So
21 if we go back to the December 2nd incident, there were
22 people who were in that room that were county employees

1 that told us afterwards that in the course of being a
2 county employee they had received a course of
3 instruction on active shooter in the workplace.

4 And when that actually happened to them, they
5 made reference to -- you know, I didn't freeze. Once I
6 realized this was actually happening and it wasn't a
7 joke and it wasn't a drill, I understood that I had to
8 do something -- whether it was run, hide, fight,
9 whatever that might be, it created a sense of action
10 and a sense of purpose that those people relied on.

11 And then I also talked about training for
12 school personnel. In the event at North Park
13 Elementary, our officers were extraordinarily
14 complimentary of the school staff because when that
15 tragedy took place, the school staff did an exceptional
16 job through their training, through their preparation,
17 to get those kids out of the school.

18 To get them into a safe place through their
19 evacuation procedures and keep track of over 500
20 students that were evacuated out of that school that
21 particular day. And it's not just the active shooter.
22 It's not just for active shooter incidents, we're

1 talking about all hazardous type of training -- whether
2 teachers are training for an earthquake, a fire or a
3 shooting incident where a threat happens on campus,
4 there's value in that training.

5 Secondly, I talked about preparation and
6 specifically the protocols that are put into place. We
7 talked about, and the previous panel talked about
8 infrastructure and design of schools and that type of
9 thing.

10 At North Park Elementary although the tragedy
11 took place, we know that that suspect tried to gain
12 access to that campus in other ways and he was
13 ultimately forced to enter through a single point of
14 entry which was the office of the school.

15 Now in this case we can get in discussions
16 about the fact that he was a family member and whether
17 he should have been allowed through there anyway, but
18 as I've learned from talking to a lot of teachers,
19 teaching in many ways is a family affair.

20 It's not uncommon for a family member to bring
21 a lunch or to bring supplies to a teacher -- those can
22 become policy decisions that are discussed, but the

1 single point of entry concept worked that particular
2 day.

3 And the single point of entry concept helped
4 in terms of our response because it minimized some of
5 the confusion. There wasn't a fear that an attacker
6 had come in from another part of the campus. There
7 wasn't a fear that there were multiple attackers that
8 had attacked from other directions.

9 We knew very, very quickly that there was one
10 point of entry, there was one suspect and there was one
11 location where that particular event took place. And
12 then also within the protocol we talk about the ability
13 to -- for employees to get preparation to understand
14 their role, to act without necessarily being directed,
15 without needing a chief or a principal or a supervisor
16 to give them direction.

17 They understood their role because of previous
18 training and because of previous direction that had
19 been given. They understood what needed to be done to
20 get the kids out of that school and that is important.

21 And then finally I talk about partnerships.
22 The value of partnerships between local, state and

1 federal law enforcement, the value of partnerships
2 between local law enforcement agencies that everybody
3 knows each other and the people trained together.

4 In our particular case we trained with our
5 school district police department. We trained with our
6 other local law enforcement agencies. We have a very
7 good relationship with our Sheriff's Department, with
8 our California Highway Patrol, with the FBI and federal
9 law enforcement in that region.

10 And we also have a very good relationship with
11 the School District leadership so that when these
12 tragedies have happened, when they take place, the
13 players at the table that have to manage these things,
14 that have to somehow try to make the community whole --
15 they know each other, and they know each other going
16 into it and that is extraordinarily valuable.

17 So those partnerships are incredibly important
18 and they have showed a tremendous amount of value. In
19 closing I acknowledge that these incidents are a
20 tragedy and any solution to these active shooter
21 events, so to speak is going to require really a
22 holistic response. It can't just be approaching school

1 design, it can't just be part of the hardening, it
2 can't just be preparation, it can't just be training
3 for law enforcement.

4 There are so many other factors that are at
5 play here and all of those things are important but I
6 think we also have to talk about the fact that in many
7 cases there are warning signs. In many cases there are
8 offenders that have been in and out of criminal justice
9 system.

10 In many cases there are offenders that were
11 disenfranchised, and in many cases mental illness has
12 been a prevalent factor in those cases and we have to
13 find better ways to address and manage many of those
14 types of threats.

15 But even though they've been a tragedy I would
16 tend to say that because of the work that has been done
17 by people who have had these experiences -- whether
18 it's families of victims, whether it's law enforcement
19 agencies that have experienced it -- there's a training
20 that has taken place that has made us better.

21 And we know that there are people alive today
22 because we've gotten better at training, we've gotten

1 better at our response and we know that we've prevented
2 incidents because of the fact that we've put into place
3 early warning signs and we have put into place
4 effective ways to head off these things when we have
5 warning signs in some cases.

6 There's still work to be done but I think that
7 there has been some positive news in terms of the
8 progress that we've made. In my career -- and very
9 quickly, I was a young patrol officer when Columbine
10 happened in 1999. And I look at Columbine in the
11 course of my career as being kind of a game changer.
12 It really made me think differently about how we would
13 respond to those things.

14 Prior to that there was a reliance that on a
15 major event that took place like that with heavily
16 armed people that would have entered a place, that's a
17 job for SWAT teams and for tactical teams and those
18 types of things and I think law enforcement has changed
19 considerably since that incident.

20 And it's specifically because active shooter
21 training came into play after Columbine and has changed
22 the way that we respond since then. Did it break

1 again? Thank you very much.

2 SECRETARY NIELSEN: Chief, thank you for that.
3 I know I can highlight your comments on training. We
4 at DHS have found actually situations of active
5 shooters where as you say, the participants involved
6 have never met before but because of training they knew
7 what to do and they could anticipate what others were
8 doing, so thank you for highlighting that.

