

**ORANGE COUNTY SCHOOLS SAFETY TASK FORCE
AGENDA**

Schools Safety Task Force
June 22, 2023
Meeting – 5:30 p.m.
Donna S. Baker Meeting Room
Whitted Building
300 West Tryon Street
Hillsborough, NC 27278

- | | | |
|---------------|----|--|
| (5:30 – 5:35) | 1. | Welcome – Co-Chair Earl McKee |
| (5:35 – 5:40) | 2. | Approval of April 27, 2023 Meeting Summary (<i>See Attachment</i>) |
| (5:40 – 5:45) | 3. | Approval of May 25, 2023 Meeting Summary (<i>See Attachment</i>) |
| (5:45 – 6:10) | 4. | Discussion on Draft Task Force Final Report/Recommendations Document (<i>See Attachment</i>) |
| (6:10 – 6:35) | 5. | Consideration of Potential Changes to Draft Task Force Final Report/Recommendations Document |
| (6:35 – 6:40) | 6. | Approval of Task Force Final Report |
| (6:40 – 6:50) | 7. | Other Issues |
| (6:50 – 7:00) | 8. | Task Force Evaluation |
- Adjourn

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Orange County Schools Safety Task Force

Meeting Summary

Thursday, April 27, 2023 at 5:30 PM

Meeting Room

**Bonnie B. Davis Environmental & Agricultural Center
1020 US 70 West, Hillsborough, NC**

Members Present: Ari Schein, Cassie Rice, Kate O'Boyle, Richard Bradford, Evan Sredzienski, Jean Hamilton, Earl McKee, Tina Sykes, Chris Atack, Rani Dasi, Paul Bell, Andy Simmons

Alternates Present: Andre Stewart, Andrew Poole, Tracy Holloway

Members Absent: Monique Felder, Andre Richmond, Evelyn Estrada Hernandez, Nyah Hamlett

Alternates Absent: Patrick Abele, Jonathan McVey, George Griffin

(Note: Student members from Chapel Hill Carrboro City Schools had not yet been determined.)

Facilitator: Jay Bryan, Retired District Court Judge

Staff Present: Greg Wilder from the Orange County Manager's Office

1. Welcome and Introductions

Commissioner and Task Force Co-Chair Jean Hamilton welcomed everyone to the meeting. She noted that Commissioner and Task Force Co-Chair Earl McKee was delayed in getting to the meeting and that she would lead the meeting until his arrival. All Task Force members and alternates briefly introduced themselves.

2. Approval of April 13, 2023 Meeting Summary

Task Force Facilitator Jay Bryan asked if there were any changes to the April 13, 2023 Meeting Summary that was distributed with the meeting agenda materials. With no changes, Task Force Member Ari Schein motioned to approve the Meeting Summary. Task Force Alternate Andre Stewart seconded the motion, and the motion was approved unanimously.

3. Presentation by County Attorney John Roberts

Facilitator Bryan introduced John Roberts, the County Attorney for the Orange County Board of Commissioners.

Mr. Roberts shared that he had been asked to provide the Task Force with an overview of laws impacting conduct at schools by students, parents and others. He noted that his official position may limit some of his comments, but that he would address any questions as best he could.

Mr. Roberts briefly discussed the prohibition of weapons on school property. He referenced legal provisions against creating a public disturbance, sometimes referred to as a “riot statute”, and noted application of those provisions were sometimes problematic. He shared comments regarding the “dispersal statute”, in which a group was required to disperse when ordered by a law enforcement officer. He noted that violations of these laws were all misdemeanors.

Mr. Roberts discussed “disorderly conduct”, noting that there were sometimes problems in how those provisions were applied. He also discussed a statute regarding “Seizures of a Public Building”, adding that there was some uncertainty regarding what “seizure” meant. He noted that violations of these statutes fell under criminal charges. Mr. Roberts also briefly discussed the defacement of buildings and trespass provisions, noting that trespass would apply in cases where the property was appropriately posted, or if someone had been asked to leave.

Mr. Roberts moved forward to discuss protests and other activities that might occur along the public roadway adjoining a school or on the road right-of-way. He referenced Orange High School and noted that he had recently reviewed the survey plat for the school property, as the County actually owned the school property based on a previous financing action. He noted that the school property extends to the roadway, and that the road right-of-way was an overlay onto the school property.

Mr. Roberts also briefly added that law enforcement had the authority to require dispersal when an activity impedes the progress of a school bus.

