SCHOOLS SHOULD BE PLACES OF LEARNING, OF SAFETY, OF NURTURING. RECENTLY, MANY OF THESE INSTITUTIONS HAVE BEEN FORCED TO BECOME LOCKED DOWN STRUCTURES IN AN EFFORT TO DETER SERIOUS SAFETY BREACHES THAT HAVE CLAIMED THE LIVES OF INOCENT STUDENTS, TEACHERS AND PERSONNEL.

SCHOOL SOLUTIONS
Shootings Raise Serious Questions
By BOB CLIFFORD

Suburban north shore when a mentally disturbed babysitter went on a rampage in a Winnetka grade school, killing an innocent third-grader. The babysitter also injured several others with pistols she was able to purchase.

She then ran into a nearby home where she took two hostages, shooting one in the chest before killing herself. Families brought lawsuits against the 30-year-old killer’s parents who allegedly had shielded their daughter’s known dangerous behavior instead of seeking help. After surviving motions to dismiss, the cases settled. It marked the first time that parents have been held accountable for crimes of adult children.

Adequate security in schools also may be pertinent in situations where security officers are assigned to special school events for crowd or traffic control.

Aides hired to assist students who are physically or mentally challenged or who have behavioral disorders, such as school bus drivers, also have been the subject of lawsuits because of improper and inadequate training or insufficient monitoring of these students who require special attention.

Public schools as government institutions are protected from certain negligent conduct by governmental immunity statutes. Although there are a few exceptions, the Local Government and Governmental Employees Tort Immunity Act (745 ILCS 10) and the Tort Liability of Schools Act (745 ILCS 25) protect school employees from conduct unless it amounts to reckless or willful and wanton behavior. That standard over the years has been strictly applied despite students being hurt or even killed when closer supervision or established rules have been ignored. Schools also are protected by statute from punitive damages.

Certainly, allowing a gunman into a school to massacre innocent students is an extreme situation, but it is something that is now foreseeable.

Not every situation is cut and dried. Often, there is a confluence of factors that come together and that must be examined by courts to determine if the behavior rises to the level of being actionable.

How egregious must behavior become for courts to recognize that many school and law enforcement personnel simply aren’t equipped to handle the types of complex situations in which students find themselves? Serious and thoughtful training must be continually undertaken.

Perhaps it is time for the state legislature to step in and more clearly define what is expected from school personnel and law enforcement officers assigned to schools in this new era of risk in education.

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