9 Our next speaker is Mr. Chris Fraley. He is
10 the Region 2 Director of the National Association of
11 School Resource Officers. We've had the pleasure of
12 meeting with and listening to other SROs. We always
13 learn so much, so thank you for being here. He
14 currently serves as the Senior Resource Officer for the
15 City of Cumberland Schools within Allegheny County,
16 Maryland, welcome.

17 MR. FRALEY: Well first off, I want to start
18 by thanking the Commission for what they do as well as
19 it's an honor to be sitting here in front of you. When
20 it comes to school safety, it is a family affair with
21 myself and my family.

22 I have four boys -- two of them which are

1 graduated and out of high school, but I still have two
2 small ones who are in elementary and middle school.
3 And currently my wife sits on the local Board of
4 Education from our hometown and she serves on MADE,
5 it's a state Board of Education.

6 So it's constantly a discussion within the
7 walls of our home -- school safety, alright. First of
8 all, I'd like to start off by introducing myself. My
9 name is Officer Chris Fraley. I have a total of 17
10 years of law enforcement service.

11 I currently am serving my second term as
12 National School Resource Officers -- National
13 Association of School Resource Officers, Region 2
14 Director which covers and represents West Virginia,
15 Maryland, Virginia, Ohio, District of Columbia and
16 Kentucky.

17 I also started -- I am also starting my 12th
18 year as a School Resource Officer for the Cumberland
19 Police Department in Cumberland, Maryland. During this
20 time, I have completed all levels of NASRO training to
21 include basic SRO, advanced SRO, SRO management and
22 crime prevention through environmental design or CPTED.

1 I also completed all requirements for NASRO
2 Practitioner. I currently serve as the President of
3 Fort Cumberland FOP Lodge 90 and the past President of
4 Maryland DARE Officer Association.

5 I am also an ALICE, an active shooter training
6 trainer for the law enforcement as well as community
7 agencies. Create a safe and secure environment is
8 crucial in protecting our most prized possession -- our
9 students.

10 As they learn and become our future, students
11 who feel safe in the classroom have higher academic
12 achievement, they are more engaged in classroom
13 activities, have less behavioral problems and often
14 times have lower rates of truancy or absenteeism.

15 Several safety and security measures are
16 obvious and have been implemented in a high percentage
17 of public schools across the nation, according to data
18 from the 2015-2016, produced by the National Center for
19 Education and Statistics -- for example, controlled
20 access to buildings during school hours, locked
21 classroom doors from inside, required uses of badges,
22 picture ID's or security cameras to monitor school

1 activity.

2 Based on my experience, however, the ability
3 to have human interaction often provides information
4 far beyond the abilities of technology. Ensuring that
5 there are cooperative partnerships between the schools,
6 local law enforcement agencies and the community brings
7 to the table that the fact that it takes a village to
8 raise a child.

9 In a school system setting, this cooperation
10 begins with the use of trained School Resource
11 Officers, or SROs, being stationed within schools.
12 According to the code of laws of the United States
13 Title 42, Chapter 46, the title of School Resource
14 Officers, Career Law Enforcement Officer, with sworn
15 authority, deployed at community-oriented policing and
16 assigned by the employee police department in our
17 agency to work in collaboration with schools and
18 community-based organizations for the following
19 purposes:

20 Address crime and disorder problems, gang and
21 drug activities affecting or occurring in or around an
22 elementary school or secondary school, develop or

1 expand crime prevention efforts to students, educate
2 likely school-age victims in crime prevention and
3 safety, develop or expand community justice initiatives
4 for students, train students in conflict resolution,
5 restorative justice, crime awareness and active shooter
6 training, to assist the identification of physical
7 changes in the environment that may reduce crime in or
8 around the school.

9 And finally, to assist in developing school
10 policy that addresses crime and recommended procedural
11 changes.

12 School Resource Officers also serve as mentors
13 -- problem solvers, positive role-models, advocates,
14 counselors, and school and community liaisons. Serving
15 in my 12th year as a School Resource Officer in a
16 rural, high-poverty community where some elementary
17 schools have free and reduced meals percentage over
18 90%, I have found that often times the student's only
19 support -- sometimes the students only support is me,
20 the School Resource Officer.

21 I am there not only to resolve the immediate
22 issue, but to also be the confidant that that child may

1 not have at home. I am there to show them right from
2 wrong and good from bad.

3 You may ask how this impacts the safety and
4 security of the school building. The fact that I have
5 built a relationship between the students, the staff
6 and my schools allows for the improvement of
7 communication and cooperation which can provide
8 important information towards threats to school safety.

9 For example, students are a source of valuable
10 information through social media and talk amongst their
11 peers of potential threats or incidents that are being
12 planned. Security in the school building also involves
13 the promotion of seeing something -- see something, say
14 something wherein the students and staff report crime
15 or suspicious activity to the SRO.

16 A lot of that falls within the realms of
17 training for active shooter. Instituting best practice
18 strategies to include training, evaluation, planning
19 and open communication is paramount to success of
20 school-based police.

21 As Max said earlier, about best practices,
22 NASRO has recently created a recommended national

1 standards and best practices for School Resource
2 Officer programs. This document was provided to the
3 Federal Commission on School Safety at the end of July
4 in 2018 and covers the main areas.

5 Administrative standards, including an outline
6 of definition of purpose of the SRO, selected standards
7 of law enforcement officers for SRO positions, required
8 specialized SRO trained to include adolescent, mental
9 health, threat assessment and active shooter response,
10 interagency collaboration between school districts and
11 law enforcement agencies.

12 In conclusion, the school safety and security
13 must be addressed in a proactive manner. I would like
14 to provide a technique that was utilized in my own
15 school district under our training for active threats.
16 There were approximately 23 -- there are approximately
17 23 schools within Alleghany County, 3 comprehensive
18 high schools, 1 technical school, 6 middle schools and
19 13 elementary schools.

