School Policies and Legal Issues Supporting Safe Schools









JUSTICE AND DELINQUENCY U.S. DEPARTMENT OF JUSTICE

SAFE AND SECURE: GUIDES TO CREATING SAFER SCHOOLS

School Policies and Legal Issues Supporting Safe Schools

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FOREWORD

School safety requires a broad-based effort by the entire community, including educators, students, parents, law enforcement agencies, businesses, and faith-based organizations, among others. By adopting a comprehensive approach to addressing school safety focusing on prevention, intervention, and response, schools can increase the safety and security of students.

To assist schools in their safety efforts, the Northwest Regional Educational Laboratory (NWREL) has developed a series of eight guidebooks intended to build a foundation of information that will assist schools and school districts in developing safe learning environments. NWREL has identified several components that, when effectively addressed, provide schools with the foundation and building blocks needed to ensure a safe learning environment. These technical assistance guides, written in collaboration with leading national experts, will provide local school districts with information and resources that support comprehensive safe school planning efforts.

One objective of the guides is to foster a sense of community and connection among schools and those organizations and agencies that work together to enhance and sustain safe learning environments. Another objective is to increase awareness of current themes and concerns in the area of safe schools.

Each guide provides administrators and classroom practitioners with a glimpse of how fellow educators are addressing issues, overcoming obstacles, and attaining success in key areas of school safety. These guidebooks will assist educators in obtaining current, reliable, and useful information on topics that should be considered as they develop safe school strategies and positive learning environments.

Each of the guidebooks should be viewed as one component of a school's overall effort to create a safer learning environment. As emphasized in *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, a joint publication of the U.S. Secret Service and the U.S. Department of Education, creating cultures and climates of safety is essential to the prevention of violence in school. Each guidebook contains this message as a fundamental concept.

Under No Child Left Behind, the education law signed in January 2002, violence prevention programs must meet specified principles of effectiveness and be grounded in scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use. Building on the concept in No Child Left Behind—that all children need a safe environment in which to learn and achieve—these guides explain the importance of selecting research-based programs and strategies. The guides also outline a sample of methods on how to address and solve issues schools may encounter in their efforts to create and enhance safe learning environments.

Guide 1: Creating Schoolwide Prevention and Intervention Strategies, by Jeffrey Sprague and Hill Walker, is intended to put the issue of schoolwide violence prevention in context for educators and outline an approach for choosing and creating effective prevention programs. The guide covers the following topics:

- Why schoolwide prevention strategies are critical
- Characteristics of a safe school
- Four sources of vulnerability to school violence
- How to plan for strategies that meet school safety needs
- Five effective response strategies
- Useful Web and print resources

Guide 2: School Policies and Legal Issues Supporting Safe Schools, by Kirk Bailey, is a practical guide to the development and implementation of school policies that support safe schools. Section 1 provides an overview of guiding principles to keep in mind when developing policies at the district level to prevent violence. Section 2 addresses specific policy and legal components that relate to such topics as discipline and due process, threats of violence, suspension and expulsion, zero tolerance, and dress codes. Checklists are included to ensure that schools attend to due process when developing policies for suspensions or expulsions, search and seizure, or general liability issues.

Guide 3: Implementing Ongoing Staff Development To Enhance Safe Schools, by Steve Kimberling and Cyril Wantland, discusses the role of staff development within the context of school safety. The guide addresses how staff development should be an integral part of the educational planning process and discusses what its relationship is to safety-related outcomes and overall student achievement.

Guide 4: Ensuring Quality School Facilities and Security Technologies, by Tod Schneider, is intended to help educators and other members of the community understand the relationship between school safety and school facilities, including technology. The guide covers the following topics:

- Crime Prevention Through Environmental Design (CPTED)
- Planning To Address CPTED: Key Questions To Ask
- Security Technology: An Overview
- Safety Audits and Security Surveys

Guide 5: Fostering School-Law Enforcement Partnerships, by Anne Atkinson is a practical guide to the development and implementation of partnerships between schools and law enforcement agencies. Section 1 provides an overview of community policing and its relationship to school effectiveness. Section 2 focuses on developing the school-law enforcement partnership from an interagency perspective. Section 3 focuses on steps for implementing school—law enforcement partnerships in schools. Also included are descriptions of the roles of law enforcement in schools with examples of many strategies used to make schools safer and more effective.

Guide 6: Instituting School-Based Links With Mental Health and Social Service Agencies, by David Osher and Sandra Keenan, discusses how schools can improve their capacity to serve all students by linking with mental health and social service agencies. Agency staff members can contribute to individual and schoolwide assessment, planning, implementation, and evaluation. Agency resources can enhance schools' capacity to provide universal, early, and intensive interventions. Links with agency resources can also align school and agency services.

Guide 7: Fostering School, Family, and Community Involvement, by Howard Adelman and Linda Taylor, provides an overview of the nature and scope of collaboration, explores barriers to effectively working together, and discusses the processes of establishing and sustaining the work. It also reviews the state of the art of collaboration around the country, the importance of data, and some issues related to sharing information.

Guide 8: Acquiring and Utilizing Resources To Enhance and Sustain a Safe Learning Environment, by Mary Grenz Jalloh and Kathleen Schmalz, provides practical information on a spectrum of resources that concerned individuals and organizations can use in the quest to create safe schools. It draws on published research and also includes interviews with experts working on school safety issues at the state and local levels. Major topics covered include:

- What are resources?
- What role do resources play in safe school planning?
- Identifying and accessing resources
- Appendix of online and print resources

—Northwest Regional Educational Laboratory

INTRODUCTION

The law isn't justice. It's a very imperfect mechanism. If you press exactly the right buttons and are also lucky, justice may show up in the answer. A mechanism is all the law was ever intended to be.

—Raymond Chandler (1888–1959), American author

Sound school policy development plays an essential role as a violence prevention and control tool. By anticipating safety problems and actively addressing them, schools increase their ability to avoid or respond to a crisis. Clearly articulated rules and policies, established through community involvement and implemented fairly, will provide a solid foundation for a comprehensive approach to school safety.

A comprehensive approach to school safety involves meeting challenges on several fronts. Administrative support is essential to provide the necessary resources for violence prevention efforts. Careful planning and vigilant monitoring are required to ensure the security of the school facility. Schoolwide education and training about safety prepare students to take careful action to avoid becoming either perpetrators or victims of violence. Violent students must be removed and, if possible, directed toward more positive behavior so that the safety of other students and staff is ensured. Involvement of parents and other concerned community members provides essential resources and support.

In the course of these activities, teachers and school leaders will face important legal questions that affect many lives. These questions center on issues involving privacy and school records, discipline and due process (including zero tolerance policies), search and seizure, dress codes, security measures and school resource officers, and general liability issues. When appropriate measures are taken in all these areas, the risk of violence at school (or the effects of aftermath of violence) will be minimized. Clear and consistent polices, developed proactively by school officials, teachers, and parents, will establish student expectations and promote a stable school setting, leading to a safe educational environment.

At the same time, the philosophical outlook of any youth violence prevention effort is important to the results that are anticipated. In other words, even while developing school policies and meeting legal requirements, schools, parents, teachers, and communities will reap what they sow. Policies set the tone of school administration and shape the culture of each classroom, school, and school district. Accordingly, while it is important to focus on the legal implications and issues of school safety efforts, this must be balanced by a strong sense of fairness and concern for the dignity and integrity of every member of the school community. Excessive attention to wrongdoing, potential lawsuits, and the minutiae of legal requirements—the paperwork, hearings, and compliance—may ultimately detract from the creative effort to build a more peaceful school. Such an approach risks being overly concerned with blame, punishment, and legal wrangling.

Ultimately, a more secure school will grow from the sense of integrity, fairness, justice, and cooperative effort exhibited by school principals, teachers, and others in positions of leadership. Allowing youth to learn that justice is never about the effort to exact punishment and retribution, but rather that true justice is about working to repair a safe and secure vision for their school and creating healing, restoration, and peace, will build their sense of values, personal integrity, and accountability to the larger community. Involving students in the planning and policy development process presents a unique and wonderful teaching moment.

In the end, policies and law are only guideposts for human activity, and cannot substitute for its basic humanity. This humanity requires each of us to engage our common sense, common compassion, and common creativity to build a more secure environment for student learning.

Using This Guidebook

This publication is intended to serve as a practical guide to the development and implementation of school policies that support safe schools. It also may be helpful as a training resource.

Section 1 provides an overview of guiding principles to keep in mind when developing policies at the district level to prevent violence. Section 2 addresses specific policy and legal components that relate to such topics as discipline and due process, threats of violence, suspension and expulsion, zero tolerance, and dress codes. Checklists are included to ensure that schools attend to due process when developing policies for suspensions or expulsions, search and seizure, or general liability issues.

The Resources section includes a list of agencies and organizations that may be able to provide more information or assistance regarding school policies and legal issues related to safe school planning.

A word on scope: Throughout this document "school officials" refers to school administrative personnel, such as principals, assistant principals, secretaries, counselors, board members, and so forth, in both regular and alternative education school settings, unless otherwise noted in the text. Moreover, standards outlined in this document are general standards for any school environment and are not delineated by regular, alternative education, or special education settings. While procedures and legal requirements are often different in each of these settings, the scope of such issues simply exceeded the allowable size of this publication. Therefore, unless otherwise indicated these standards and recommendations apply equally in each circumstance.