Mr. Roberts concluded his comments by noting that a County ordinance may not be the best way to address school safety concerns, as most of the schools in Orange County were located in the towns where a County ordinance would not apply. Adoption by the towns would be necessary for any provisions to apply to most of the schools.

4. Discussion/Questions & Answers with County Attorney John Roberts

Facilitator Bryan moved the discussion forward to questions and answers with Mr. Roberts. Task Force Member Andy Simmons inquired about the Orange High School property plat showing the school property extending to the roadway and asked if that was

typical. Mr. Roberts responded that it was not atypical, and that some property lines extend to the center of the roadway.

Task Force Member Schein commented regarding the existing statutes related to gatherings on school property and violations. Mr. Roberts shared that those provisions could apply in some cases, but that, to be a violation, they would need to occur in the presence of a law enforcement officer or school administrator.

Task Force Member Richard Bradford expressed concern regarding the time it takes for a school administrator to initiate action and for law enforcement to respond. Mr. Roberts noted alternatives including calling 911 and involving the school resource officer (SRO).

Task Force Member Evan Sredzienski asked about protesting on the sidewalk. Mr. Roberts noted that was typically where protests occurred. Co-Chair Hamilton referenced if the sidewalk was on school property, and Mr. Roberts responded that protesters could be removed in that case. UNC Law Professor Mary-Rose Papandrea commented that there is some public interest in sidewalks because sidewalks are where people gather. Task Force Member Simmons added that people cannot block the sidewalk and impede its use, but that protesters can line up single file to avoid that concern. He also noted that it may be worth recognizing who owned the sidewalk, but that law enforcement officers could not have plat maps readily available to address situations that might develop.

Co-Chair Hamilton commented that interfering with school functions seemed to be a pivotal point and interfering with students' education was a concern.

Task Force members and alternates briefly discussed conceal carry on school property, with Task Force Member Simmons noting that a weapon could be brought on school property provided it was locked up in a vehicle. Task Force Member Kate O'Boyle expressed concern that the presence of the weapon on the property could cause a disruption. Task Force Member Simmons noted that a conceal carry occurrence on school property was limited since students were not 21 years old, the minimum age for conceal carry, and that school districts had prohibitions against employees having weapons on campus. Task Force Alternate Andrew Poole confirmed school staff by policy could not have firearms on school property.

Task Force Member Bradford inquired about a potential draft ordinance and issues the Task Force should consider regarding distances. Mr. Roberts responded that the shorter the distance the better, and that any provisions needed to apply directly to students.

Task Force Member O'Boyle asked about protesters utilizing a bullhorn. Task Force Member Simmons noted that it becomes a problem when the use of a bullhorn disturbs the educational process. Task Force Member Chris Atack noted that two criteria apply – was it lawful for the parties to be there, and were they creating a disturbance.

Task Force Member Schein commented that if the existing state statute had been enforced with the prior high school incident, the issue would have been addressed. Task

Force Member Tina Sykes followed up noting that the event occurred after school hours at an athletic event and the statute may not have been applicable as part of a non-educational activity.

Task Force Member Atack noted that addressing potential events by ordinance was difficult since every situation, school, school property, etc. was different.

With no more comments or questions, Facilitator Bryan thanked Mr. Roberts for his presentation and discussion with the Task Force.

5. Presentation by UNC Professor Mary-Rose Papandrea

Facilitator Bryan introduced UNC Professor Mary-Rose Papandrea from the UNC School of Law, sharing her biography with the Task Force.

Professor Papandrea expressed her appreciation for the opportunity to present to the Task Force and that she was glad to help. Ms. Papandrea did note that she could not provide legal advice to the group.

Professor Papandrea shared that she hoped to provide some background on the First Amendment, with a focus on two civil rights-era US Supreme Court cases involving attempts to restrict speech around schools. The background may help guide the Task Force's conversations about how to proceed in Orange County.

Professor Papandrea initially noted some important background principles. The First Amendment has some categories of expressive activities that are carved out and have either no or limited First Amendment protection. Knowingly false defamatory statements are not protected under the First Amendment. True threats encompassing statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence are not protected. Professor Papandrea also referenced incitement, which encompasses statements that are directed to inciting immediate unlawful activity, and is not protected. She noted the events of January 6, 2021 in Washington, DC as a possible example. Fighting words, which are statements specifically directed to a person face to face that are likely to provoke the target to engage in violence, are also not protected, but this is a tricky area sometimes. These categories are defined in law.