20 In cooperation with our Board of Education and
21 school administration and staff we held roundtable
22 discussions and planning meetings regarding what to do

1 in the event of an active threat.

2 Several scenarios were discussed and each one
3 evolved into a drill for each school that included
4 every person within the school building. This activity
5 allowed for our District to proactively utilize the
6 tools provided during the roundtable discussion and to
7 prepare the entire community for what we hope will
8 never occur.

9 I truly appreciate the Commission's time and
10 look forward to continuing to work with you on insuring
11 that all students throughout the nation feel safe and
12 secure within their school buildings, building a better
13 future for all of us.

14 To add as a School Resource Officer under the
15 active threat concept, one of the things to add to my
16 introduction was I have also participated and trained
17 in SORAT which is a single officer response to active
18 threats.

19 With Columbine being the caveat of the
20 training that we receive towards active threats, we no
21 longer sit and wait. As a School Resource Officer, we
22 are going in initially first thing, thank you.

1 SECRETARY NEILSEN: Well thank you and thanks
2 to both of our panelists. We'll jump right in. Chief
3 you mentioned run, hide, fight. This is, as you know,
4 a very common way to do active shooter training. We
5 have heard the questions from those that we have worked
6 with that this may or may not be appropriate in the
7 school setting. Could you give us your insights into
8 that idea and approach?

9 MR. BURGUAN: So I will -- so run, hide, fight
10 was a -- it was a training session that was developed
11 to essentially give people some tools or some ways to
12 respond if and when that happens. I talked about the
13 fact that in the IRC incident in December of 2015 there
14 was some kind of noise that they referenced to --
15 deriving some value from that kind of training.

16 I also caution that I think part of this
17 dynamic that we're dealing with active shooters -- and
18 this is my own personal opinion now, that part of this
19 dynamic that we're dealing with is the fact that the
20 frequency that it happens, I mean it almost has become
21 popular to do these things.

22 And if and when we're talking about specific

1 active shooter training, are we potentially planning
2 the seed in the idea of somebody who might be sitting
3 through that training?

4 We do believe that in the December 2nd
5 incident, that the suspect had also attended active
6 shooter training. So that is of some concern to us. I
7 do agree that it probably isn't appropriate for an
8 elementary school in that type of setting or in many
9 school type of settings.

10 But again the experience that we had at North
11 Park is not that they had done active shooter training
12 on that particular campus with elementary school kids,
13 but that the staff had practiced and they had pre-
14 established procedures for an emergency and they
15 basically knew that they have to get the kids out of
16 the classrooms into a safe area and they have got to
17 keep track of them.

18 And because they had those pre-established
19 training things in place, they were successful in being
20 able to do that.

21 SECRETARY NIELSEN: Thank you and in the
22 interest of time I'll turn to Secretary DeVos.

1 SECRETARY DEVOS: Thanks, Secretary Nielsen.
2 Can you recommend some techniques to get fully engaged
3 staff in the training? Can you recommend any
4 techniques to ensure that teaching staff or the staff
5 at the school will fully engage? I mean is there some
6 experience that you've had that will help ensure that
7 everyone fully invests and engages and takes it as
8 seriously as what it should be?

9 MR. FRALEY: Well I would say in answer to
10 that obviously as one, you know, we can use a survey at
11 the end of our training. However, with being an ALICE
12 trainer instead of just allowing them to sit in front
13 of a PowerPoint, you've heard of the terminology term,
14 "death by PowerPoint", our PowerPoint presentation
15 under ALICE is very quick.

16 It shows a few statistics, it shows some
17 things to understand. Then we go on and into engage
18 more it is more -- they're part, they are -- they're --
19 its trainer driven to where they will take part.
20 They're going to be the students, they're going to be
21 the staff that's in there. They're going to be, you
22 know, the evacuating people.

1 And it does definitely, within ALICE it
2 definitely does pick that up and it engages the
3 participants.

4 SECRETARY NIELSEN: Thank you, and Secretary
5 Azar?

6 SECRETARY AZAR: So Mr. Fraley had mentioned
7 the data that suggested if children feel safe you're
8 going to get higher outcomes, you went across the
9 board, about the whole host of outcomes about feeling
10 safe.

11 In addition to them being safe, are there
12 tactics that you all have seen that assist in making
13 the children feel safe? Because we can make them be
14 safe, but actually scare them to death so they're not
15 actually feeling safe. What helps with making them
16 feel safe to get those kinds of outcomes that you've
17 cited?

18 MR. FRALEY: The direct contact that they have
19 with the officers. With the SRO being in the school
20 where they can approach -- the SRO is approachable,
21 that they can discuss things with them whether it be on
22 the side, you know, anonymous, or whatever it may be --

1 as long as they know that they can approach that SRO
2 that's in the school, that would make them feel safe.

3 SECRETARY NIELSEN: And Mr. Attorney General?

4 ATTORNEY GENERAL SESSIONS: Well thank you
5 both, this has been a very valuable discussion and I
6 appreciate your contributions. And Arkansas, the
7 school I visited, they had had a trained staff for
8 years of carrying on under limited circumstances and
9 they were very pleased with that.

10 But they also just added an SRO and what would
11 you say Mr. Fraley that the SROs add to a school safety
12 procedures?

13 MR. FRALEY: Can you repeat the last part
14 down, I'm sorry.

15 ATTORNEY GENERAL: What would an SRO -- what
16 does an SRO officer add onto the school's safety there?
17 We have in our COPS program we've approved and
18 prioritize SROs to be funded under the COPS program
19 this year. Do you have any thoughts about the special
20 advantages of an SRO? You've mentioned some but in
21 general?