SECTION 1 DEVELOPING DISTRICT POLICIES ON VIOLENCE

Many important points need to be considered in developing school district policies and addressing the legal issues related to school safety and youth violence. Schools officials need to consider the process for developing such policies, implement and maintain that process, ensure consistency with state law and local regulations, incorporate best practices whenever possible, and ensure the reasonableness and practicality of the policies. Because most schools have policy processes already in place, this section will focus on a few guiding principles.

In general, school policymaking should ensure that disciplinary and safety rules are:

- Directed toward an identified and legitimate safety, discipline, or education goal or mission
- Consistent with constitutional and statutory standards
- Within the school's authority
- Articulated, clear, and consistent
- Nondiscriminatory
- Properly adopted
- Publicized and disseminated
- Consistently applied
- Supported by the community
- Properly enforced

Best Practices

Perhaps one of the most important elements of developing district policies is ensuring they are effective and draw on best practices in the field. Research and development, government programs, and the work of schools throughout the nation have led to an ever-increasing store of knowledge regarding school safety plans, violence policies, and promising prevention and intervention programs. In many areas, state school safety centers have been established to assist local school districts. Numerous national associations and centers that publish model programs and policies for schools augment these efforts. A listing of some resources in this area is included in the Resources section of this publication. By drawing on best practices, schools demonstrate that their policies are well thought out, comprehensive, and reasonable, which strengthens their position should legal challenges or issues arise.

Nondiscriminatory

The importance of this issue deserves some elaboration. School policies may have discriminatory impacts in several situations, including disciplinary procedures, suspension and expulsion, special education services, and the provision of counseling or health services.

Generally, all individuals must be afforded equal enjoyment of fundamental rights.² The protection of equal enjoyment requires that individuals affected by school policies be treated uniformly; in other words, that the rights, privileges, or responsibilities imposed on an identified segment of the population apply equally to all members of that group.³ This does not mean pure or absolute equality; rather, it requires that government classifications stand on reasonable grounds.⁴ What constitutes reasonable grounds will depend on whether the classification or government action affects a fundamental right or an "inherently suspect" group. Where state action infringes on a fundamental right or impacts an "inherently suspect group, a school's actions must be narrowly tailored to achieve a compelling state interest."⁵ An "inherently suspect" group has traditionally been defined as a "discrete and insular minority" subject to "invidious discrimination" and is commonly understood to include racial minorities and ethnic groups.⁶ There are almost no circumstances under which such a classification can be argued to be a narrowly tailored attempt at achieving a compelling government interest.

It has been long been believed that the government has a compelling interest in ensuring a strong system of education, necessarily implying it is free of violence. In *Brown v. Board of Education* (1954), the Supreme Court observed:

Education is perhaps the most important function of state and local governments It is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.⁷

For this reason, school officials have a strong obligation, both moral and legal, to take action in dealing with undisciplined youths, who may potentially threaten the welfare and safety of the other children in attendance.

School safety, however, is probably not a compelling enough interest to select youth for attention by prevention or intervention programs based on race. Race-based classifications are upheld only in situations designed to remediate past discrimination, such as in college admissions (and even this purpose is under serious question). Maintaining school security is critically important to the well-being of young people, but probably not so important as to justify race-based classifications to maintain order. In fact, such methods in schools would run counter to decades of judicial interpretations and development of social norms explicitly aimed at removing race-based classifications from all aspects of education. To insert such considerations back into the educational environment would play to the worst instincts and base assumptions about violence in America.

In contrast, where neither a fundamental right nor a "discrete and insular minority" is involved, a school's actions will be valid provided they rest on some rational basis, meaning that it is reasonably related to achieving a legitimate state purpose.8 In this case, it is not necessary for the state to utilize the best possible methods to achieve its goals; rather, all that is required is that the methods actually used be reasonable.9

Reasonableness

Generally, school districts will be required to adopt policies that are reasonably designed to address whatever problem they face. The reasonableness standard requires that school officials balance the need to make the school environment safe and maintain order and control with the student's interest in privacy, access to education, and autonomy. Schools should then design policies that match the problem in scope.

In other words, a school safety policy must bear some rational relationship to the problem it attempts to solve. For example, metal detectors clearly offer a rational and reasonable method of locating weapons in a school. However, cameras placed in boys and girls locker rooms to monitor potential drug sales may not be reasonable when students rightly expect some degree of privacy and the problem might be addressed just as easily by the presence of coaches, monitors, or other school officials.

In addition, while reasonable for a school to share disciplinary records with local police, it is probably not reasonable to share a student's school records showing poor attendance, unsatisfactory academic performance, and low income levels as part of a profile of potentially antisocial kids. Moreover, while reasonable to expel a student for bringing a handgun to school, it is not reasonable to expel that same student for writing a story about bringing a handgun to school for a classroom creative writing project.

Fortunately, the reasonableness standard offers a great deal of latitude for school policymakers. Most conceivable school safety efforts will be rationally related to preventing violence, intercepting weapons, responding to antisocial behavior, and prohibiting drug use or theft. School safety and violence prevention policies and plans will be upheld by the legal system in most cases, provided they meet this standard.

Consequently, so long as schools guarantee that students are treated uniformly by school policies regardless of race, gender, ethnicity, or religion and follow the proper due process procedures when disciplining students, they are unlikely to violate legal protections against discrimination.

A Catch-22: Are Schools Stuck Between a Rock and a Hard Place?

Comprehensive school safety plans are an integral part of school management, yet the decision to adopt and implement a plan may not protect a school from potential liability. More discussion of general liability follows in a later section, but for introductory purposes it is important to note a school may be held to a greater standard to ensure supervision and safety where it adopts a school safety plan. Courts have held schools liable in such circumstances under the belief that where a school increases efforts to curb violence, it assumes a greater duty to supervise students and persons on school grounds in part because people rely on the provisions of the plan to protect them.¹⁰

The opposite, and more common situation, is true as well. In light of current youth violence levels, liability will be asserted more often where a school fails to provide a school safety plan. Ultimately, a school's responsibility rests on whether the act of violence was foreseeable and on an assessment of the school's duty to maintain a safe environment under the circumstances. Consequently, the existence or absence of a school safety plan will not be the only determining factor regarding a school's liability. The simplest and best policy, then, is for schools to develop realistic plans as part of an effort to protect students and teachers alike from violent acts.

Publication/Dissemination of School Conduct Codes ("Getting the Word Out")

Of course, a school safety plan and conduct code is only effective if students, teachers, and parents are aware of it. Schools are advised to make every effort to ensure students and parents are aware of the existence of a school safety plan and are familiar with the provisions of the school conduct code. To this end, schools might ask both students and parents to sign forms stating they have read the school conduct code as a part of school procedures related to student enrollment, participation in extracurricular activities, or notification of grades. In addition, teachers may find appropriate opportunities to reference the school conduct code or safety plan as a part of parent—teacher conferences. Moreover, schools would benefit from frequent references and overviews of the school safety plan in board meetings, school newsletters, or other outreach efforts to parents, students, and the community. While no specific measures are required of schools in this regard, any effort to certify that students and parents are aware of the school's safety plans will heighten awareness and enhance the security of the school.

The following pages provide some additional discussion of key policy areas and legal issues to aid school efforts.

SECTION 2 SPECIFIC POLICY AND LEGAL COMPONENTS

Student discipline may take many forms, from a simple rebuke to expulsion from school. Generally, schools have great flexibility to determine and establish disciplinary methods, provided they are consistent with local community values and are not shocking to constitutional standards such as due process, equal protection, free speech, and freedom from discrimination based on race, religion, gender, disability, or national origin. Schools may implement almost any reasonable method of discipline provided it is directed at controlling, training, or educating students. Schools should endeavor to ensure their methods are not capricious, oppressive, arbitrary, or contrary to law.

Most disciplinary methods employed by schools are considered valid and draw little attention from courts. Typical disciplinary methods include detention, time out or isolation, alternative education programs, denial of participation in school activities, and verbal reprimand or chastisement.

Moreover, a student generally may be disciplined for off-campus conduct if school authorities can show that the student's actions have a direct and immediate effect on either school discipline or the safety and welfare of students and staff." Usually, if the off-campus activity involves two or more students from the same school then a sufficient connection will be established to warrant school discipline. However, this type of direct connection is not required.

The following pages provide guidelines for instituting specific disciplinary actions.

Threats of Violence

Disciplinary actions may be taken simply for the threat of harm to another person. Students sometimes will threaten to hurt fellow students out of frustration, fear, or a genuine intent to harm. Threats may take several forms including direct threats ("I'm going to kill you"), indirect threats ("If I wanted to I could blow the school up"), veiled threats ("If you want to settle this, let's go outside"), or conditional threats ("If I don't get out of detention, I'm going to cut you"). Schools may discipline a student for a threat if it can reasonably be inferred that the threat is a serious expression of intent to harm or assault another person. A student may be punished where he or she has "directly and unambiguously threatened physical harm" to a fellow student or teacher.

Accordingly, students' speech rights may be limited where they infringe on the rights of others to be secure and left alone, such as disrupting classwork, causing substantial disorder, or invading the personal rights of others. Students have been appropriately disciplined for voicing threats of violence in a variety of circumstances, including:

- Threatening to shoot a high school guidance counselor if a class schedule was not changed 15
- Threatening to rape a teacher and the teacher's daughter and bragging to other students about the threats¹⁶
- Verbally assaulting school officials and using "veiled threats" after an erroneous identification of a gun in a student's car¹⁷

School conduct codes should clearly identify the behavior related to threats that could result in discipline. This will provide teachers, students, and parents with an enforceable understanding of the appropriate conduct in school.