Professor Papandrea shared that the fact that speech is upsetting is not enough, and that there is no category of unprotected or lesser protected speech called "hate speech." Restricting "offensive," "agitating," or "annoying" speech is impermissible under the First Amendment as it would permit the punishment for unpopular views. Ms. Papandrea referenced Westboro Baptist Church's unpopular efforts as fully protected speech. The Supreme Court held that the Westboro Baptist Church has a First Amendment right to engage in its speech on streets, sidewalks, and parks.

Professor Papandrea added that a group of speakers cannot be singled out on the basis of its message, and a specific topic cannot be singled out either. The First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content. Government cannot grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views.

Professor Papandrea then discussed some special school exceptions. The exceptions include speech that is substantially disruptive, but limits cannot be based on the content of the speech. Schools could restrict speech that promotes drug use. Other special concerns can relate to minors, such as pornography, particularly upsetting images, and potentially protests that use obscenities. However, exceptions do not apply to upsetting political speech. The Supreme Court recently noted the important role that schools play in promoting democracy, particularly with respect to political and religious speech.

Professor Papandrea noted, at the same time, that content-neutral time, place, and manner restrictions are permissible. Teachers, students, and members of the public do not have an unlimited right to engage in expression on school grounds. She noted the *Tinker* case, which held that students had a right to wear black armbands to protest the Vietnam War because there was no evidence that this expression caused a “substantial disruption” to the operation of the school. The flip side of *Tinker* though was that it recognized that speech that undermines the operation of the school can be restricted. She added that, as a practical matter, it is problematic to draw a line between picketing by students/staff and picketing by outsiders. She added that any ordinance should be limited to times when school is in session.

Professor Papandrea referenced two 1970’s U.S. Supreme Court cases. The cases held that an anti-noise ordinance around a school in Illinois was constitutional, but not the anti-picketing ordinance. Cities in Illinois had ordinances restricting picketing and other demonstrations around schools. Chicago’s ordinance restricted most picketing around a school, except for peaceful labor picketing. The Supreme Court held that if the school permitted peaceful labor picketing, there was no reason not to permit other peaceful picketing on other topics. In the other case, the Court upheld a broadly applicable anti-noise ordinance, which prohibited making any noise or diversion which disturbed the peace of a school session.

6. Discussion/Questions & Answers with UNC Professor Mary-Rose Papandrea

Facilitator Bryan moved the discussion forward to questions and answers with Professor Papandrea. Co-Chair Hamilton noted that part of the problem seemed to relate to activities that disrupted the school. A student who feels threatened cannot be in the mindset to learn. The example of a Confederate symbol was referenced, and Professor Papandrea commented that cases of Confederate symbols were based on the disruption of school – not about an individual. She noted that based on a court case, the use of profanity could not be considered a disruption to school operation. Task Force Member

Bradford commented that it appeared the focus needed to be on activities that disrupted school operation. Task Force Member Sredzienski noted that the term “disruption” was subjective, and that the Task Force needed to have other objective criteria such as distance and location in addition to “disruptive”.

Professor Papandrea commented that schools do have some leeway to make judgment on disruptive activities, but that any rules needed to be for all, and not specific for one group.

With no further questions or comments, Facilitator Bryan thanked Professor Papandrea for her presentation and feedback.

7. Other Issues

This item was not discussed due to time constraints.

8. Meeting Evaluation

This item was not discussed due to time constraints.

Adjourn

With no further items to discuss, the Task Force adjourned at 6:41 pm.

This Meeting Summary was approved at the XXXX YY, 2023 Schools Safety Task Force meeting.

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Orange County Schools Safety Task Force

Meeting Summary

Thursday, May 25, 2023 at 5:30 PM

**Donna S. Baker Meeting Room
Whitted Human Services Center
300 West Tryon Street, Hillsborough, NC**

Members Present: Ari Schein, Cassie Rice, Kate O'Boyle, Richard Bradford, Evan Sredzienski, Jean Hamilton, Tina Sykes, Andy Simmons

Alternates Present: Andre Stewart, Andrew Poole

Members Absent: Evelyn Estrada Hernandez, Earl McKee, Rani Dasi, Nyah Hamlett, Andre Richmond, Monique Felder, Chris Atack, Paul Bell

Alternates Absent: George Griffin, Tracy Holloway, Jonathan McVey, Lee Williams II

(Note: Student members from Chapel Hill Carrboro City Schools had not yet been determined.)