22 MR. FRALEY: Yes sir, I think there is

1 definitely an advantage to having an SRO in the school
2 building. Like I said I've been an SRO for 12 years.
3 The relationships that I make with the students that
4 are comfortable enough to come and report things to me
5 or to just walk by me in the hallway and give me a high
6 five or a set of knuckles.

7 But what it turns into as well is I see a lot
8 of officers that are -- not officers, students that
9 once they graduated and moved on they still entrust in
10 me if they're still living in that area.

11 As a matter of fact, you know, we've got two
12 officers within my department that I taught DARE to.
13 So you know -- it led them in that direction obviously.
14 You know, a student feels safe knowing that it'll
15 bridge that gap between the community, the students and
16 law enforcement with an SRO being in the school.

17 SECRETARY NIELSEN: Well thank you, and I see
18 there's still green lights -- I'm going to try to ask
19 the Chief one more question.

20 What we haven't discussed are all the extra-
21 curricular activities -- so kids playing sports -- kids
22 in wide open areas, also on school properties but not

1 having the benefit of traditional boundaries, what
2 special consideration should we begin to address when
3 we talk about active shooter training for those types
4 of events?

5 MR. BURGUAN: So again, I would go back to
6 having pre-established procedures in place. I know
7 that in some schools we go back to the fear component -
8 - how do you make kids not afraid? And I think maybe
9 it fits into the same category.

10 You know in some places it's not -- it's not
11 that you have this -- an active shooter and everybody
12 understands you have got to do a certain thing, but
13 sometimes it's just as simple as having a code word
14 that is relatively benign that not necessarily
15 everybody else would understand, but if a certain code
16 word is thrown out, it's the people around the students
17 that they understand that they need to go do a certain
18 thing when that code word is tossed out.

19 I know that that is something that is used in
20 certain schools. I know staff has that -- a certain
21 code word when they pick-up the phone and they might
22 report something that alerts the person on the other

1 side of the phone to notify the school police
2 department or do something of that nature.

3 And I know in some cases that works for
4 students as well within the safety context of a campus
5 and how do they, you know, what do they do to respond
6 to someone.

7 SECRETARY NIELSEN: Thank you, that's very,
8 very helpful. Well thanks to you both, we'd like to
9 turn now to our third and final panel which is focused
10 on Practitioner Experience with School-Based Threat
11 Assessments.

12 And as the experts here are coming up to the
13 table, our first speaker will be Donna Michaelis. Mrs.
14 Michaelis is the Manager of the Virginia Center for
15 School and Campus Safety and Public Safety Training at
16 the Virginia Department of Criminal Justice Services.

17 And I just want to point out that Virginia was
18 the first state to require threat assessment teams in
19 public schools, so we commend the state for that and we
20 see that being duplicated throughout so we're pleased
21 to have you, thank you.

22 MS. MICHAELIS: Thank you Secretary Azar,

1 Secretary DeVos, Secretary Nielsen and Attorney General
2 Sessions, it's truly my privilege to be here today.

3 No one wants another Columbine or Parkland.
4 School safety is of paramount concern for everyone.
5 The tenets of crime prevention tell us to concentrate
6 on the physical environment, but effective school
7 safety is not that simple.

8 My staff and I have fielded the same question
9 since the Parkland attack -- what are you doing to keep
10 my child safe in school? We want to guarantee that our
11 schools are safe places where our kids can learn free
12 from danger environments, and despite the very real
13 loss that some parents have suffered, our schools are
14 safe.

15 The latest data on school safety support the
16 fact that you are less likely to be injured or killed
17 in school than virtually any other place, including
18 your home. Schools stand-in local parenting meaning in
19 place of parents -- while no parent can guarantee the
20 safety of their child at all times, we are to be their
21 advocates and their protectors. Therefore, we expect
22 schools to stand in our place and do what any parent

1 would do.

2 Yet right or wrong, we have assumed our
3 schools can cure all the ills of society. However, we
4 should not expect them to be mental health experts, law
5 enforcement officers, doctors, or lawyers. There are
6 processes in place for schools to use when they
7 recognize a child in need of services. We need to fund
8 those services, support our schools and not make
9 schools responsible to be those experts.

10 Through building relationships with students,
11 schools are able to educate while recognizing and
12 recording any negative change in behavior to the
13 appropriate experts. Optimal learning and safety in
14 schools takes place in the contexts of relationships.
15 Through legislation, resources, training and technical
16 assistance the Virginia Center for School and Campus
17 Safety has been designed to assist school personnel in
18 producing a structured supportive environment in a
19 physically safe school.

20 Please notice that we support school personnel
21 in producing this environment. It is school personnel
22 coupled with subject matter experts and first

1 responders who will make this happen, not some
2 technology or impenetrable fortress.

3 Properly trained, caring, connected and
4 engaged people make schools safe. It is in this
5 environment that Virginia became the first state in the
6 nation to require threat assessment teams in public
7 schools.

8 It became the role of the Center to assist
9 school divisions in the implementation of this new and
10 controversial mandate. However, threat assessment
11 teams cannot work without the building blocks necessary
12 for their success. A caring culture requires good
13 legislation. A strong school law enforcement
14 partnership, consistent policies and relevant training
15 and data collection.

16 Virginia Center was created in 2000 in the
17 wake of Columbine. Unlike many other school safety
18 centers in the nation, Virginia's Center is housed in a
19 criminal justice agency, not an educational agency.
20 This unique placement allowed the Center to take a
21 multi-disciplinary approach to school safety.

22 It allows us to reach law enforcement officers

1 as a key player in school safety efforts. The Center's
2 legislative mandates and diverse constituents, not only
3 requires this approach but it also ensures
4 collaboration.

