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Armed First Responder Program Guidance

This document is meant to give an introduction into 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 of 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 and 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 an 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 would 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. The [NDDPI](#) can be an active partner in every step of the process.

Pre-Planning

The pre-planning stage is not a requirement, but 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 step should always be to communicate the desire for an AFR plan with the school board/governing board. Discussions with and involving local law enforcement are strongly encouraged in the pre-planning step. Eventually, the individual(s) serving as the AFR will be shared with law enforcement, a coordinated response and active shooter drills will be planned/executed, a local law enforcement response time to the school will be obtained, and law enforcement must 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 work on a comprehensive emergency operations assessment or ensure an existing assessment is less than three years old. DES can assist the school with this assessment and help plan future dates to ensure completion before plan approval. DES communication and collaboration can be very helpful in meeting the 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 school/governing board meeting minutes in which implementation of an AFR program was discussed and approved. Minutes must be signed by the president/leader of 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 the NDDPI, a 90-day window exists to submit the planning proposal.

Planning Proposal

The planning proposal is equivalent to a status check between the proposing school and the NDDPI. NDDPI 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 part 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 most 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 in the process. If rejected, NDDPI 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 must be complete 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 NDDPI, local law enforcement must approve the finished plan with a signature from an individual authorized to sign on their behalf. The plan must attest to completion of all required criteria and show completion dates for each criterion completed. DES and NDDPI will review the final plan and the AFR program can be implemented upon approval by both entities. 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 NDDPI reserves the ability to revoke an approved plan, with consultation from DES and the ND Attorney General's Office, if it is determined that the school has failed to perform in accordance with AFR program NDCC or Administrative Rules. There are trainings to maintain for program continuation, such as the annual AFR certification and active shooter trainings. There is also communication that must 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 must 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. The NDDPI also must be notified of this change, however, a modified plan does not need to be submitted to the NDDPI 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, the NDDPI 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 the lockbox as required by the school's plan, or if a firearm is discharged on school property, the school must automatically report this information to NDDPI within five business days. It is best practice and strongly encouraged to communicate with and work closely with local law enforcement, DES and NDDPI through plan creation, implementation, and modification.