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From: Ken Wagner, Ph.D., Commissioner

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Subject: Firearms in Schools

It has been brought to RIDE's attention that there is confusion among local education agency (LEA) personnel regarding who may carry a firearm, including a concealed-carry firearm, in a school. This confusion stems from inconsistencies among various state laws, regulations, and LEA policies that govern safety and firearms on school grounds.

With the start of the new school year, this document provides direction on how to navigate this issue and will be binding on LEAs and their personnel, effective immediately and until such time as the underlying laws are reconciled. The intent of this document is to ensure that all students in Rhode Island attend safe and secure schools, and is based on feedback from public safety experts, including the State Police, local police, as well as school administrators, teachers, and town officials.

Rhode Island General Law provides that all students and educators have the right to attend and work in a school that is safe and secure (R.I.G.L. § 16-2-17). Moreover, the Basic Education Program (BEP) regulation expressly includes the right of all students to attend a school that is "free from the threat, actual or implied, of physical harm" (G-14-2.1.2).

Rhode Island General Law generally prohibits the possession of a firearm or weapon on school grounds (R.I.G.L. § 11-47-60(a)), with limited exemptions. For example, state law exempts from this prohibition active law enforcement officers (R.I.G.L. § 11-47-9) and those participating in limited, expressly authorized school-sponsored activities (R.I.G.L. § 11-47-60(b)). State law also exempts, and therefore currently allows onto school grounds, non-law enforcement persons who obtain concealed-carry permits pursuant to R.I.G.L. §§ 11-47-11 or 11-47-18. See R.I.G.L. § 11-47-60(b).

Rhode Island is an outlier as one of only a small minority of states where firearms, unless carried by law enforcement, are not clearly and absolutely banned from school grounds. By contrast, state courthouses, state colleges and universities, and other government buildings in Rhode Island prohibit the possession of all firearms on premises, including concealed-carry firearms, with limited exceptions for authorized law enforcement officers.

A number of school districts in Rhode Island have adopted policies that ban gun possession in schools, other than by law enforcement. However, the extent to which these local firearms policies are created, understood, and enforced varies across schools and districts. As a result, school and district personnel in different municipalities have different understandings and practices regarding what is and is not allowed regarding firearms.

This uncertainty raises important questions. If a student or teacher were to see a person other than a law enforcement officer carrying a firearm in school, would or should that person assume there is a threat? Would or should that person activate an emergency school protocol? Contact law enforcement for emergency assistance? Are individuals who bring a concealed firearm on school grounds required to inform the school that they are carrying a firearm? What proof must they show? How would a student, parent, teacher, principal, superintendent, school resource officer, or police officer know who is or is not authorized to carry a firearm on school grounds?

The lack of consistent rules regarding firearms in PK-12 schools creates confusion and the exact type of unsafe school environment that the law is intended to prevent, and therefore violates the right of students and teachers to attend a safe school, which is enshrined in state law, including R.I.G.L. §16-2-17 and the BEP.

Therefore, under the authority granted to RIDE by state law and the BEP to ensure that those in schools are safe, secure, and “free from the threat, actual or implied, of physical harm,” and to ensure consistent understanding and safety protocols across all schools, all firearms, including concealed-carry firearms, are hereby banned from all public school buildings and grounds by anyone other than visibly identified active law enforcement officers and those visibly identified and approved to participate in the limited, school-sponsored activities expressly authorized by statute (listed in (R.I.G.L. § 11-47-60(b))).

All such active law enforcement personnel must, unless responding to an emergency, notify school administrators when they are carrying a firearm on school grounds and receive the proper visible identification to be worn for the duration of their visit.

In summary, this is an immediate and binding directive on LEAs and LEA personnel, in effect until such time as the underlying laws are reconciled, which:

- (1) Prohibits everyone other than active law enforcement personnel from carrying firearms, including concealed-carry firearms, on school grounds statewide;**
- (2) Requires a protocol for active law enforcement personnel with a firearm to notify LEA personnel upon visitation to school grounds statewide and be visibly identified for the duration of the visit.**