5 School safety is not simple, but there are
6 several aspects that are vital to success. The Center
7 models what we would like to occur at the local level -
8 - training, information sharing, partnership building
9 and data collection. All disciplines are better served
10 when we work and train together to realize the same
11 goal -- keeping our kids safe while protecting the
12 safety and educational outcomes of all.

13 Virginia has excellent threat assessment
14 legislation that many states have reproduced. The
15 Virginia law requiring threat assessment for K-12
16 public schools mirrors the law imposed on Virginia's
17 colleges and universities in 2008 after the Virginia
18 Tech attack.

19 The law includes exemptions from FOIA
20 exceptions to HIPAA and the release of criminal history
21 information. It further directs the Center to develop
22 model policies to guide schools in the development of

1 their teams.

2 Threat assessment is not foreign to school
3 personnel. Threat assessment is a preventive system,
4 not a punitive system meant to intervene with
5 individuals posing a risk of harm to self or others and
6 get them off of the pathway to violence -- it is simply
7 the act of being aware of someone's concerning change
8 in behavior and caring enough to intervene.

9 Just as we expect law enforcement to be the
10 guardians in our community, we need law enforcement to
11 protect and serve our schools. A majority of the
12 communities' population is in schools during the day.
13 Virginia recognized this need and began funding School
14 Resource Officers in the 1990's.

15 Today, Virginia has one of the most robust and
16 long-standing SRO programs in the nation. Without law
17 enforcement in our schools, we cannot adequately
18 address the needs and concerns of our students, staff
19 and parents.

20 Our SRO program reinforced their three-fold
21 purpose -- law enforcement officer first, law related
22 educator and role model and mentor. They are there to

1 help form positive relationships with students, keep
2 them off of a pathway of violence and on the path to be
3 productive citizens.

4 Training is absolutely vital to the success of
5 a threat assessment program. All disciplines need to
6 be involved, specifically school administration
7 instruction, counseling and law enforcement. A strong
8 threat assessment training program also addresses
9 ancillary issues such as legal issues, de-escalation,
10 youth mental health, trauma informed interventions,
11 aberrant behavior recognition and so much more.

12 Data collection is another integral component
13 of threat assessment. You cannot manage what you do
14 not measure. Virginia has a school safety audit
15 program to collect data and evaluates its effects on
16 the school climate. This tool provides a statewide
17 snapshot of school safety practices, school climate and
18 now threat assessment data.

19 We collect data from schools to give them the
20 picture of school safety practices in Virginia and we
21 disseminate national school safety data to give them a
22 perspective on national trends.

1 A question I often received is -- have threat
2 assessment teams improved schools in Virginia?
3 According to our data, schools are doing an excellent
4 job of intervening with students who may pose a threat
5 to themselves or others.

6 Two-thirds of the schools in Virginia
7 conducted over 9,000 threat assessments last year and
8 99.9% of all threatened behavior was averted. So yes,
9 I would say threat assessment is helping schools better
10 understand their students.

11 It creates a climate where people feel
12 confident to report concerning behavior to better care
13 for each other and protect the safety of all. I often
14 quote Ronald Reagan who joked, "I'm from the government
15 and I'm here to help," however I'm not joking when I
16 say it. We are the government and we should help and
17 support our constituents, not legislate and disappear.

18 Threat assessment is an excellent tool for
19 schools but it could also be an extraordinary burden if
20 not properly implemented. It should be strategically
21 effective from a state-level approach with the
22 necessary training and support.

1 And schools cannot do it alone. Resources
2 should be available in the community to support
3 students and their families when problems are
4 identified. Threat assessment involves a whole
5 community and law enforcement must be a key member of
6 the team.

7 A strong school law enforcement partnership is
8 absolutely required for success. Virginia was on the
9 tip of the spear when it implemented threat assessment
10 in all public schools. We had to develop our programs
11 from the ground up.

12 We have come a long way and many other states
13 are seeking to emulate our threat assessment processes.
14 If the federal government is here to help, a national
15 school safety center would be immensely beneficial to
16 the states. A one stop shop that cuts through all
17 federal agencies whose mission intersects with school
18 safety.

19 States who want to invest in sound school
20 safety practices and implement effective strategies
21 need one place that does for the nation what a strong
22 school safety center does for its localities. We are,

1 after all, the government and we should be here to
2 help. Thank you for your time.

3 SECRETARY NIELSEN: Thank you very much, Mrs.
4 Michaelis, you've taken my joke. I always say that for
5 DHS so we're really actually here to help. We'd like
6 to turn to our next panelist, Susan Payne. You are the
7 Founder and Executive Director of Safe2Tell Colorado
8 and we very much look forward to your thoughts, thank
9 you.

10 MS. PAYNE: Thank you. I also represent the
11 State of Colorado in my role here and so many people
12 that have worked on school safety over the last 20
13 years and I would just be remiss if I didn't say that
14 this school year represents when it will be 20 years
15 since the Columbine tragedy and so many lessons
16 learned.

17 And I really wanted to provide you an overview
18 of what has really supported and helped us with some of
19 the guidelines and lessons learned in the aftermath of
20 that tragedy and many more that have occurred since
21 then.

22 As we looked in the aftermath of Columbine,

1 there was immediately an independent Commission that
2 reviewed the findings. And as we look forward, it's
3 important that we compare those findings from
4 Commission to Commission and to current date because
5 that's how we can evaluate with those findings what are
6 the common denominators, what have we done to address
7 those concerns, those lessons learned and what can we
8 do better in the future?

9 I would be remiss if I didn't honor the work
10 of the Secret Service and the Department of Ed in the
11 aftermath of Columbine with the Safe School Initiative
12 work and honestly, the Bystander Study.

