EXTREME RISK PROTECTION ORDERS (THE “RED FLAG LAW”)

Extreme risk protection orders are court orders that restrict the ability of a person, who is judged likely to engage in conduct that would result in serious physical harm to themselves or others, to purchase or possess firearms, rifles or shotguns, or attempt to do so.

Under state law, Building Principals are permitted to petition the state Supreme Court for extreme risk protection orders for students currently enrolled in their building, or students who were enrolled in their building in the six months immediately before filing the petition (referred to in this policy as “currently-enrolled” and “recently-enrolled” students, respectively).

When district employees have reason to believe that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to themselves or others, they must report their concerns to the Building Principal.

Any other person, including, but not limited to, students, parents, and community members may also bring their concerns to the Building Principal that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to themselves or others.

If the Building Principal is absent from the building, the Superintendent will be the main point of contact to report concerns.

When a Building Principal receives concerns from persons under this policy, or has their own concerns about a student, they must immediately notify the Superintendent of Schools. The Superintendent will contact the school attorney, and both will assist the Building Principal in determining the appropriateness of petitioning the court for an extreme risk protection order.

When determining whether to petition the court for an extreme risk protection order, the district will consider, among other things, the following factors as they relate to the student:

1. Threats or acts of violence or physical force made against themselves or another person;
2. Violations or alleged violations of orders of protection (i.e., restraining orders) or previous extreme risk protection orders;
3. Pending criminal convictions or charges involving weapons;
4. Recklessly using, displaying, or brandishing a firearm, rifle or shotgun;
5. Evidence of recent or current drug or alcohol abuse; and
6. Evidence that the student has recently acquired a firearm, rifle, shotgun, other deadly weapon, dangerous instrument (including items capable of causing death or serious physical injury, when used for that purpose), or ammunition.
Additionally, the Building Principal is directed to contact local law enforcement, in accordance with the Code of Conduct, district-wide school safety plan, and building-level emergency response plan.

The Superintendent or his/her designee is directed to take appropriate steps to notify district staff of the provisions of this policy. This includes ensuring that employees are trained and knowledgeable about when and how to properly utilize the law to best protect the school from violence. Employees will be notified of who is designated to file extreme risk protection orders in the building or district.

Cross-ref: 5300, Code of Conduct
           8130, School Safety Plans and Teams

Ref: Civil Practice Law and Rules Article 63-A
     Education Law §3023

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