Facilitator: Jay Bryan, Retired District Court Judge

Staff Present: Greg Wilder from the Orange County Manager's Office

There were also approximately ten members of the public present at the meeting.

1. Welcome and Introductions

Commissioner and Task Force Co-Chair Jean Hamilton welcomed everyone to the meeting. Co-Chair Hamilton noted that Commissioner and Co-Chair Earl McKee had work responsibilities and may or may not be at the meeting. Co-Chair Hamilton then gave a brief overview of the meeting agenda.

2. Approval of April 27, 2023 Meeting Summary

Co-Chair Hamilton asked if there were any changes to the April 27, 2023 Meeting Summary that was distributed with the meeting agenda materials. Task Force member Richard Bradford inquired regarding comments attributed to County Attorney John Roberts in the Summary and expressed some uncertainty whether they appropriately reflected Mr. Roberts' comments at the meeting. After a brief discussion, Co-Chair

Hamilton stated that follow-up would occur with Mr. Roberts and the Meeting Summary would be brought back to the next Task Force meeting for further consideration.

3. Discussion in Small Groups – Where Do We Go from Here?

Co-Chair Hamilton shared a set of four questions with Task Force members, and facilitated Task Force members numbering themselves from 1 to 3 for convening into small groups at individual group tables. Co-Chair Hamilton asked each group to review and discuss the four questions and take notes as appropriate, in preparation for everyone coming back together to share and discuss their conversations and conclusions.

The four questions for the small groups to discuss were:

1. What have we learned about external public school safety issues in Orange County?
2. Is there more information that we need to gather? Are there clarifications needed?
3. Are there ways that we can improve the safety of public school students and staff from external threats?
4. Are there any recommendations to the BOCC for changes in policies or practices?

The three small groups consisted of:

- Ari Schein, Richard Bradford, and Tina Sykes
- Andre Stewart, Cassie Rice, and Evan Sredzienski
- Jean Hamilton, Kate O'Boyle, Andrew Poole, and Andy Simmons

The members of the public at the meeting also joined the three small groups to listen to the discussion on the four questions. The small groups met until 6:15 pm.

4. Small Group Reports & Full Group Discussion

Co-Chair Hamilton reconvened the Task Force members and solicited feedback from the groups on Question #1 – What have we learned about external public school safety issues in Orange County? Task Force member Andy Simmons commented that collaboration was key and that all stakeholders needed to have input. He stated that it was good to hear from County Attorney John Roberts, and UNC Law Professor Mary-Rose Papandrea, and that Mr. Roberts' comments about school property lines and boundaries was particularly interesting. He noted acknowledging the philosophical differences related to school resource officers (SROs) for Orange County Schools in comparison to Chapel Hill Carrboro City Schools. Task Force member Simmons also noted the historical designs for schools with lots of doors, which make them "soft" targets in modern society.

Task Force member Ari Schein added that best practices were already being used in the schools and that standard response protocols were already in place. He also referenced the value of SROs.

Task Force member Cassie Rice commented that it was good to hear that there were already state and county guidelines in place for external threat issues. She added that it was worthwhile to hear about the partnerships already in place, and to understand that there were protective activities and plans – some which could be discussed in public and others that could not be discussed publically for obvious safety purposes.

Co-Chair Hamilton moved the discussion forward to Question #2 – Is there more information that we need to gather? Are there clarifications needed? Task Force member Bradford shared that his group did not think so. There was always the opportunity for clarity, but that Task Force members had the necessary information at this point.

Task Force member Simmons referenced the comments from the County Attorney regarding the property lines/boundaries for Orange High School and noted that he was kind of flabbergasted to learn that information.

Task Force member Andre Stewart commented on the need for dissemination of information and making sure all stakeholders understand the property lines/boundaries. He noted the significant differences between schools and the need for regulatory provisions to be specific enough to understand, but also vague enough to be made applicable to diverse schools. Task Force member Stewart also noted the need for common language.

Co-Chair Hamilton commented that she wished the Task Force had more input from students, and referenced the potential benefit having student survey information. She expressed appreciation to Task Force member Evan Sredzienski for his involvement and input. Co-Chair Hamilton referenced his question about the meaning of “disruption”, and the discussion related to disruption of school operations versus the disruption of one student or a limited number of students.