13 The Bystander Study specifically went back 25
14 years, 1974 to the year 2000 which incorporated the
15 tragedy at Columbine. And the findings were this --
16 that 81% of the time when there was a shooting in the
17 school, they could identify a witness that knew it was
18 going to happen but failed to report it.

19 When you further go down and break that down,
20 93% of those that knew and didn't tell were children,
21 were students, friends, peers of the perpetrator. 7%
22 of the time it was an adult that didn't tell. Now

1 almost 60% of the time it wasn't one person that knew,
2 it was more than one.

3 In the case of Columbine, it was many. There
4 were law enforcement that had information about
5 interactions with the perpetrators, the school had
6 issues internally but the information wasn't shared.

7 So time and time again when we look at lessons
8 learned in tragedies, we have to look at how are we
9 doing our job in sharing information in an integrated
10 way, and connecting all of us working together because
11 there are so many people passionate in this arena, and
12 we rely on each other to share best practices and
13 ideas, but there are still continued gaps.

14 As we -- and I also would say that as the new
15 guidance just released by the National Threat
16 Assessment Center, the Secret Service, that continues
17 to be a resource, but what we turn to with those
18 specific federal guidelines, and how we could integrate
19 those in an approach, immediately following Columbine,
20 when the lessons started to begin, our leadership there
21 realized young people knew and hadn't told.

22 So they wanted to break through that barrier

1 and they immediately launched a tip line -- a tip line
2 in which they put posters in every single school. But
3 the Center for the Study and Prevention of Violence and
4 others that said as we do these things, we're going to
5 assess the effectiveness.

6 Two years later an assessment showed it was
7 less than effective. What we really then turned to,
8 which was a much more comprehensive approach and that
9 meant best practices. How do we engage teachers? How
10 do we engage students, parents, community members? How
11 do we better educate them and make them aware of the
12 issues young people face today and provide them the
13 empowerment to be part of the solution?

14 We knew that we had to actually run
15 legislation to provide a protective method of
16 communication. That communication that would allow
17 anyone that felt there was a barrier to speaking up, we
18 wanted to remove it. We wanted to educate them on what
19 to look for, what to watch for -- we've had to change
20 our thinking in the social norm with youth today
21 because we have to focus on social media.

22 What do they see in a snapchat? What are the

1 barriers to communicating that? When they see a
2 picture of someone with a gun that's making a threat at
3 a school, what do they do with that? What do they do
4 when they see someone at a party and there's a fight?
5 Do they like the picture or do they report it?

6 We have to change the culture and climate into
7 one that is about caring and seeking help when another
8 person needs it. And that's really what we're -- the
9 name Safe2Tell confuses people because often people
10 think it's a company -- but we knew we had to brand it
11 because we wanted them people to remember it. And it
12 was actually young people that I spoke to that had just
13 graduated from high school that came up with the name.

14 So they tried to integrate -- hey you say
15 this, how would we help 4-year olds and make it safe to
16 tell and remind them to seek out a trusted adult, tell
17 one, keep telling until someone does something.

18 The other part was when someone does make a
19 report, what is the infrastructure necessary to get it
20 right? To get it right? And it's not like the olden
21 days when we trained 911 when we would say, you know,
22 what does this person look like, how tall are they?

1 We say what's their user name? Can you send
2 us a screen shot of their social media -- immediately
3 young people can send that information. Four years
4 ago, we worked with a private company in order to
5 create a technology platform that would more
6 efficiently assist us in sharing information amongst
7 both police departments, a local multi-disciplined team
8 and it wasn't mandated that anybody use this, but it
9 was schools.

10 We have 100% of schools, pre-school, through
11 higher Ed in the system with the listed multi-
12 discipline team and we have sought that information so
13 that we can share information imminently. When a
14 report comes in we might have a photograph of a subject
15 with the user name, a first name and the school but the
16 school knows that student best.

17 In the middle of the night law enforcement
18 needs to respond but what they need from that school is
19 what they have -- here is where they live, here is
20 their photo, here are their parent contact information.
21 We have seen so many lives saved.

22 I have packets for you on the data. The data

1 also tells us what young people are facing. We have a
2 lot of hurting children in this country. The number one
3 thing they have reported over the last four years
4 specifically is a suicidal friend. Almost 80% of the
5 time they're doing it through the mobile app or online
6 method of reporting, and they are sending us the actual
7 broadcast in advance cry for help, the video -- the
8 post.

9 Those that are being extorted through sexting,
10 those that are crying for help, but also in the
11 aftermath of tragedy, really working to make it part of
12 the solution with our crisis response teams and making
13 sure that every young person out there that is
14 struggling -- because it's not just in that one
15 building. We no longer can -- we can't control
16 exposure, there are no longer jurisdictional
17 boundaries.

18 Their social media -- they communicate at a
19 rate that we're just trying to keep up with but in the
20 aftermath, we know there's more concerns that there
21 could be suicides and deaths following, that they will
22 engage in risky and unhealthy behaviors.

1 So providing them that empowerment to look out
2 for one another -- if you see that a friend needs help,
3 we want to make it safe to help. We want them to feel
4 that there is trust and respect that if they need to
5 report there is accountability within the system and a
6 caring, committed trusted adult will respond.

7 And if that means if we need the layer of the
8 FBI to ping a cell phone, if we need our fusion center
9 to do reverse image searching or what's being produced
10 on social media, we can then shoot that out to that
11 multi-discipline team, that local law enforcement
12 agency and you can see an integrated communication
13 between them that says exactly what they're doing, how
14 they're responding and what the result is.

