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HOLDING A SCHOOL LIABLE FOR CAMPUS SHOOTING

One of the most important parental obligations is in keeping our children safe from harm that is occasioned by criminal activities of others.

As a parent we are entrusted to safeguard our children so that they may grow up to be adults. Unfortunately, school districts are the worst culprits in allowance of weapons including assault weapons onto the campus of our high schools.

School districts are the entities that we entrust our children for a safe education. Education in California is compulsory. See California Education Code §48200. With few exceptions children shall attend the public full-time day school. Thus, as parents we are leaving the responsibility to safeguard our children to the public school whose governing board of the school district sets the parameters of what measures are in place to protect our childrens' welfare.

For years, school districts have escaped legal responsibility from harm to your children for many years by raising up defenses to preclude the school district from being responsible to safeguard our precious children.

School districts in California have an impediment to bringing a lawsuit against the teachers or the school district. This bar under the California Tort Claims Act has specific requirements which must be followed strictly, otherwise the lawsuit may be dismissed. This legal requirement under the California Government Code §911.2 states that claims for death, injury to person or to personal property must be filed not later than 6 months after the occurrence. Using the proper claims forms is a must.

Care must be taken in completing the correct form with the required information and then submitting it to the proper recipient preferably by personal delivery or at least by certified mail, return receipt for proof of timely filing.

School districts owe a duty to protect their students. We are all too familiar when a gunman pulled a weapon out of his backpack and opened fire at the school. Requiring the school district to have secure fencing, with locked gates, and proper security personnel monitoring who goes in and out of the school is a must. Metal detectors and searching of back packs must be mandatory in order to safeguard our children from being shot. While safety measures after a gunman comes onto the school property such as lockdown drills are lauded, the real issue is PREVENTION.

Schools must be on high alert for possible shootings. Too often schools had open front doors, offices and classrooms were easily accessible which now must be changed. The Department for Education states explicitly that perimeter security is important, common sense tells us that fencing, and gates are the first line of defense and have a vital role to play. Fences and gates must be designed to prevent intruders from coming onto the school campus.

Hiring an experienced law firm GOLDBERG & GAGE is the best solution to holding the school district responsible.

TERRY M. GOLDBERG