Suspension, Expulsion, and Zero Tolerance Policies

Perhaps the most significant disciplinary issue currently faced by schools are suspension and expulsion penalties under zero tolerance policies. In light of the state's clear responsibility to ensure the safety of teachers and students, school officials may expect zero tolerance sanctions to survive legal challenges so long as the school guarantees the student the necessary due process protections. Such policies are not a violation of state compulsory education laws. Schools may ban weapons and impose suspension or expulsion for possessing a weapon, but should exercise discretion in other circumstances.

Federal zero tolerance policies generally require mandatory suspension or expulsion for students caught possessing a weapon. Increasingly, students have been suspended or expelled for incidents not involving firearms or weapons, such as engaging in violent behavior or using/possessing drugs, including:

- Bringing a gun, owned by a student's police officer father, to school for show and tell¹⁹
- Pointing a finger at another student and saying "bang"
- Bringing a nail clipper to school²¹
- Turning in a gun brought to school by another student²²

Zero tolerance policies in the various states draw much of their inspiration from the federal Gun-Free Schools Act of 1994 (GFSA). In essence, GFSA requires each state receiving federal funds under the Elementary and Secondary Education Act to expel, for a period of not less than one year, any student found with a weapon on school grounds.²³ Weapons may include firearms designed to propel a projectile by an explosive reaction, including starter guns, the components of any such device, silencers, or other destructive devices such as bombs, poison gas, grenades, rockets, missiles, or mines.²⁴

Under the 1994 Gun-Free Schools Act, federal funds may be denied to states that fail to adopt a zero tolerance policy for firearms. GFSA allows local school officials to modify firearm-related expulsion requirements on a case-by-case basis, but does not define modification or outline the circumstances under which such modifications would be appropriate.²⁵ The federal mandate applies only to firearms, meaning that a zero tolerance policy is not required by federal law for other weapons, substance abuse, or other infractions. A number of states, however, have broadened the definition of "weapons" well beyond firearms to include knives, razors, slingshots, brass knuckles, and any other inherently dangerous object. In addition, some schools view threats of violence from students, including assaults not involving the use of a weapon, as a reason for expulsion.²⁶ GFSA also allows schools the discretion to arrange alternative educational opportunities for expelled students.

Due process for suspension and expulsion. Certain procedural requirements must be followed if a student is to be suspended for a substantial period of time or expelled from a school. The Supreme Court noted in a famous line from the case of *Tinker v. Des Moines School District* that students do not "shed their constitutional rights ... at the school house gate."²⁷

Suspension. In cases involving suspensions of 10 days or fewer, a student must be provided with the following due process:

- Oral or written notice of the charges against him or her
- An explanation of the reasons for the charges (i.e., the evidence)
- An opportunity to present his or her side of the story²⁸

The requirement of a hearing does not mean it must be as formal as a trial; an informal review of the evidence will be sufficient. In addition, no delay between notice to the student and the hearing is necessary, because a school official "may informally discuss the alleged misconduct with the student minutes after it has occurred."²⁹

Expulsion. Suspensions for a substantial period of time (more than 10 days) or expulsions typically involve a greater level of procedural protection, which may include the following:³⁰

- Notice to the student and parents
- A fair hearing and right to appeal
- An impartial hearing board
- Right to be represented by counsel
- Reasonable time to prepare for the hearing
- An opportunity to review evidence against the student
- An opportunity to examine witnesses against the student

- Opportunity to present evidence and witnesses on the student's behalf
- Recorded proceedings
- Requirement that board's decision be based on substantial evidence

A school board should make an independent assessment of the facts and circumstances of the case in light of any adopted zero tolerance policy and not simply endorse the decision of a school official or the effect of the policy.³¹ Of course, an expulsion policy should be developed in compliance with GFSA, but schools must be careful in implementing zero tolerance policies. Expulsion may be an excessive consequence where weapons are brought to school unknowingly and without a threat of harm to others.³² Generally, expulsion is warranted only in cases of repeated or extreme misconduct, such as attacking a fellow student or teacher, repeatedly pulling fire alarms without cause, drug use, and weapons possession or use.³³

Emergency situations. Generally, notice and a hearing must precede a student's removal from school, except where the student presents an imminent threat to himself or the safety of others. Emergency situations justifying the immediate suspension or expulsion of a student may include conduct that: ³⁴

- Seriously disrupts the academic atmosphere of the school
- Endangers other students, teachers, or school officials
- Damages property

In emergency situations, a two-step approach may be employed: 1) immediately imposing a temporary suspension or expulsion, 2) enforcing a permanent expulsion after the proper notice and hearing. In these scenarios, notice and a hearing must be provided as soon as practicable. Notice should be sent to the student's parents within 24 hours of a decision to conduct disciplinary proceedings, and a hearing should be held within 72 hours (three days) of the student's removal.

Due process checklist for suspensions³⁵

- Determine whether applicable state law imposes any special requirements or procedures regarding the suspension of students or the imposition of other minor disciplinary measures.
- Follow school board policies or procedures regarding the suspension of students or the imposition of other minor disciplinary measures.
- If the student is disabled, comply with any applicable special procedures.
- Determine who has authority to suspend a student or impose discipline.
- Regularly inform students and parents of disciplinary policies, including zero tolerance.
- Determine whether the alleged misconduct is a proper basis for suspension.
- Promptly provide the student oral or written notice of the specific misconduct of which he/she is accused and the proposed disciplinary measure.
- If the student denies the misconduct of which he/she is accused, provide the student an explanation of the evidence that the school has against him/her.
- Allow the student the opportunity to present his/her side of the story. Provide adequate time with no interruptions.
- If the student's presence endangers persons or property or threatens disruption of the academic process, immediately remove the student from school, but provide notice and a hearing as soon as possible.
- Inform local juvenile justice and law enforcement authorities that the student has been removed for endangering persons or property.
- Impose the proposed disciplinary measure unless the student adequately refutes the misconduct of which he/she is accused.
- Notify the student's parents or guardian of the school's actions, including the charges against the student, a description of the evidence, the length of the suspension, any conditions for the student's return to school (e.g., a parent conference), and information on appeal of the suspension.

- Parents or guardians should be notified immediately by phone, followed by written notification by registered mail.
- If requested by the student or parent, review the action taken, under applicable procedures.

Due process checklist for expulsions³⁶

- Determine whether applicable state law imposes any special requirements or procedures regarding the suspension of students or the imposition of other minor disciplinary measures.
- Follow board policies or procedures regarding the suspension of students or the imposition of other minor disciplinary measures.
- If the student is disabled, comply with any applicable special procedures.
- Determine who has authority to suspend a student or impose discipline.
- Regularly inform students and parents of discipline policies, including zero tolerance.

Preliminary procedures

- Determine whether the alleged misconduct is a proper basis for an expulsion.
- Notify the student and/or his/her parents or guardians, in writing, of the misconduct of which he is accused, the factual basis of the charges, the specific provisions of any student disciplinary code allegedly violated, the right of the student to a hearing and procedures to be followed at the hearing, the right of the student to be represented by an attorney or other counsel, whether a hearing must be requested or whether it has been or will be scheduled automatically, and provide the student or parents a copy of any applicable rules governing student conduct or disciplinary proceedings.
- If appropriate, schedule a telephone or personal conference with the student or parents.
- If the student poses a continuing danger to persons or property, suspend the student pending the hearing in keeping with guidelines for suspensions.
- Schedule a hearing if requested or required automatically under applicable disciplinary procedures.
- If requested, provide the student or counsel the names of witnesses against the student and an oral or written report on the facts to which each witness will testify.
- Compel the attendance of any witnesses desired by the student, if possible.
- Arrange for a transcript of record of the hearing to be kept.
- Review the interests of the members of the board to ensure impartiality.
- Clearly define the role of each person involved in the hearing, including the board's legal counsel, faculty, and staff members to ensure fairness.

Conduct of the hearing

- The presiding officer should declare the hearings convened and state the matter to be considered.
- If a board or panel is hearing the case, take the roll of its members and confirm a quorum.
- All people present at the hearing should be identified, as well as their interest in the matter.
- If desired, the meeting may be closed to the public and those without a proper interest in the matter excluded.
- The presiding officer should summarize the procedures to be followed.
- The charges against the student should be read and the student requested to confirm that he has received a copy.
- The student or counsel should be asked whether any objections exist with regard to the time, place, or procedures of the hearing.
- The student or counsel should be allowed the opportunity to raise any questions regarding the impartiality of any member of the tribunal.
- Any stipulated or agreed-upon facts or exhibits in the case should be presented.
- Each party should be provided an opportunity to make any opening statements.
- Allow both parties to present any evidence, generally subject to cross-examination.

- Allow the parties to present rebuttal evidence.
- Allow the parties to make closing statements or arguments.
- Close hearing with an explanation of the timetable and procedures to be used for rendering a decision.

Post-hearing procedures

- Commence deliberations of the case.
- Allow only the board and its attorney or adviser to participate in or attend the deliberations.
- When a decision is reached, reduce it to writing, setting forth factual findings, the basis of the decision, and the disciplinary measure imposed.
- Notify the student, parents, guardian, and/or counsel of the decision and advise them of any available administrative review.
- Acknowledge that the student may always seek appropriate judicial relief.

School Search and Seizure

The level and variety of school violence may place significant pressure on school officials to use a range of methods to intercept guns and weapons in schools or to respond to threats of violence.

Generally, school officials may search a student "if the search is justified at its inception and is conducted in a manner reasonably related in scope to the circumstances." The reasonableness standard is intended "to ensure student's rights [will] be invaded no more than necessary to maintain order in schools," not to authorize all searches conceivable to school officials. Any school official may make this determination depending on the circumstances. Usually, it will be made by an assistant principal or another school official with responsibility for school conduct matters.