15 So that principal that sends up that address
16 can see that officers have responded to a suicidal
17 student at 2 o'clock in the morning and that they have
18 now intervened and she's being transferred by medical
19 and they can say, "We will do a risk and a threat
20 assessment when she comes back to school and we will
21 develop a safety plan and coordinate with her family."

22 That's when you can really sleep at night. I

1 thank you for the opportunity. I think I would like to
2 close with this. There's been a lot of support from
3 leadership and I see a political will to do more. And
4 while it's been 20 years, we still have gaps and we are
5 looking for assistance in best practice, better
6 technical resources and we have assisted actually 21
7 states in the aftermath of the tragedy in Parkland and
8 I just want to honor the work of everybody working so
9 hard.

10 SECRETARY NIELSEN: Well thank you and thanks
11 to both of you for your insights and in particular,
12 both of you represent not only best practices, but the
13 way in which best practices can be spread and we
14 greatly appreciate all that you've done to help others
15 prepare for that as well.

16 So a question at the top of perhaps for Miss
17 Payne, when a student is flagged as a security risk and
18 then moves to another school, are there general
19 guidelines and procedures that help the originating
20 school inform the future school that there is a
21 potential concern?

22 MS. PAYNE: Thank you Secretary Nielsen, that

1 is an excellent question and that is a very large gap.
2 When we have -- here's an actual incident. We have a
3 student that is a subject, there's a report that he had
4 been cut from a team, he was very upset, he was at the
5 mall and there was a report when he was in 8th grade
6 that said he had made a threat to do a shooting at
7 school and he listed everybody he was angry with,
8 including teachers, colleagues, and they made the
9 report.

10 There was an intervention in 8th grade and
11 sadly the next year, a freshman in high school, even in
12 the same school district, and there is a shot fired, a
13 single shot and he has completed suicide.

14 Immediately the school puts a communication
15 out that they had had -- counselors had had no contact
16 with this student and there had been no warning signs.
17 Well further investigation shows that a year ago there
18 had been this incident, a safety plan had developed,
19 but it does not transfer with the student to the new
20 school.

21 So currently schools have to seek that
22 information out as investigators to go back to the

1 school where the student previously attended and say,
2 "Were there any behavioral concerns?"

3 The same thing in the aftermath of the
4 Arapahoe shooting -- you have a subject there that had
5 concerning behavior all the way back to elementary
6 school but had shifted and changed schools and school
7 districts.

8 So last years in Colorado we did look at a
9 potential legislative thing from the Attorney General's
10 Office to actually say that those reports -- those
11 safety plans should be shared along with the academic
12 records from students transferred so that there can be
13 a system of support and we can manage someone that
14 poses a threat to themselves or others and provide a
15 system of support and make sure that we have well
16 informed first -- the adults in the schools are well
17 informed as to that ongoing concern.

18 SECRETARY NIELSEN: Thank you, that's very
19 helpful. Secretary DeVos?

20 SECRETARY DEVOS: Thanks, Secretary Nielsen.
21 This may relate to that, it may not, but both of you in
22 your experience has either FERPA or HIPAA been an

1 impediment in any way to assessing and following up on
2 any threats? Go ahead.

3 MS. MICHAELIS: I'll start with the FERPA and
4 its impact on the threat assessment team. As you know
5 FERPA is for educational records and so the threat
6 assessment records and the case management of those
7 records is an issue and a dilemma for schools and where
8 they house them.

9 So we, through our safety audit program, we
10 asked them questions about where are you housing your
11 threat assessment records so that they can be
12 transferred to an institution of higher Ed or the
13 information communicated, if necessary, to another
14 school system.

15 So we're in the process of developing a case
16 management tool which would hook on to the student's
17 discipline records but not be a part of them. So we
18 can fund -- we can house them in what we call law
19 enforcement records if the SRO is in the school they
20 can house those records -- they can put them as a
21 separate piece of the discipline records so that FERPA
22 is not impacted when they decide to share that

1 information.

2 MS. PAYNE: May I add on to that? You know
3 when we look at FERPA, we just -- our Attorney General
4 recently released a guide on FERPA from a legal
5 perspective but it has been a battle with sometimes a
6 misperception really trying to make sure that we're
7 educating and providing professional development that
8 you can share information with law enforcement if it is
9 about the safety of a child.

10 And that's what we tried to integrate in that
11 integrated system of information sharing that we
12 operate out of our Public Safety and Homeland Security
13 Infusion Center to be able to make sure that we're
14 connecting those dots, but sometimes there have become
15 additional concerns that might be legal interpretations
16 that we could really use help on guidance on saying can
17 we share a video surveillance with law enforcement with
18 statements by students?

19 These are the questions that are coming up
20 just in recent history. So I think we could review
21 those guidelines and the information that is sent out
22 and work together.

1 SECRETARY NIELSEN: Thank you, Secretary Azar?

2 SECRETARY AZAR: I guess just a detailed
3 follow-up on the exchange you just had with Secretary
4 DeVos. You had mentioned an incident where I think a
5 child had gotten medical care for suicidality and then
6 came back into school.

7 Do you know if HIPAA provided any barrier to
8 communication there to prevent that type of assessment
9 on return or and then if it did, is there anything we
10 can be doing to provide better guidance or training
11 around that?

12 MS. PAYNE: Thank you Secretary. The -- I
13 would say that you know we had interestingly enough
14 more than 1,800 interventions and interruptions of
15 suicidal children through the Safe2Tell initiative last
16 year. I wouldn't say we -- it's those at the local
17 level that are responding and working through that.

18 And I do occasionally hear -- I just heard of
19 a concern that a young lady that had posed a threat to
20 others and to herself and posted a picture with a
21 weapon and has a guardian ad litem, unfortunately or
22 fortunately, but she did -- her guardian ad litem did

1 instruct her to refuse to conduct the risk assessment
2 so she -- there is a little bit of an interpretation
3 issue and it's site-based and it depends.