In follow-up, Task Force member Stewart noted that the implementation of a holding pattern under the standard response protocols may bother or disrupt some students, but not others. He referenced an event in Greenville that did not involve a school, but necessitated implementation of standard response protocols that restricted the movement of students. He also commented that a disruption at Estes Hill Elementary, with its hotel type design, was different from a disruption at Carrboro High with its design. Task Force member Simmons echoed that architecture plays a role. Co-Chair Hamilton observed that a disruption could evoke differing law enforcement involvement depending on the school.

Task Force member Schein observed that a disruption can affect students coming, going and traveling between school campuses, sometimes not being allowed to leave a school or enter onto a school property. He also referenced training, and Task Force member Stewart noted that training would need to be school-specific. Co-Chair Hamilton added that training would be under the school districts’ purview, and not the County’s. Task Force member Bradford commented that the Board of Commissioners should likely not

consider or adopt anything related to “disruption” based on potential overreach, or the appearance of overreach.

Co-Chair Hamilton moved the group on to Question #3 – Are there ways that we can improve the safety of public school students and staff from external threats? Task Force member Sredzienski referenced the need to develop common language. Task Force member Simmons shared that law enforcement utilizes codes to refer to events, and that different jurisdictions use different codes for the same type of event. He noted a code conflict between law enforcement and the National Guard at an airport after the September 11, 2001 attacks and the need for more common language. Task Force member Kate O’Boyle commented that everyone might should use common terms like “bomb threat” as opposed to potentially conflicting codes.

Co-Chair Hamilton then referred to Question #4 – Are there any recommendations to the BOCC for changes in policies or practices? Task Force member Simmons responded that, if he had to answer now, he did not see anything from his perspective to recommend.

Co-Chair Hamilton commented that a potential idea might be to convene an annual meeting of some type just to provide the opportunity for discussion and assessment of the current status.

Task Force member Stewart shared that creating common communication capabilities in all school buildings was effective to enhance school safety. He noted that the need to think about and address social and emotional concerns and mental health issues was also a significant area to address. Co-Chair Hamilton noted that the Board of Commissioners was well aware of the mental health concerns throughout the County and schools and that a majority of County funding was going to the schools and for services to those in need.

Task Force member Simmons shared that all four law enforcement agencies in the County had social workers joining their staffs. While law enforcement officers could direct people to resources, the social workers would actually be able to help.

Co-Chair Hamilton reiterated to possibility of an annual community-wide discussion, perhaps a “summit” that involved the Board of Commissioners and other stakeholders. Task Force member Simmons responded that once a year could be a good thing, and maybe more often if necessary. It was noted that quarterly meetings were already occurring involving school staffs, law enforcement, emergency management and other stakeholders.

Task Force member Stewart shared that school staff thought about safety all day/every day for all school activities, and that a meeting semi-annually or other schedule might be worthwhile as long as the timing was considered to avoid activities like budget season and end of the school year.

Task Force member Bradford added, referencing a previous comment about student surveys, that student survey feedback might be good to have for an annual meeting, and that a meeting and the survey information might increase public understanding.

Co-Chair Hamilton noted a time check of 6:55 pm. She reiterated the Task Force's conversation related to information, education and common language, and the potential for an annual meeting. She noted the need to include emergency management colleagues in future discussions, and the need to consider the timing of a potential meeting with other activities occurring. Task Force member O'Boyle added that meeting to see how people were faring could save a lot of hassle later. Task Force member Stewart commented that schools should be able to provide survey data, with the questions developed and framed around school safety.

Co-Chair Hamilton brought the conversation to a conclusion, noting that Judge Bryan and the Co-Chairs would work on draft recommendations, and asked if the Task Force wanted to meet on June 8, 2023 and then again on June 22, 2023. After discussion, it was determined that the Task Force would not meet on June 8th, making the next Task Force meeting on June 22nd. Judge Bryan and the Co-Chairs would develop a draft recommendations document, and perhaps also in the near-term a document outline. They would share the documents with and request individual feedback from all the Task Force participants in preparation for the June 22nd meeting.

5. Other Issues

There was no discussion on this item.

6. Meeting Evaluation

There was no discussion on this item.

Adjourn

With no further items to discuss, the Task Force adjourned at 7:08 pm.

This Meeting Summary was approved at the XXXX YY, 2023 Schools Safety Task Force meeting.