A search will be justified where there are reasonable grounds for suspecting a search will reveal contraband or evidence that a student is violating school rules.³⁹ The permissible scope of a search depends on whether the measures used are reasonably related to the objective of the search and not excessively intrusive given the age and sex of the student and nature of the infraction.⁴⁰ General exploratory or sweep searches are usually impermissible.⁴¹

For example, school officials may inspect a student's bag (purse, backpack, duffel) and clothing for hidden weapons, cigarettes, and drugs where they have reason to do so (e.g., a tip that appears to be reliable, observation of materials associated with drug use, bulges in clothing characteristic of weapons). In addition, school officials may search a student for weapons where they notice a bulge in a student's clothing characteristic of knives and the officials received an anonymous tip that a student had a weapon. Security officers may frisk a student and proceed on reasonable suspicion resulting from the stop. Searches may be conducted where a student does not possess the proper school pass and acts excited, aggressive, or exhibits other signs of potential drug use when confronted by school officials.⁴²

Reasonable suspicion by school officials may rest on numerous other factors, including:43

- Possession of cigarette rolling papers commonly associated with marijuana use
- Faltering and nervous behavior by a student without a pass in a school restroom frequently used for narcotics activity
- Previous misconduct and unusually heavy use of public telephones
- Furtive gestures
- Drug paraphernalia observed through a car window
- Weapons observed through a car window
- Observation of a request to sell drugs or actual sale of pills
- Observation of students smoking and the odor of marijuana
- Record of concealed weapons combined with suspicious behavior
- Bulging pockets and possession of a large sum of money
- Reports of sale of firecrackers or other explosive materials

- Unruly behavior by student with bloodshot and dilated eyes
- Process of elimination of other possible offenders

Teachers and school officials should be careful to document their preliminary observations, sources of information, tips, investigative steps, or other evidence that leads to reasonable grounds for a search.

Student Tips

In the case of student tips about illegal behavior, school officials must take steps to verify the reliability of the information.⁴⁴ This may take several forms, including:

- Subjecting the student informant to extensive questioning regarding the student's motives, perception, or source of knowledge
- Conducting their own investigation of the accused student's activities through direct observations, questioning classmates, or using other methods to corroborate the tip

Either approach ensures school officials have reasonable grounds to believe a search will produce contraband or evidence of illegal behavior.

Locker Searches

Generally, locker searches are permissible as a function of the orderly administration of a school. Schools should adopt and carry out a policy informing students that the school owns the lockers and may search them from time to time. ⁴⁵ A locker search should not extend to a student's private articles within the locker, such as jackets, purses, and backpacks. The student rightly considers these items private, and a school official must possess individualized reasonable suspicion to search them.

Strip Searches

A strip search should be used rarely and as a last resort in light of the serious invasion of privacy it represents. Such a search is permissible if it is "justified at its inception and reasonably related in scope to the circumstances which justified the search in the first place." ⁴⁶ Generally, a reasonable search under the circumstances requires that school officials have reasonable suspicion that the student in question possessed drugs or other contraband. ⁴⁷ A strip search may be reasonable where:

- The item cannot be found in other locations
- There is reason to believe the student possessed the item
- A policy outlining strip search procedure exists, and is followed

Allegations of previous illegal activity (as old as six months) may contribute to the reasonable suspicion, particularly where new incidents of suspected illegal behavior are present. Strip searches in cases of imminent physical harm to students or school personnel are probably justified, especially where weapons are involved. Imminent circumstances would mean that a student presents an immediate and impending threat to himself or others, such as where a student threatens to use a weapon the student appears to possess (as indicated by a characteristic bulge in clothing, for example), but is detained before he or she can carry out the threat.

As the intrusiveness of the search increases, so does the concern regarding whether the search is reasonable. School officials must consider the age and sex of the student involved. Accordingly, if school officials plan to make a student disrobe to locate contraband items, they are encouraged to pursue an exhaustive search of possible alternative locations for the contraband item (weapon/drugs), establish with reasonable certainty that the student possessed the item (through a reliable witness, or the elimination of all other possibilities, for example) and thoroughly explain the search to the student in accordance with a preexisting policy.

Risk Factors: "Profiles"

In some circumstances, a list of risk factors for youth violence or a profile of a potentially dangerous student may be used as grounds to question a student or to search his or her possessions or person. The Supreme Court has expressly approved the use of "probabilistic" profiles in other settings to identify potential drug couriers or terrorists.⁴⁹ In these circumstances, the fact that lists of factors giving rise to reasonable suspicion are also part of a profile "does not somehow detract from their evidentiary significance" Generally, individuals may be searched based on their identification through the use of a profile because the profile provides the officers with reasonable suspicion to stop a suspect. Profiles are treated as an objective and useful tool and are valid so long as they leave no room for subjective interpretation by security authorities and are not applied in a discriminatory fashion. Security fashion.

The profile, however, should not stand alone as the only factor justifying a search. School officials might use a profile to stop students to inquire about their activities, but probably need other suspicious behavior or other corroborating information in order to conduct a full search of the student's person or property. Characteristics can complicate matters considerably. Those indicators in a risk factor list, for example, may appear benign as an initial matter but when utilized in school policies have the effect of selecting individuals who are disproportionately members of a protected class. Characteristics that might work as proxies in this way include poverty, school achievement or skills, weapons possession, or history of suspension. Minorities are often disproportionately represented in these characteristics, raising at least the question of invidious discrimination. A school official needs reasonable grounds for suspecting a search will reveal contraband or evidence that a student is violating school rules under the circumstances. A profile match on a student tells a school official nothing regarding the presence of contraband or whether a student is violating school rules in a specific instance, so it should not be the only basis for the search or detention of a student.

In contrast, a joint effort of the U.S. Secret Service and U.S. Department of Education produced a threat assessment guide, *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, which provides a more effective method of assessing potential violence in a school setting. The key findings of this report clearly state "[t]here is no accurate or useful 'profile' of students who engage in targeted school violence." (Additional information on obtaining this guide is presented in the Resources section.)

Checklist for search and seizure⁵⁴

- A student's freedom from unreasonable search should be carefully balanced against the need for school officials to maintain order and discipline and to protect the health, safety, and welfare of all students.
- A decision to conduct a school search should be based on reasonable grounds for believing it will produce evidence of misconduct or contraband (drugs, weapons, stolen property), and consider factors such as the need for the search, the student's age, history, and record of behavior, the gravity of the problem, and the need for an immediate search.
- Arbitrary searches, general sweep searches, or mass shakedowns are not reasonable and are illegal.
- Teachers and school officials should document their preliminary observations, sources of information, tips, investigative steps, or other evidence that led to reasonable grounds for a search.
- The information leading to school searches should be independent of police activity. Probable cause and a search warrant must accompany searches involving law enforcement.
- Items retrieved from students, if not illegal, should be returned to students or their parents promptly. Illegal items should be presented to law enforcement personnel and parents notified.
- Strip searches should be avoided except where imminent danger exists. When unavoidable, strip searches
 should be as brief as possible and not be designed to be humiliating. School officials and an adult witness
 with administrative, security, or health backgrounds (all the same gender as the student) should conduct
 strip searches in a private setting with nonstudents or unnecessary third parties excluded from the
 search.

- Handheld metal detectors should be used when there is evidence of student behavior that poses a threat to the health and safety of students in the school.
- Students and parents should be informed beforehand that metal detectors will be employed and informed of the reasons for their use.

Security Measures

No specific measures are required of schools to enhance safety on school grounds. Courts are reluctant to impose such requirements and consequently have not required schools to provide security officers, conduct routine searches, or adopt supervisory programs.⁵⁵ Constant supervision of students is also not required.⁵⁶ At their discretion, schools often employ a standard set of security measures including metal detectors, cameras, student searches, and in one, even lie detector tests.

As a reminder, school officials may search a student "if the search is justified at its inception and is conducted in a manner reasonably related in scope to the circumstances." A search will be justified where there are reasonable grounds for suspecting a search will reveal contraband, or evidence that a student is violating school rules. The permissible scope of a search depends on whether the measures used are reasonably related to the objective of the search and not excessively intrusive given the age and sex of the student and nature of the infraction. The permissible scope of the search and not excessively intrusive given the age and sex of the student and nature of the infraction.

Metal detectors. Metal detector searches are clearly permissible security measures. Although individualized suspicion is normally required for a search, general searches are permissible where the search is minimally intrusive and the individual has a low reasonable expectation of privacy, such as at the entrance to a school. Metal detector searches are valid where notice (a posted sign, for example) has been given stating that such searches will be conducted at that school, and where a school policy governing such searches is in place. It is not required that the actual date of the metal detector search be provided.⁶⁰

Cameras. Technology increases the ability of school officials to monitor the activity of the student population through advanced camera and recording systems. The key question is whether a student has an expectation of privacy in the area being filmed. Accordingly, photographing public areas such as buses, hallways, classrooms, and cafeterias is permissible, while the use of a camera in a gym locker room or bathroom is normally unacceptable.⁶¹

Lie detectors/polygraph tests. Recently, a lie detector (polygraph) test was utilized by an Illinois school to determine if students were complying with school drug and alcohol use policies. Guidance is difficult to provide in this area because there are very few examples of polygraph tests given to students, children, or youth, except in child sexual abuse cases to confirm or discredit the credibility of the child victim. Due to the lack of policy and legal consideration of this issue, schools should be extremely cautious in using polygraph tests on students. In the unlikely case where a polygraph test might be useful, schools should take the following steps:

- Inform students that lie detector tests may be given for violations of specific school policies
- When a polygraph test is to be administered, fully inform the student and his or her parents of the nature of the test, the charges or rule violations justifying the test, and the student's right not to take the test
- Obtain consent to proceed with test from parents and student
- Guarantee and maintain the results of the test in accordance with the requirements for school records under FERPA (see student records section)

Schools must also be aware that even if obtained validly, the results of a polygraph test may not be admissible in disciplinary hearings. Particularly where criminal activity is involved, the results of polygraph tests are usually inadmissible if their value as evidence is "substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading a jury." Consequently, even if a polygraph test is given under these circumstances, it may not be admissible in disciplinary actions against a student.

