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Armed First Responder Program Guidance

This document is meant to give an introduction of the armed first responder (AFR) program, discuss some suggested pre-planning items, share helpful links for those interested, and narrate the steps for program approval. [North Dakota Century Code \(NDCC\)](#) and [North Dakota Administrative Code](#) are the final authority on the AFR program. North Dakota Department of Public Instruction (NDDPI) guidance is developed to be supplementary and in no way supersedes either.

Summary and Background

As of April 1st, 2020, public or nonpublic schools were granted the option of adding an AFR to their current or future overall school safety plan. The law that grants this option has program requirements that create an increased awareness of school security and safety. When working to implement an AFR program, a school will work closely with local law enforcement, NDDPI, the [Department of Emergency Services' Division of Homeland Security \(DES\)](#), identify school crisis/emergency threats and risk through a comprehensive emergency operations assessment (if have not already done so), and participate in annual active shoot training (if not already doing so).

The first step in considering the AFR program is having a sense of if school leadership, the school board/governing board, and local law enforcement would be in support of the program. Formal approval will be needed during the application process from local law enforcement and the school board/governing board. Another early consideration is thinking about who on staff would serve as the AFR or if multiple staff would be serving. A staff member cannot be forced to serve as an AFR and it is very important to remember that when a staff member is serving as an AFR, they may not be directly responsible for the supervision of children. Directly responsible for the supervision of children means an adult, typically a school staff member, with primary responsibility for observing and directing the actions of children. For example, a math teacher with a class of students from 1:00-1:50PM is typically the adult with direct responsibility for that class of students and therefore could not serve in the capacity of an AFR at that time. There are essentially five steps in the AFR planning process: pre-planning, letter of intent, planning proposal, final plan approval, and program continuation. [NDDPI](#) can be an active partner in every step of the process.

Pre-Planning

The pre-planning step or stage is not a requirement, more of a suggested list of items and actions that will assist with knowing if plan approval is possible and assist in moving more quickly through the other steps and requirements.

The first item has already been mentioned and that is communication with school board/governing board. The letter of intent, or next step, should contain signed meeting minutes discussing the pursuit of plan approval and program implementation. Also, the fully developed implementation plan will again need approval from the board. Discussions with and involving local law enforcement is strongly encouraged in pre-planning step. Eventually the individual(s) serving as the AFR will be shared with them, a coordinated response and active shooter drills will be planned/executed, a local law enforcement response time to the school will be needed, and they will need to approve the final plan. Reaching out to [Private Investigation and Security Board \(PISB\)](#) about training availability and researching possible training dates is strongly suggested. The school should be working on a comprehensive emergency operations assessment or ensure an existing assessment is less than three years old. DES can assist a school with this assessment and help plan future dates to ensure completed before plan approval. DES communication and collaboration can be very helpful in meeting requirements of NDCC and ND Administrative Code for the AFR program.

Letter of Intent

The letter of intent shall include a short statement that describes the school's intention to participate and implement an AFR program. This officially starts the line of communication between NDDPI, DES, and the school. Along with a short statement of intent, the letter of intent shall also include meeting minutes in which implementation of an AFR program was discussed and approved. Minutes must be signed by whomever heads/leads the board.

Letters of intent can be sent to NDDPI via mail at 600 E Boulevard Ave, Bismarck ND 58505. Please address the letter to the School Approval and Opportunity office. The letter of intent can also be emailed directly to [Joe Kolosky](#) – Director, School Approval and Opportunity office. It is important to remember that once the letter of intent is received by NDDPI, a 90-day window exist to submit the planning proposal.

Planning Proposal

The planning proposal is equivalent to a status check between the proposing school and DPI. DPI will also share these plans with DES, as they also need to be on board for final approval and will be a helpful partner during the process. Two actions need to be completed or initiated during the 90-day window and apart of the planning proposal submission. The first is to identify who will be serving as the AFR and the second is to begin or complete a, DES approved, comprehensive emergency operations assessment. DES can assist schools in this process. If a school has recently completed this assessment, they need to ensure it has been done within the last three years. The overall intention or idea is to have a school safety plan that includes an emergency operations plan (EOP) plus an AFR program. To achieve this, and meet the criteria for the planning proposal stage, the proposed plan must include a status update (with estimated completion dates) or completed confirmation for each required criteria found in [ND Administrative Code 67-29-01-04 subsection 2 a-j](#). Subsection j, in the aforementioned link, references the AFR eligibility and training requirements. These requirements are found in [ND Administrative Code 67-29-01-05](#). The required criteria in these two links are extremely important and cover the majority of items a school needs to concentrate on for AFR program approval.

Planning proposals can be sent to NDDPI via mail at 600 E Boulevard Ave, Bismarck ND 58505. Please address the letter to the School Approval and Opportunity office. The planning proposals can also be emailed directly to [Joe Kolosky](#) – Director, School Approval and Opportunity office. Planning proposals can be approved or rejected at this point. If rejected, DPI and DES will work with the school to modify the plan to meet the requirements.

Final Plan Approval

Essentially, this is an extension of the planning proposal. The main difference being that all required criteria need to be completed before final plan submission and approval occurs. There is no required number of days between when a planning proposal is approved and when final plan submission or approval takes place. Before submitting to DPI, local law enforcement must approve the finished plan with a signature from someone authorized to sign on their behalf. The plan must attest to completion of all the required criteria and show a date of completion for each criteria completed. DES and DPI will review the final plan and the AFR program can be implemented once/if both entities approve. The final plan is an exempt record, being identified in NDCC as equivalence to a [security system plan](#) and [public health and security plan](#) (NDCC 44-04-24 and 44-04-25).

Program Continuation

It is important to keep in mind that DPI reserves the ability to revoke an approved plan, with consultation from DES and ND Attorney Generals Office, if it is determined that the school has failed to perform in accordance with AFR program NDCC or Administrative Rules. There are items to maintain for program continuation, such as the annual AFR certification and active shooter trainings. There is also communication that needs to occur if there are changes to the plan. The type of change dictates who needs to be in the communication loop and the timeline in which they need to be included. These are clearly laid out in [ND Administrative Code 67-29-01-07](#). For example, local law enforcement needs to be notified by the next business day if there is a change in use/location of the lockbox or a change in who is serving as the AFR. DPI also would need to be notified of this change, but a modified plan would not need to be submitted to DPI until up to 30 days from the modification. It is recommended that this section of ND Administrative Code is referenced when making a modification to the plan.

Upon request, DPI can gather program evaluation data from a school participating in an AFR program. Random requests for data are unlikely but could occur (an explanation of why the data collection is occurring would most like accompany the request). Yearly program data submission only has two requirements, and they are the annual AFR recertification and the annual active shooter training. Failure to annually report these requirements can result in AFR program suspension or termination.

If a school terminates the AFR program, a firearm becomes not in direct control of the AFR/not in lockbox as required by school's plan, or if a firearm is discharged on school property the school must automatically report this data to DPI within five business days. It is best practice and strongly encouraged to communicate and work closely with local law enforcement, DES and DPI through plan creation, implementation, and modification.