ORANGE COUNTY SCHOOLS SAFETY TASK FORCE

FINAL REPORT

June 2023

TASK FORCE MEMBERS

Commissioner Jean Hamilton,
Co-Chair

Cassie Rice

Ari Schein

Kate O'Boyle

Richard Bradford

Evan Sredzienski

Evelyn Estrada Hernandez

Tina Sykes

Commissioner Earl McKee,
Co-Chair

Rani Dasi

Dr. Nyah Hamlett

Andre Richmond

Dr. Monique Felder

Paul Bell

Chris Atack

Andy Simmons

TASK FORCE ALTERNATES

George Griffin

Tracy Holloway

Andre Stewart

Andrew Poole

Jonathan McVey

Lee Williams II

Patrick Abele
(Withdrew May 1, 2023)

STAFF

Greg Wilder, Orange County Manager's Office

FACILITATOR

The Honorable James T. Bryan III

Orange County Schools Safety Task Force
Report to Orange County Board of Commissioners
June 2023

EXECUTIVE SUMMARY

The Board of Commissioners approved the formation and Charge for the Schools Safety Task Force (SSTF or Task Force) at the Board’s November 15, 2022 Business meeting. The SSTF Charge (subsequently amended on April 18, 2023) was to:

- 1) Discuss ways in which the Orange County government, schools, law enforcement, and community can enhance the safety of the school environment to protect from external threats and promote the education of Orange County K-12 public school students; and
- 2) Recommend to the Board of County Commissioners (BOCC) new or amended policies, ordinances, and/or practices that will address those external threats and provide a safer school environment for our students, teachers, and staff.

Task Force members and their stakeholder representations on the Task Force are listed on Attachment A. Retired Judge Jay Bryan served as facilitator for the Task Force. Greg Wilder with the Orange County Manager’s Office provided staff support.

From February 2023 through June 2023, the Task Force met a total of six times to explore the primary topic areas of:

- Protest/demonstrations
- Active Assailants, and
- Public Access to School Property During School Hours.

The meetings were open to the public, and notice of the meetings, agendas, and attached documents was given in several different locations. SSTF members considered information that included, but was not limited to:

- vulnerability assessments,
- comprehensive safety plans,
- coordinated communication between the school districts and law enforcement,
- school risk management plans,
- best practices for School Resource Officers (SRO),
- modifications to school buildings regarding safety, and
- state statutes and local policies regarding protests and school safety.

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The SSTF found that both Orange County Schools and Chapel Hill Carrboro City Schools have up to date safety plans and regular communications with law enforcement. Both districts and law enforcement followed best practices as recommended by the North Carolina Center for Safer Schools. However, the work of SSTF did reveal areas where clarifications and education could enhance school safety for students, teachers, and staff. One key finding is that on-going communication and education between school staff, parents, student, law enforcement, and the public with understandable language is needed to prevent misunderstandings and to create common expectations. Therefore, an annual safety summit and an annual safety survey of students, staff, and parents is recommended. Another key finding is that the physical boundaries/right-a-ways of each school be shared with law enforcement and school leadership to better manage public access and apply applicable laws. A third key finding is that on-going education of all stakeholders is needed to better understand when and how to respond to school disruptions caused by protests and demonstrations. The full list of recommendations is at the end of this report.

GROUNDWORK

After establishing ground rules for discussion at the first Task Force meeting, members discussed:

- the Task Force Charge,
- the applicability of any safety provisions within both the municipalities and in the unincorporated areas of the County,
- the applicability of provisions to all groups,
- safety concerns not only for students but also teachers and all school staffs, and
- potential topics and speakers.

At the second meeting on March 13, 2023, law enforcement and individual school safety administrators on the Task Force provided information and insight on three questions regarding Protest/Demonstration, Active Assailants, and Public Access to School Property during School Hours:

- 1) what is happening within the schools to address these safety areas?;
- 2) what is one example of school safety challenges in the three areas?; and
- 3) how do law enforcement and the schools coordinate to protect schools and address these safety areas?

The importance of current collaboration efforts on a quarterly basis with law enforcement, fire department personnel and emergency management as well as annual training and utilization of SRO's were emphasized as critical. Unknown demonstrations, public confusion over use of school facilities and accessing school buses, applicability of North Carolina General Statute (NCGS) 36A (Riots, Civil Disorders, and Emergencies), and permitting processes for protests/demonstrations were identified as challenges.

Law enforcement noted that other safety challenges included educating people on criminal behavior versus anti-social behavior and explaining the constitutional and statutory limitations placed on law enforcement. Communication, and having a clear understanding of everyone's role, are keys to coordinating safety. Other points of discussion covered concerns for safety planning for public access to school facilities and for school board and other meetings at schools, the value of the Center for Safer School as a resource, and the challenge of school threats.