Dress Codes and School Uniforms

In the exercise of its general authority to enact and endorse school regulations, a school may adopt rules regarding personal appearance, dress codes, and school uniforms. These rules must bear some reasonable relationship to the educational mission of the school and its interest in promoting a safe and secure learning environment, and not simply represent a mere matter of preference or taste. Generally, these rules reflect community values and serve to create a positive educational environment. So long as they are consistently applied to achieve the school's inherent educational mission—such as improving school attendance, dropout rates, academic performance, or school safety—they will be upheld. Here

In this light, schools or local governing bodies have the discretion to adopt school uniform policies under their general authority to control and supervise schools. ⁶⁷ A uniform policy may be adopted to achieve benefits such as improved student behavior, increased school safety, improved school pride and spirit, and elimination of distinctions between wealthy and needy students. ⁶⁸

Dress codes may include provisions related to the following:

- Cosmetics
- Metal heel plates or cleats
- Shoes
- Jeans
- Sagging pants
- Cargo pants
- Shorts
- Hats and head wraps
- Jewelry, earrings, necklaces, and medallions
- Gender appropriate clothing
- Correctly sized clothing
- Clothing containing obscene, profane, lewd, or vulgar statements
- Clothing that promotes drugs
- Clothing discourteous of school officials or authority
- Clothing that is disrespectful or distortive of religion
- Clothing containing logos⁶⁹

Freedom of expression. Dress and appearance, however, may function as purely expressive speech related to political, religious, or social purposes. Some statements and words printed on clothing are protected by the First Amendment as pure speech. Consequently, students may wear clothing with messages related to political candidates, social causes, symbols of ethnic heritage, religious symbols, and words to express ideas or opinions. For example, schools have been prevented from implementing hair regulations prohibiting Native American students from wearing their hair long as a symbol of moral and spiritual strength.

Content-laden clothing of this type may be prohibited only to prevent a substantial and material interference with schoolwork or discipline, and must be neutral regarding the views expressed. Where the content does not create disruption or disorder, however, it may not be prohibited. The protection of free speech, however, is not a blanket opportunity for students to say whatever they wish. Schools may restrict lewd, indecent, or offensive speech and conduct that runs counter to essential lessons of civil, mature conduct. They are not required to allow speech that undermines the school's basic educational mission. Consequently, they may prohibit clothing containing information that promotes the use of illegal substances or criminal activity.

Schools, at a minimum, should support dress codes with a determination that the policy furthers the school's educational mission. In addition, they should adopt findings, as necessary, that indicate school dress codes help reduce gang activity or other antisocial or violent behavior, ease tensions between students, aid schools in identifying campus visitors or intruders, and promote school safety in general. In addition, schools should establish alternative avenues of free speech to balance the individual student's interest in free expression with the school's interest in a quality education. These might include free speech forums, bulletin boards, online discussion forums, free speech classes, school suggestion boxes, or any other avenue allowing students the opportunity to express their individual views on matters of public opinion. Moreover, schools should adopt opt-out policies in uniform requirements, to allow parents to preserve their right to direct the upbringing of their children, particularly where traditional ethnic or religious dress is an important part of family life.

School Resource/School Safety Officers

School resource officers (SROs) serve an important purpose in maintaining a safe and secure environment for students, teachers, and school officials. However, their quasi-law enforcement role complicates some security questions, such as searching students or seizing weapons or other contraband. Understanding the best approach for SROs requires a clear picture of their role in the school: Namely, do they serve a law enforcement purpose, or do they serve to maintain a safe and proper educational environment? In addition, it is helpful to clarify if they are acting at their own discretion or at the request of school officials.

Law enforcement purposes. Where the law enforcement features of a school resource officer are emphasized, regardless of their status as a police officer, sheriff, or other law enforcement personnel, their investigatory or search activities must meet probable cause requirements. Of course, this is especially true, where the SRO is actually a police officer assigned to a school. Consequently, the reasonableness of a search conducted at a school by a police officer or at its request will be governed by the probable cause standard. Probable cause requires that a security officer must consider whether "a reasonably prudent police officer, considering the total circumstances confronting him/her based on experience,' would be warranted in the belief that an offense has been or is being committed." Stated another way, probable cause requires that a search or arrest be objectively reasonable under the totality of the circumstances. This is a fluid concept based on an independent assessment of the facts in each situation. Probable cause does not mean the security officer must be correct or even more likely true than false, but it does mean more than a hunch, feeling, or vague suspicion. There must be facts that can be articulated to support the officer's conclusion. For these reasons, the reasonableness balancing factors applying to school officials do not apply to police operating in a school environment. The lower standard is usually reserved for professional school staff, but not to security officers who perform no educational function.

For example, searches are not permissible where a student simply acts in a suspicious manner, such as hurriedly stuffing an envelope into his pocket after being seen with a known drug addict.⁸⁰ Nor are searches permitted where the primary purpose of a testing program for narcotics is to generate evidence for law enforcement purposes.⁸¹

Educational or violence prevention purposes. In many schools, school resource officers are hired to serve an educational and preventive function within the school, and to develop a more cooperative and trusting relationship among students, school officials, and law enforcement. These officers may or may not be police or law enforcement personnel.

Accordingly, where a security officer conducts a search at the request of school officials in conjunction with these purposes, generally probable cause and a warrant are not required. The security officer needs only a reasonable suspicion in this case. This is true in the clear majority of cases, reflecting the usual situation where a SRO will be acting at the request or behest of school officials.⁸² This lesser standard is applied based on the assumption that the officer has only limited involvement and discretion in the decision to search a student.⁸³ In essence, the security officer is acting as an agent of the school, and only exercises the authority delegated from school officials.⁸⁴ This standard applies even where the security officer is a police officer, whether on or off duty.⁸⁵

For example, searches have been upheld under the following circumstances:

- Where an officer found a student in a hall without the proper pass and escorted the student to the dean's
 office, learned the student was suspended, giving rise to an arrest for criminal trespass⁸⁶
- Where an officer noticed a student arriving at school with bulges in his pockets characteristic of certain types of knives⁸⁷
- Where an officer conducted a pat-down search only after a school official had already questioned a student and discovered evidence of a theft⁸⁸
- Where the SRO observed a school official, based on student tips, enter a restroom to find students smoking marijuana, then searched students, finding additional marijuana⁸⁹
- Where the SRO handcuffed a student, at the request of an assistant principal who "needed someone with greater strength" to control the student while she conducted a search of the student while she can be shown in the stude
- Where officers conducted "point of entry" searches (at school entrances), as directed by school ladministrators⁹¹

General Liability Issues

Generally, schools cannot guarantee safety for all students or teachers while at school. Yet, schools do have a duty to provide reasonable supervision of students and maintain the safety of the school grounds, especially since students are required to be at school under compulsory attendance rules. Acts of violence involving schools may make school officials, teachers, or the school board liable for civil damages for those harmed. This liability may arise from a variety of circumstances and may depend on actions taken (or not taken) by the school itself. Schools may be liable not only for civil claims such as negligence, but claims asserting violation of a student's constitutional rights under the Fourteenth Amendment (guaranteeing due process and equal protection) and a variety of civil rights claims.⁹²

Civil liability. School districts face potential liability for the violent acts of students or nonstudents where they fail to:

- Supervise a specific area at school where prior instances of violence occurred
- Warn faculty, potential targets, or school personnel about a preexisting danger, including the violent propensities of a student
- Establish or adhere to a school safety plan⁹³

Generally, schools are required to show the same degree of care and supervision that a reasonably prudent parent would employ under the circumstances. The absence of supervision must have caused the violence or crime in order for the school to be liable. School boards may be liable for failure to establish adequate supervisory procedures, even if their employees are not liable. This general duty of care and supervision extends to preventing a foreseeable suicide. School officials with knowledge or notice of suicidal intent on the part of the student must exercise care to prevent the student from carrying out his or her intent. However, no specific measures (constant supervision, security officers, routine searches) are required of schools to enhance safety on school grounds. Schools are urged to do so, but so long as the school's efforts display the same care as a reasonably prudent parent, the school will not be penalized for not adopting specific measures.

In addition, even where a school may have a duty to supervise, the school will not be liable for sudden, spontaneous violence. "Spontaneous or planned acts of violence by students on school grounds do not create liability on behalf of the school board if the school ground is otherwise well supervised." "88"

Time and location of incident. Liability may depend on the time and location of the incident. For example, a school may be liable for violence suffered by students while in the school parking lot, or while on their way to and from the school grounds. Normally, however, a school will not be liable where an incident occurs off-campus, during nonschool hours, and is not related to school sponsored activities. For example, a school incurred no liability for the assault of a young female student after an evening of drinking at a local bar and the activity had no relation to school sponsored events, or where an elementary school student wandered from school grounds and was subsequently kidnapped and murdered. 100

A school may have a duty to supervise a particular area of school grounds depending on whether similar acts have occurred in that area previously. The recency, frequency, location, and nature of the prior crimes will be factors in determining whether the crimes establish a duty to supervise. ¹⁰¹ Common sense dictates that a school will be liable if a person is injured in an area where attacks of the same type occur often. Schools should develop monitoring plans for these "hot spots," and are especially urged to adopt a school safety plan where there is a generally high level of violence at a school or the school is in a high crime area. The most effective school safety plans will include an assessment of the time and location of incidents and increase monitoring and resources during that time.

