


# Chapter 5

## School Violence: A Focus on Mental Health

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### ABSTRACT

*Florida responded to the Parkland shooting with the Public Safety Act, which included measures restricting the sale of firearms to individuals with mental illness. As suggested by this act, mental illness has become a focal point in the debate on how to address school shootings and has increased the call for “red flag” legislation. These laws target those persons believed to be in psychological crisis, having potential to harm self or others and permits law enforcement to remove the person’s access to the firearm. Not all states officials support red flag initiatives; some argue that having one’s firearms removed without the chance for an initial court hearing is in violation of one’s due process. Which states are more likely to adopt stringent gun laws related to mental illness? In examining this topic, this chapter explores state-level legislative action concerning the passage of red flag laws, 2018 through 2022.*

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## INTRODUCTION

School violence involves a spectrum of crimes taking place within educational institutions. (Miller & Kraus, 2008). Turanovic and Siennick (2022) define school violence as the “threat or use of force with the intention of causing harm, either at school or during school-related activities” a broad definition which includes bullying, aggression, fighting, threats, and weapons offenses. A subcategory of school violence is serious school violence, which includes actions such as bringing weapons to school; making serious threats; engaging in aggravated assault, sexual battery, or robbery, and perpetrating school shootings (Turanovic & Siennick, 2022). Violent deaths and shootings at schools are, without exception, tragic events. Each incident has far-reaching and negative effects on the student population and the surrounding community (National Center for Educational Statistics, 2023). It is reported that violence in school can reduce school attendance, lower academic performance, and increase drop-out rates. This has profound consequences for the success and prosperity of children, families, and communities (UNICEF, 2021; Rossin-Slater, 2022).

According to the National Center for Educational Statistics (2023), from 2000 to 2021, at elementary and secondary schools in the United States, there were 46 active shooter incidents, with the annual number ranging from 0 to 6 incidents. These 46 incidents resulted in 276 casualties (108 killed and 168 wounded). Although the probability is low that a student will experience a school shooting, the number of incidents has risen in recent years (2017-2022) except for 2020, the year when schools were closed due to Covid (Cox, et. al., 2023). For example, in 2017 there were 15 school shootings; in 2018 and 2019 there were 30 and 28 respectively; and in 2021 and 2022, 42 and 46 respectively (Cox, et. al., 2023). Recently, mental illness has become a focal point of state policy in address school shootings with *extreme risk laws* or *red flag laws* gaining traction among state legislatures. These laws allow courts to issue an “Extreme Risk Protection Order” (ERPO) that permits law enforcement to temporarily remove firearms from individuals regarded by a judge to be a threat to themselves or others. Frequently, family and friends request these orders out of concern about a loved one who has access to at least one gun and has voiced suicidal thoughts or talked about shooting others (Delaney & Charles, 2020; Williams, 2019).

Currently, 21 states and the District of Columbia have enacted red flag laws (Everytown for Gun Safety, 2023) and among these states there is significant difference in policy. New York’s red flag law permits teachers and relatives as well as others to request protective orders from the courts (Williams, 2019). Most states with red flag laws allow family or community members to ask the court for extreme risk protection orders. However, in Florida, Rhode Island, and Vermont, only members

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