4 So guidance on that would be very helpful. I
5 know that we have passed legislation in the state to
6 provide more encouragement from a mental health
7 perspective with a duty to warn and that has been
8 helpful. But it is mostly the FERPA thing that we
9 find.

10 The HIPAA, we do ask during the threat
11 assessment process that you have a member of law
12 enforcement on your team, that you use the U.S. Secret
13 Service questions -- all 11 of them, and that you know
14 that you can share that information, not always can the
15 mental health person provide information but they can
16 at least be more informed at the current risk from
17 what's happening through law enforcement and that
18 student.

19 And then the added component of a digital
20 threat assessment -- anytime we're assessing a young
21 person, we should be looking into what they're posting
22 on their social media accounts and what they're

1 broadcasting out there.

2 MS. MICHAELIS: And I'd like to add to that
3 that Virginia has exceptions to HIPAA in its threat
4 assessment legislation that allows the release of
5 records to the threat assessment team members.

6 However, there is a need for us to educate the
7 mental health providers that that exception is there.
8 And so what we do now is we educate the threat
9 assessment team members to go to the mental health
10 person if need be, and not necessarily ask them to
11 release records directly to them but say, "This is
12 behavior that we have witnessed about this person.
13 Share that information with the health provider and
14 then ask them if that changes anything in their
15 diagnosis or their treatment."

16 So again, we're sharing information one way
17 while we try to educate the others that they can share
18 information back.

19 SECRETARY NIELSEN: And we're joined by Beth
20 Williams, the Assistant Attorney General for Legal
21 Policy. Do you have any questions?

22 ASSISTANT ATTORNEY GENERAL WILLIAMS: Sure,

1 and I apologize, the Attorney General was called away
2 but I do have a question for Ms. Michaelis. How does a
3 threat assessment team determine when it's appropriate
4 to call law enforcement and to bring them into the
5 picture?

6 MS. MICHAELIS: In Virginia, luckily Virginia
7 threat -- law enforcement is a required member of the
8 team. And so in our middle and high schools we have
9 almost an 86% saturation rate of SROs in our middle and
10 high schools so the law enforcement officer is already
11 on site.

12 In our elementary schools where we don't
13 always have an SRO, we educate the law enforcement
14 agencies that they need to be aware of what threat
15 assessment, how it operates and have a team member
16 respond or a law enforcement officer respond whenever
17 they have a threat assessment that requires law
18 enforcement assistance.

19 Again, the law enforcement officer is in the
20 community 24/7. Schools only have the child six hours
21 a day, often times what the law enforcement officer
22 brings to the team is obvious information about what's

1 going on in the home or in the community that might
2 impact how the threat is perceived.

3 SECRETARY NIELSEN: Well thank you, thank you
4 to our panel. On behalf of the Federal Commission we'd
5 like to convey our sincere gratitude for everyone
6 attending today, for the panelists as well as to the
7 Stone family, thank you for being here. I'd like to
8 turn it to my colleagues to see if they have any
9 closing remarks, Secretary DeVos?

10 SECRETARY DEVOS: Well thank you Secretary
11 Nielsen for your leadership here today and I'd like to
12 also thank my colleagues for their participation and
13 leadership as well. And a great thank you to each of
14 our panelists here today. You've brought us really
15 important and unique perspectives and we're grateful
16 for all of your contributions. Your specialized
17 knowledge has been inciteful and we will use it well
18 from here.

19 The Commission continues its work of gathering
20 information from as wide a range of inputs as possible
21 and I'd just like to remind the public that we welcome
22 comment 24/7 at our safety@ed.gov address and we will

1 continue to evaluate all of the inputs and
2 contributions that are brought to us through this
3 information gathering period, thank you.

4 SECRETARY NIELSEN: Secretary Azar?

5 SECRETARY AZAR: I just want to thank all
6 three of our panels today, very informative and we
7 really appreciate your technical expertise, your own
8 personal stories and we'll really factor all of that
9 into the work of the Commission in our final report, so
10 thank you very much.

11 SECRETARY NIELSEN: And Assistant Attorney
12 General?

13 ASSISTANT ATTORNEY GENERAL WILLIAMS: Thank
14 you, thank you all for being here and especially to Mr.
15 Schachter for your story and for your work. It was
16 incredibly informative. The Department of Justice very
17 much appreciates all of your testimony and the
18 leadership of Secretary DeVos and Homeland Security
19 Secretary Nielsen.

20 SECRETARY NIELSEN: So just to close it out,
21 next week some of us will be heading to Las Vegas to
22 hold the Commission's final field visit with

1 representatives here. We'll be visiting the Miley
2 Achievement Center which is in the process of deploying
3 unique security upgrades, so we always look forward to
4 our field visits as well.

5 So thank you again all for being here. I hope
6 you'll continue to work with us in the days and weeks
7 to come as we all know, unfortunately, this is not
8 something we can solve overnight. It takes dedication,
9 focus, passion and I know the energy that you all
10 bring, so thank you very much for your contributions.

11 (Whereupon the meeting was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, MICHAEL FARKAS, the officer before whom the foregoing proceeding was taken, do hereby certify that the proceedings were recorded by me and thereafter reduced to typewriting under my direction; that said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



MICHAEL FARKAS

Notary Public in and for the

STATE OF MARYLAND

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CERTIFICATE OF TRANSCRIBER

I, HELEN VENTURINI, do hereby certify that this transcript was prepared from audio to the best of my ability.

I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of this action.

August 23, 2018

DATE



HELEN VENTURINI

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