Attacker's dangerous propensities. A school will be liable where it fails to safeguard other students or teachers from someone with a known propensity to violence. School officials must warn intended and identifiable victims where serious danger from a known suspect exists, and the warning must be specific (time, place, identity of suspect, motivation) and complete (all these factors, if known).¹⁰²

Constitutional claims. American courts are reluctant to extend constitutional protection to situations covered by state civil liability rules (which have been the subject of discussion to this point). However, in some very specific and rare situations, schools officials may violate constitutional provisions by their actions. Generally, schools may face liability for violations of constitutional protections where:

- There is a "special relationship" creating a duty to protect students from harm
- Schools "created the danger" of harm
- School policies reflected a "deliberate indifference" to the constitutional rights of students 103

1. Special relationship

Where a private person, an uninvited guest at the school, or another student causes the harm to a student, the school is not liable for failing to protect students from each other or from the private actions of another person.¹⁰⁴ The Constitution does not require the state (a school) to protect citizens from each other (students), except where the state has taken custody of the individual, such as in the case of prisoners or mental patients.

In addition, school attendance, while compulsory, does not create a special relationship that requires a school to shoulder responsibility for the entire personal lives of students, or for any harm that might befall them. Ultimately, parents retain custody and the primary responsibility for children and their well-being. In short, compulsory attendance laws do not create a custodial relationship between a school and a student that imposes a duty upon the school to protect the student from harm.¹⁰⁵

2. School-created danger

A school may be liable under the Constitution for harm to a student by a private actor or employee, if the school's actions "created" the danger of possible harm. Generally, liability will depend on several factors:

- The environment created by the school must be dangerous
- School officials must know it is dangerous
- School officials must have used their authority to create an opportunity that otherwise did not exist for the crime to occur¹⁰⁶

Mere inaction is not sufficient. A claim of constitutional liability will fail unless there is some proof that actions by the school caused the danger and the possibility of harm. Accordingly, schools have not been held liable constitutionally in a variety of circumstances:

- Where school officials received complaints that a teacher was sexually involved with students and did not discipline the teacher
- Where students were killed by random shooting at a school dance
- Where a student was killed by a nonstudent trespasser
- Where the school knew of the violent propensities of a student who later killed a fellow classmate 107

While these examples may be disturbing, they focus on constitutional liability; the schools involved may have suffered state civil liability in these cases. In other words, under these circumstances, schools will probably pay damages to teachers, students, or parents harmed by violence at the school under state laws.

3. Harm inflicted by school employees or officials

Where a school employee inflicts harm on a student, that act may be viewed as a constitutional violation. If so, supervisory officials and school boards may be liable under the Constitution if they allowed a practice or policy of deliberate indifference to the constitutional rights of students and the policy or practice caused the harm.

These scenarios usually involve the sexual assault or physical injury of a student by a teacher.¹⁰⁸ Typically, school officials are held legally responsible where they have received several complaints about inappropriate or dangerous acts and responded inadequately (i.e., they took no action, or they suppressed or concealed the complaints).

Checklist for general liability issues109

- School personnel should exercise the same degree of care as a reasonably prudent parent in the supervision of students.
- School personnel will be liable where they can reasonably be expected to foresee the potential danger of a situation resulting in injury to a student, regardless of whether they actually did or not.
- A higher standard of care may be expected during activities with a higher foreseeable level of risk, such as field trips, excursions involving students, laboratories, physical education classes, and contact sports.
- All school personnel have a responsibility to ensure that school buildings and grounds are safe for student use.
- School officials should provide supervision for students on school grounds or at school related activities, before and after the school day.
- Unacceptable behavior by teachers and administrators should be clearly stated in a school or district
 policy with restrictions on any actions that may be considered assault and/or battery or intended to cause
 emotional harm, especially in cases involving physical punishment.
- Schools should develop a culture and set of values that place a high premium on respect for the dignity of every individual involved in the school community and require workshops and seminars periodically to ensure that school personnel are aware of safety and liability issues.

- Schools must keep personal information regarding students confidential except where sharing that
 information is required by law, but school officials must operate in good faith with no intent to harm
 a student's reputation.
- Board of education members may be held liable for their individual acts that result in the violation of a student's rights.

Privacy Issues and Family Educational Rights and Privacy Act (FERPA)

Creating a safe school environment requires extensive communications among schools, law enforcement, and social service agencies. Such cooperation involves significant record keeping about disciplinary and counseling matters among schools, law enforcement agencies, counseling and health organizations, research groups, and parents. The appropriate use of these records is essential for schools and the educational process.

The confidentiality of student records (educational, medical, and disciplinary) has long been regarded as a compelling state interest, requiring courts, state agencies, and school districts to take reasonable steps to ensure that confidentiality is maintained. The leading framework on the appropriate use of student records is the Family Educational Rights and Privacy Act (FERPA).¹¹⁰

Generally, FERPA allows schools to collect information concerning disciplinary action taken against a student for conduct that "poses a significant risk to the safety or well-being of that student, other students, or other members of the school community." In addition, schools may disclose that information to teachers or school officials who have a "legitimate interest in the behavior of the student."

Accordingly, a school may track the type and severity of violent incidents through regular reports included in a student's school records. These records would be considered disciplinary records because they involve reports of actual incidents of behavior requiring disciplinary action. Moreover, to the extent these records are maintained by a law enforcement office within the school, they will be considered law enforcement records, similar to crime reports that include investigation reports and incident data. Neither law enforcement records nor crime reports are educational records under the statute. ¹¹³ In contrast, education records may include psychological evaluations and the results of psychological tests used for diagnostic purposes. ¹¹⁴

Sharing disciplinary records. ¹¹⁵ Juvenile education and medical records are generally regarded as confidential, even after being provided to other agencies in accordance with law, and may be sealed in court proceedings despite a presumption that such proceedings are open to the public and media. ¹¹⁶ The delicate matter of reporting student information to an outside agency or another school or institution is addressed directly by FERPA. It is important to remember that a school is not required to disclosure information related to wrongdoing by a student, but schools have the discretion to do so. ¹¹⁷ FERPA governs both the request for information received by a school and the school's voluntary interest in providing information to an outside agency, such as law enforcement, social service agencies, or mental health counseling services. Consequently, the following guidelines apply where a school receives a request for student information or where the school may wish to volunteer student information.

Generally, a school that discloses an education record must take three steps before releasing the record.¹¹⁸

- Make a reasonable attempt to notify the parent or the student
- Provide a copy of the record that it proposes to release
- Provide a hearing if requested

Schools or educational institutions. A school may disclose education or disciplinary records to another school or institution that the student is attending if the student is enrolled or receives services from the other institution, and the preceding conditions are met. Student disciplinary records may be shared between schools attended by the student in question, with the appropriate notice to parents.

Nonschool agencies or organizations: Law enforcement and social service agencies. FERPA generally restricts access to student records by nonschool individuals or organizations. Generally, funds will be denied to any school that allows disclosure of student records without written consent from the parents, with a few exceptions. The statute exceptions allow disclosure of even personally identifiable information from student records without the consent of the student or parents under the following circumstances:

- To state or local juvenile justice officials
- To organizations conducting educational studies
- In health and safety emergencies
- For disciplinary records119

Information on Specific Acts in Student Records

FERPA also controls the use of information regarding particular acts or issues, including violent acts, drug possession, weapons possession, destruction of property, disruptive behavior, and psychological or mental health assessments of students at risk for violence.

Violent acts. FERPA allows the reporting of violent acts such as homicide, rape, assault, or the imminent threat of such acts.¹²⁰ Information regarding such actions by students may be reported voluntarily by the school or upon request by an outside agency.¹²¹

Drug or weapons possession. FERPA allows the reporting of information related to the possession of drugs or weapons by students on school grounds, voluntarily or at the request of outside agencies. ¹²²

Antisocial or disruptive behavior. To the extent disruptive or antisocial behavior includes the destruction of property or vandalism, it may be reported to law enforcement, voluntarily or on request.¹²³ Other forms of antisocial or disruptive behavior that do not fall into any of the previously mentioned categories will require notification to and consent of the student's parents before the information can be released to a third party. This type of behavior might include yelling in class, name-calling, disrespect for teachers or other school officials, bullying, intimidation, or similar behavior that does not reach the level of destruction of property or assault on fellow students or school personnel.

Risk factor/behavioral/threat assessments. FERPA does not address this area directly and does not provide an exception for this type of information in a student's record. Therefore, the release of information on student achievement, behavioral or academic history, personal interests, extracurricular activity, or similar background information on a student is governed by the general provisions of FERPA, meaning the release must be accompanied by notification and consent of the student's parents or guardians. Both the U.S. Department of Education and the Federal Bureau of Investigation (U.S. Department of Justice) have expressed grave reservations about the use or misuse of profiles in schools, so extreme caution is recommended.