At the April 13, 2023, SSTF meeting, Karen Fairley, Executor Director of the Center for Safer Schools, an agency within the NC Department of Public Instruction, presented. Among the Center's responsibilities established in NCGS 115C-105.56 and 105.57, Powers and Duties, are serving as hub for technical assistance on school

safety to school faculty, staff, law enforcement, youth-serving community agencies, juvenile justice officials, policymakers, parents/guardians, and students. The Center promotes safe learning environments for N.C. K-12 with a focus on prevention and mitigation as well as response and recovery in school safety events. Ms. Fairley discussed Crime Prevention through Environmental Design (CPTED) and use of demarcation of school property, windows and lighting, natural surveillance and landscaping to promote safety. She also reviewed several programs for safety under statute that promote safety and planning, including annual updating of Vulnerability Assessments and Comprehensive Safety Plans, development of Anonymous Reporting Systems, and four phases of emergency management (State Emergency Response Application (SERA) and School Risk Management Plans (SRMP)).

Ms. Fairley emphasized the importance and statutory requirement (NCGS 115C.105.49) of consistent annual drills, including reunification plans and communication with parents, and the need for physical security audits. Limited funding is available through the Center for SRO's whom she defined as helping provide safe learning environments, resources for staff, positive relationships with youth, and strategies to resolve problems affecting youth and protecting all students. She advised that SROs should not be seen as an enforcement arm of the school system.

For its April 27, 2023, meeting, the Task Force invited speakers John Roberts, County Attorney for Orange County Board of Commissioners, and UNC Law School Professor, Mary-Rose Papandrea, who is considered an expert on the First Amendment and the Constitution and currently teaches a course specifically on education and constitutional law. Mr. Roberts provided an overview of laws impacting conduct at schools by students, parents and others. He briefly discussed prohibition of weapons on school property and effects of conceal carry laws, the legal provisions of NCGS 36A about creating a public disturbance that may disrupt a school, and the meaning of "disorderly conduct" as used in the statute. Part of his review and questions from members focused on protests and other activities that might occur on the public roadway adjoining a school property, including sidewalks, right of ways, and school property in right of ways.

Professor Papandrea noted by way of background that some categories of expressive activities have either no or limited First Amendment protection. These include *knowingly defamatory* statements, true threats intending to communicate an intent to commit an act of violence, and incitement which encompasses statements that are directed to inciting immediate unlawful activity. She shared that there is no category of unprotected speech called "hate speech", and government generally has no power to restrict expression because of its message, its ideas, its subject matter, or its

content. She discussed some specific school related exceptions to the First Amendment that included speech that is substantially disruptive of a school. Content-neutral time, place, and manner restrictions are permissible. She stated that a Supreme Court case recognized that speech that undermines the operation of a school can be restricted, and she suggested any ordinance should be limited to times when the school is in session.

At the May 11, 2023 meeting, Task Force members divided into three groups to discuss four questions under the rubric, “Where Do We Go from Here?”:

- 1) What have we learned about external public school safety issues in Orange County?
- 2) Is there more information that we need to gather? Are there clarifications needed?
- 3) Are there ways that we can improve the safety of public-school students and staff from external threats?
- 4) Are there any recommendations to the BOCC for changes in policies or practices?

Members of the public in attendance were invited to join one of the groups of their own selection. After discussion, the groups reported to each other their responses to the questions. Among their reported informal findings were that:

- the school districts’ stakeholders make safety a priority;
- safety is at the forefront of every day;
- SRO’s are appreciated and needed;
- a yearly summit of stakeholders concerning school safety would be useful;
- training on school safety should be school specific; and
- different levels of disruption call for different response protocols.

The recommendations below were developed from this meeting’s discussions as well during the review of a draft Report at the June 22nd meeting.