State law. State law also affects whether a school is required to report information regarding a student's conduct or may exercise discretion on such matters. Generally, federal statutes and state law require schools to report to law enforcement officials on any criminal or violent acts (assault, homicide, child abuse) or possession of weapons or drugs. Property damage, vandalism, and destruction of property may or may not come under a state-reporting requirement. If individual school districts do not already possess administrative rules governing the reporting of student violence, they are urged to develop them immediately.

Response to release of student records. Schools will not be liable in a civil suit by students or parents for FERPA violations, primarily due to the exclusive remedies by the secretary of education provided in the federal statute.¹²⁵ If a school violates FERPA, the secretary may withhold federal funds for the school.

Checklist for student records¹²⁶

- Schools should adopt policies and procedures consistent with the requirements of FERPA. Students, parents, and legal guardians should be informed of their rights under this act.
- Accurate student records should be maintained. Student records should include the name, title, date, description of educational interest, specific records examined, and the place of examination.
- Any corrections or adjustments to student records should be dated and initialed by the person responsible, with the knowledge and approval of school officials.
- School personnel should avoid labeling children in student records.
- Disciplinary information in student records should be specific regarding the infraction committed—time, place, and witnesses, as appropriate. The student should be informed of the information recorded and provided a copy as appropriate.
- School personnel should not discuss student records with third parties. Gossip or careless talk among school personnel may not be protected by various privileges.
- Student records should be maintained in a safe and secure place and should not be removed from school premises by school personnel without proper authorization.
- Unless prohibited by court order, the noncustodial parent should be afforded the same right to access student records as the custodial parent.
- To avoid allegations of malicious intent, transmit only the information that is requested by a prospective employer.
- Schools should avoid releasing information by telephone, unless the requestor's identity is confirmed.
- Schools should consult with the school's legal counsel regarding any questions, conflict, or difficulty involving student records or FERPA.
- Schools should recognize that the student may always seek appropriate judicial relief.

CONCLUSION

School policymaking and attention to legal issues is critical to creating a school environment that is safe for students, teachers, and school officials. By setting the standard of cooperative behavior among the entire school population, school policies can strengthen community values, build esteem among students, prevent violence, and reduce the level of trauma if violence occurs.

Schools can and should act assertively in implementing disciplinary procedures; zero tolerance policies for weapons; security measures such as school resource officers, metal detectors, locker or backpack searches, dress codes, and so forth. While they have a moral and educational role in doing so to protect students and teachers, they also bear a responsibility as stewards of public resources, to limit their level of liability in situations where violence occurs. At the same time, they must ensure that each student's expectation of privacy and autonomy is respected; prevent discrimination based on race, religion, gender, or other improper factors; and preserve each student's right to due process in disciplinary and school record matters.

While schools carry a great burden in balancing these issues, they may draw on significant resources offered by federal, state, and local governments; private organizations; and research universities and colleges. A dedicated, proactive, and comprehensive effort to implement clear and consistent school policies related to school safety will significantly reduce the risk of violence for the entire school community.

ENDNOTES

- 1 3 James A. Rapp, Education Law § 9.03.
- 2 Neil Broadly et al. v. Meriden Board of Education et al., 1992, citing Campbell v. Board of Education, 1984.
- 3 Franklin v. Berger, 1989, citing Reynolds v. Sims, 1964, and Cleburne v. Cleburne Living Center, 1985.
- 4 Franklin v. Berger, 1989.
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- 6 Cleburne v. Cleburne Living Center, 1985.
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- 14 3 Rapp at 9.02 [9], citing Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1969); *see also*, Hazelwood Sch. Dist v. Kuhlmeier 484 U.S. 260 (1988).
- 15 3 Rapp at 9.02 [9], citing Lovell v. Poway Unified Sch. Dist., 90 F.3d 367 (9th Cir. 1996), rev'g 847 F. Supp. 780 (S.D. Cal. 1994).
- 16 Achman v. Chicago Lakes Indep. Sch. Dist. No. 2144, 45 F. Supp. 2d 664 (D.C. Minn. March 31, 1999).
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- 18 3 Rapp, 9.06[4][d][ii].
- 19 Bogos, Paul M., "Expelled. No Excuses. No Exceptions." 74 U. Det. Mercy L. Rev. 357 (Winter 1997) (here-inafter Bogos), citing Mark Andrejevic, Expelled Students in Limbo, Lansing St. J., March 27, 1995 at 1A.
- 20 The Columbine Effect, John Cloud, Time Magazine, December 6, 1999, Vol. 154 No. 23.
- 21 Id.

- Bogos at 381, citing Zero Tolerance Proves to Be a Little Ridiculous in Kanawha, Charleston Gazette & Daily Mailing, Dec. 8, 1995, at 4A.
- 23 Gun-Free Schools Act of 1994, 20 USCA Section 8921 (1994).
- 18 USCS §§ 921 (3), (4) (1999), stating as follows: The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
 - (4) The term "destructive device" means—
 - (A) any explosive, incendiary, or poison gas—
 - (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (v) mine, or
 - (vi) device similar to any of the devices described in the preceding clauses
- 25 20 USCS Section 8921 (b) (1) (1999).
- 26 Please refer to discussion regarding Threats of Violence.
- 27 Tinker v. Des Moines School Dist., 393 U.S. 503, 506 (1969). The Supreme Court held in a later case, Goss v. Lopez, that a "student's legitimate entitlement to a public education [is] a property interest which is protected by the Due Process Clause and may not be taken away for misconduct without adherence to the minimum procedure required by that clause."
- 28 3 James A. Rapp, Education Law, 9.05[2][b] (1998).
- 29 Goss, at 582.
- 30 Givens v. Poe, 346 F. Supp. 202, 209 (1972); Legal Guidelines for Curbing School Violence, March 1995, National School Boards Association Council of School Attorneys, p. 9; *see also*, 3 James A. Rapp, Education Law 9.05[3][b] (1999), citing Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.), *cert. denied*, 368 U.S. 930 (1961).
- 31 Colvin by and Through Colvin v. Lowndes County, 2000 U.S. Dist. LEXIS 2403 (N.D. Miss. Feb. 24, 2000).
- 32 3 James A. Rapp, Education Law 9.03[4] (1999).
- 33 3 Rapp 9.06[4][d][i].
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- 35 Adapted from 3 James A. Rapp, Education Law 9.05[2][c] (1999).
- 36 Adapted from 3 James A. Rapp 9.05[3][h][I] (1999) and School Law and the Public Schools: A Practical Guide for Educational Leaders, Nathan L. Essex, Esq., Allyn and Bacon, 60, 61, 66 (1999).
- 37 New Jersey v. TLO, 469 U.S. 325 (1985).

- 38 TLO, supra n. 28.
- 39 3 James A. Rapp 9.04[1][c] (1999) (hereafter 3 Rapp); Please note, excellent guidelines, forms, and model conduct codes may be found at 6 James A. Rapp, Education Law Chapter F5: Student Control and Discipline.
- 40 3 Rapp at 9.04[1][c].
- 41 3 Rapp at 9.04.6[c][i].
- 42 3 Rapp at 9.04[11][d].
- 43 3 Rapp at 9.04[6][c][ii].
- 44 Legal Guidelines for Curbing School Violence, March 1995, National School Boards Association Council of School Attorneys, p. 2, citing Williams v. Ellington, 936 F2d 881 (6th Cir. 1991).
- 45 Legal Guidelines, n. 2 at p. 4, citing Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981).
- 46 Sostarecz by & through Sostarecz v. Misko, 1999 U.S. Dist. Lexis 4065 (E.D. Pa. March 26, 1999), citing T.L.O., supra n.1.
- 47 Sostarecz, citing Cornfield v. School District No. 230, 991 F.2d 1316 (7th Cir. 1993), Widener v. Frye, 809 F. Supp. 35 (S.D. Ohio 1992), aff'd 12 F.3d 215 (6th Cir. 1993), Williams v. Ellington, 936 F.2d 881 (6th Cir. 1991).
- 48 Legal Guidelines, p. 2, citing Cornfield v. School District No. 230, 991 F.2d 1316 (7th Cir. 1993).
- 49 U.S. v. Sokolow, 490 U.S. 1 (1989).
- 50 Sokolow, at 19.
- 51 United States v. Riggs, 347 F. Supp. 1098, (E.D.N.Y. 1972), United States v. Lopez, 328 F. Supp. 1077 (E.D.N.Y. 1971), U.S. v. Moreno, 475 F.2d 44 (5th Cir. 1973), U.S. v. Bell, 464 F.2d 667 (2nd Cir. N.Y. 1972).
- 52 See U.S. v. Bell, 464 F.2d 667.
- 53 P. 17, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, U.S. Secret Service & U.S. Department of Education, May 2002.
- 54 Adapted from Legal Guidelines, at n. 2, and *School Law and the Public Schools: A Practical Guide for Educational Leaders*, Nathan L. Essex, Esq., Allyn and Bacon (1999).
- 55 Legal Guidelines at p. 13.
- 56 5 Rapp at 12.06[7][b][i][A].
- 57 New Jersey v. TLO, 469 U.S. 325 (1985).
- 3 James A. Rapp 9.04[1][c] (1999) (hereafter 3 Rapp); Please note, excellent guidelines, forms, and model conduct codes may be found at 6 James A. Rapp, Education Law Chapter F5: Student Control and Discipline.