Detailed Summaries of the Task Force’s six meetings are available at the following link:

<https://www.orangecountync.gov/AgendaCenter/Search/?term=&CIDs=38,&startDate=&endDate=&dateRange=&dateSelector=>

RECOMMENDATIONS

Based on its work and discussions, the Task Force recommends:

1. Annual meetings of the Task Force or other group be convened by the BOCC to review policies that address safety in the school districts and provide education on laws addressing school disruptions.
2. Quarterly meetings of school administrators, students (?) and staff, and law enforcement to continue to be held to discuss coordination and communication regarding safety.
3. The physical boundaries of each school in the school districts be defined, shared, and understood by all stakeholders, including law enforcement, emergency management, schools, parents, and others involved in school safety.
4. Assessments of improvements to school buildings regarding safety as well as funding for such improvements be continued.
5. Law enforcement, schools, and emergency management continue to follow Standard Response Protocols and evaluate approaches that are individualized for each school.
6. The role of SROs as counselor/mentor for students and for protecting them, teachers, and staff be clearly defined and understood.
7. Annual surveys of teachers and students' perceptions of safety and disruption of schools be promulgated and evaluated for promoting safety.
8. Common definitions and accessible language for terms and law enforcement codes involved in school safety (ie., "disruption", "external threats", "lockdown") be developed for both school districts and the community.
9. Outreach should continue on a coordinated basis with the public about how the community can support school safety.

Attachment A

Updated 1/31/23,
2/6/23, 2/7/23, 3/3/23
4/19/23, 5/2/23

**ORANGE COUNTY SCHOOLS SAFETY TASK FORCE
CHARGE, COMPOSITION, and TIMELINE**

Task Force Charge: (as amended by the Board of Commissioners on April 18, 2023)

1. Discuss ways in which the Orange County government, schools, law enforcement, and community can enhance the safety of the school environment to protect from external threats and promote the education of Orange County K-12 public school students;
2. Recommend to the Board of County Commissioners new or amended policies, ordinances, and/or practices that will address those external threats and provide a safer school environment for our students, teachers, and staff.

Task Force Composition:

Position #	Representation	Appointment	Email/Phone
1	Resident – Chapel Hill Carrboro City School District	Ari Schein	Ari.schein@gmail.com 407-408-6913
2	Resident – Chapel Hill Carrboro City School District	Cassie Rice	cassiecrice@gmail.com 919-604-1027
3	Resident – Orange County School District	Kate O’Boyle	kto160@comcast.net 860-460-0144
4	Resident – Orange County School District	Richard Bradford	rb16565@icloud.com 919-428-3822
5	Orange County Schools Student	Evelyn Estrada Hernandez	evelyn.estradahs17@orange.k12.nc.us NO PHONE NUMBER
6	Orange County Schools Student	Evan Sredzienski	evan.sredziensks12@orange.k12.nc.us NO PHONE NUMBER
7	Chapel Hill Carrboro City Schools Student	Pending	

8	Chapel Hill Carrboro City Schools Student	Pending	
9	Board of Commissioners Representative	Jean Hamilton	jhamilton@orangecountync.gov 919-360-0428
10	Board of Commissioners Representative	Earl McKee	emckee@orangecountync.gov 919-812-3248
11	Board of Education Representative – CHCCS	Rani Dasi	rdasi@chccs.k12.nc.us 919-869-7055 George Griffin (Alternate) ggriffin@chccs.k12.nc.us 919-306-2924
12	Superintendent or Designee - CHCCS	Nyah Hamlett	nyahhamlett@chccs.k12.nc.us 919-967-8211 x28226 Tracy Holloway (Alternate) tholloway@chccs.k12.nc.us 919-967-8211 ext. 28285 Andre Stewart (Alternate) adstewart@chccs.k12.nc.us 919-967-8211 ext. 28228
13	Board of Education Representative – OCS	Andre Richmond	andre.richmond.boe@orange.k12.nc.us 919-245-4030 ext. 25040
14	Superintendent or Designee - OCS	Monique Felder	monique.felder@orange.k12.nc.us 919-732-8126 x10001 Lee Williams II (Alternate) lee.williamsii@orange.k12.nc.us 919-732-8126 x11000 Andrew Poole (Alternate) andrew.poole@orange.k12.nc.us 919-732-4581

15	Sheriff Designee	or	Tina Sykes	TRimmer@orangecountync.gov 919-245-2921 Jonathan McVey (Alternate) jomcvey@orangecountync.gov 919-644-3050
16	Carrboro Police Chief Designee	or	Chris Atack	catack@carrboronc.gov (919) 918-7407
17	Chapel Hill Police Chief Designee	or	Paul Bell	pbell@townofchapelhill.org 919-968-2760
18	Hillsborough Police Chief Designee	or	Andy Simmons	andy.simmons@hillsboroughnc.gov 919-624-9522

Task Force Timeline:

The Task Force will conduct its meetings between January and June of 2023, holding a minimum of six (6) meetings during that timeframe.