- 59 3 Rapp at 9.04[1][c].
- 60 Legal Guidelines, n. 2, at p. 3, citing People v. Dukes, 151 Misc. 2d 295, 580 N.Y.S. 2d 850 (Crim. Ct. 1992).
- 61 Preventing Threats of Violence, supra n. 10 at p. 7.
- 62 See Illinois School Uses Lie Detectors, Jay Hughes, Associated Press, November 6, 2001.
- 63 See O'Hartigan v. State Dep't of Personnel, 118 Wasgh.2d 111, 821 P.2d 44 (1991). See generally, Rapp § 6.09[5][d] and § 6.15[7][f].
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- 66 Hines v. Caston Sch. Corp., 651 N.E.2d 330, 101 Educ. L.R. 392 (Ind. Ct. App. 1995), cited in Rapp 9.04[8][b].
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- 68 Rapp § 9.04[8][d].
- 69 See generally, Rapp § 9.04[8][c][iii].
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- 73 See Pyle v. South Hadley School Committee, 423 Mass. 283, 667 NE2d 869 (1996).
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- 81 See Rapp 9.089[9][d], citing Ferguson v. City of Charleston, 121 S.Ct. 1281, (2001).
- 82 See Rapp 9.08[9][c], citing In re Angelia D.B., 564 N.W.2d 682, 118 Educ. L.R. 1191 (Wis. 1997).
- 83 See Tarter v. Raybuck, 742 F.2d 977, 19 Educ. L.R. 952 (6th Cir. 1984), cert. denied, 470 U.S. 1051 (1985) (school officials were not acting on direction of police); Martens v. District No. 220, 620 F. Supp. 298, 28 Educ. L.R. 471 (N.D. Ill. 1985) (applying reasonable suspicion where an officer's role in the search of a student was limited; Coronado v. State, 835 S.W.2d 636, 77 Educ. L.R. 582 (Tex. Crim. App. 1992) (applying reasonable suspicion where a school official, along with a sheriff's officer assigned to the school, conducted various searches of a student; cited in Rapp § 9.08[9][c].
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- 100 Legal Guidelines at p. 12, *citing* Hartman v. Bethany College, 778 F. Supp. 286 (N.D. W.Va. 1991) and Chavez v. Tolleson Elementary School District, 595 P.2d 1017 (1979).
- 101 Legal Guidelines for Curbing School Violence, National School Boards Association, March 1995, p.12.
- 102 5 Rapp at 12.06[7][b][ii][B].
- 103 Legal Guidelines at p. 33. Contrast with a standard that schools may be liable for constitutional claims when the decision by the [school official] is such a substantial departure from accepted professional judgment, practice, or standards, as to demonstrate that the person responsible actually did not base the decision on such judgment. See Lemoine v. New Horizons Ranch & Ctr., Inc., 174 F.3d 629 (5th Cir. 1999), citing Youngberg v. Romeo, 457 U.S. 307 (1982).
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- 109 Adapted from *School Law and the Public Schools: A Practical Guide for Educational Leaders*, Nathan L. Essex, Esq., Allyn and Bacon (1999).
- 110 Family Educational Rights and Privacy Act, 20 USCS § 1232g. (1999).
- 111 20 USCS § 1232g (h).
- 112 20 USCS § 1232g (h).
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- 114 Theumann, at 22.
- 115 An excellent guide to student record sharing and forms may be found at 6 James A. Rapp Education Law, Section F7.04: Student Record Sharing (1999). This section outlines a reciprocal reporting system for schools and law enforcement.
- 116 See FERPA, 20 USCS § 1232g (b) (4); See also, State ex rel. Garden State Newspapers, Inc. v. Hoke, 205 W. Va. 611, 520 S.E. 2d 186 1999.
- 117 See 61 Fed. Reg. 59,294 (1996), 6 Rapp 13.04[8][b][xii], p. 13–136.

- 118 34 CFR 99.30-.34
- 119 6 James A. Rapp, Education Law, Sec. 13.04[8][b] (1999); See also, Rapp, Stephens & Clantz, *The Need to Know, Juvenile Record Sharing* (National School Safety Center 1989); FERPA, 20 USCS § 1232g (b) (4); State ex rel. Garden State Newspapers, Inc. v. Hoke, 205 W. Va. 611, 520 S.E. 2d 186 1999.
- 120 20 USC § 1232g (a) (4) (B) (ii), (b) (6) (A), (b) (1) (E), (h).
- 121 20 USC § 1232g (b)(1)(E), (h).
- 122 20 USC § 1232g (b)(1)(E).
- 123 20 USC § 1232g (b)(1)(E), (h); See also 6 Rapp 13.04 [8][b][xii][A], p. 13–132.
- 124 *See generally*, Gun Free Schools Act of 1994, 20 USCA Section 8921 (1999) (requiring reporting of firearms in schools); Safe and Drug Free Schools and Communities Act of 1994, 20 USCS § 7101 et seq. (1999) (requiring reporting of drug possession in schools and communities).
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RESOURCES

The SafetyZone

www.safetyzone.org

The SafetyZone, a project of the Northwest Regional Educational Laboratory's Comprehensive Center, Region X, provides technical assistance related to school safety and violence prevention. The center also provides information and a variety of resources, as it tracks the latest research about possible causes of violence and the best practices that foster resilient youth and promote safe and productive schools and communities.

101 S.W. Main St., Ste. 500 Portland, OR 97204

Phone: 1-800-268-2275 or (503) 275-0131

Fax: (503) 275-0444

E-mail: safeschools@nwrel.org

Northwest Regional Educational Laboratory (NWREL)

www.nwrel.org

NWREL is the parent organization of the SafetyZone, a project of the Northwest Regional Educational Laboratory's Comprehensive Center, Region X. It provides information about coordination and consolidation of federal educational programs and general school improvement to meet the needs of special populations of children and youth, particularly those programs operated in the Northwest region, through the U.S. Department of Education. The Web site has an extensive online library containing articles, publications, and multimedia resources. It also has a list of other agencies and advocacy groups that addresses issues pertaining to, among other things, school safety issues as well as alcohol and drug abuse.

101 S.W. Main St., Ste. 500 Portland, OR 97204 Phone: (503) 275-9500 E-mail: info@nwrel.org

Blueprints for Violence Prevention

www.colorado.edu/cspv/blueprints

In 1996, the Center for the Study and Prevention of Violence (CSPV), with funding from the Colorado Division of Criminal Justice and the Centers for Disease Control (and later from the Pennsylvania Commission on Crime and Delinquency), initiated a project to identify 10 violence prevention programs that met a very high scientific standard of program effectiveness—programs that could provide an initial nucleus for a national violence prevention initiative. Our objective was to identify truly outstanding programs, and to describe these interventions in a series of "blueprints" that describe the theoretical rationale, the core components of the program as implemented, the evaluation designs and results, and the practical experiences programs encountered while implementing the program at multiple sites.

900 28th St., Ste. 107 Boulder, CO 80303 Phone: (303) 492-1032 Fax: (303) 443-3297

Centers for Disease Control and Prevention, Division of Violence Prevention

www.cdc.gov/ncipc/dvp/dvp.htm

The Division of Violence Prevention in CDC's National Center for Injury Prevention and Control has four priority areas for violence prevention: youth violence, family and intimate violence, suicide, and firearm injuries.

1600 Clifton Rd. Atlanta, GA 30333 Phone: (404) 639-3311

Hamilton Fish Institute

www.hamfish.org

Founded with the assistance of Congress in 1997, the institute serves as a national resource to test the effectiveness of school violence prevention methods. The institute's goal is to determine what works and what programs can be replicated to reduce school violence.

2121 K St., N.W., Ste. 200 Washington, DC 20037-1830 Phone: (202) 496-2200 Fax: (202) 496-6244

Johns Hopkins Center for the Prevention of Youth Violence

www.jhsph.edu/PreventYouthViolence/index.html

The Johns Hopkins Center for the Prevention of Youth Violence was created in October 2000 with a five-year grant from the National Centers for Disease Control and Prevention. Based on the theme of science informing practice, practice questioning science, the center brings together academic institutions, city and state agencies and organizations, community groups, schools, youth groups, and faith organizations to collaborate on both positive youth development and the prevention of violence.

John Hopkins Bloomberg School of Public Health

624 N. Broadway Baltimore, MD 21205 Phone: (410) 955-3962 Fax: (410) 614-4890 E-mail: pleaf@jhsph.edu

National Conference of State Legislatures (NCSL)

www.ncsl.org

NCSL is recognized as the preeminent bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, as well as its commonwealths and territories.

444 N. Capitol St., N.W., Ste. 515 Washington, DC 20001

Phone: (202) 624-5400 Fax: (202) 737-1069

National School Boards Association (NSBA)

www.nsba.org

The mission of the NSBA, working with and through all of its federation members, is to foster excellence and equity in public education through school board leadership.

1680 Duke St.

Alexandria, VA 22314 Phone: (703) 838-6722 Fax: (703) 683-7590 E-mail: info@nsba.org

Safe Schools/Healthy Students Action Center

www.sshsac.org

The mission of the action center is to assist and support the Safe Schools/Healthy Students and School Action Grantees in the development and sustainability of peaceful and healthy communities.

2001 N. Beauregard St., 12th Fl.

Alexandria, VA 22311 Phone: (877) 339-SSHS

Additional Readings

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Guide 1: Creating Schoolwide Prevention and Intervention Strategies

Guide 2: School Policies and Legal Issues Supporting Safe Schools

Guide 3: Implementing Ongoing Staff Development To Enhance Safe Schools

Guide 4: Ensuring Quality School Facilities and Security Technologies

Guide 5: Fostering School–Law Enforcement Partnerships

Guide 6: Instituting School-Based Links With Mental Health and Social Service Agencies

Guide 7: Fostering School, Family, and Community Involvement

Guide 8: Acquiring and Utilizing Resources To Enhance and Sustain a Safe Learning Environment



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