

VIOLENCE MANAGEMENT IN SCHOOLS

Guidelines for Writing Effective Policies and Procedures

On Weapons and Violence

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I. General Comments

Introduction

A school district, like almost any large organization, is at the same time both a unified whole and the sum of its highly individualized parts. In seeking to create policies and procedures addressing any issue of importance, it may be necessary to create two sets of policies and procedures: one that is district-wide and another specific to each school's particularized needs.

For instance, the danger of an estranged parent kidnapping a child from school is much greater for a second-grader than a high school sophomore; conversely, the need for a closed campus, added security, metal detectors and so on, increases as children pass into middle school and beyond. Schools with greater numbers of at-risk students of whatever age have different needs from schools not facing that problem.

An effective district-wide policy, then, must communicate in a general way the findings, goals, philosophy and expectations of the district. The district may, however, choose to leave to the schools freedom to develop procedures that implement district policy in the manner that will most effectively and efficiently utilize resources while meeting their individualized needs. Nevertheless, it must be remembered that in the area of violence, the unpredictability of a violent occurrence—the fact that violence may occur anyplace, at anytime—is the driving force behind a policy in the first place, necessitating proactive policies and procedures district-wide.

Elements of an Effective Policy

Generally, an effective policy should consist of at least the following three parts: (1) the findings or concerns that provided the impetus for the policy, (2) the purposes of the policy and (3) the policy itself. For purposes of this paper, “policy” generally refers to all three of these elements, not just the latter.

Although the analogy is not complete, an effective policy is a little like the Bill of Rights—it should be general enough to survive most changes in facts and circumstances without significant modification. Effective policy may, however, require revision to reflect or address new issues, findings of goals and needs of the policymaking body. Certainly, it has always been the policy of school districts to protect students from violence. In the days of Ozzie and Harriet, however, such a concept was so obvious and the risk of violence at school was so little recognized that the “policy” might not even have been articulated. At any rate, the principle that schools should be safe has not changed; it is *how* that is to be accomplished that has changed over time.

In addition to the three elements of an effective policy, however, the policymaker should also incorporate a separate and distinguishable procedure for the policy’s implementation.

The Difference between “Policy and “Procedures”

“Policy” is to be distinguished from “procedures”. In planning, preparing, evaluating and refining policies and procedures, understanding the difference between the two will make both far easier to develop, communicate, implement and evaluate.

In simplest terms, a policy generally describes a goal; a procedure describes how that goal will be attained by those responsible for carrying out the policy. Policies are adopted to communicate philosophies, focus energy and resources and ensure uniformity of goals

throughout the policymaking entity. Procedures are adopted to implement and carry out policy and to ensure uniformity in carrying out policy when uniformity is necessary or appropriate.

For instance, district policy may be that all schools will be free from threats, violence or other disruptive behavior. In furtherance of that policy, the district may also require, for instance, the use of metal detectors. In essence, the district has adopted as *policy* one *procedure* by which the district will implement its safe schools goal. In this example, the district's "metal detector policy" may be viewed as district "policy", because it reflects the district's decision to make all schools uniformly subject to the requirement. However, in general, the metal detector "policy" is actually part of a procedure for implementing the safe schools policy.

The distinction is important. From a practical standpoint, procedures are difficult to carry out if they are not clearly set forth, readily accessible and easily located, but are buried in general policy statements. One should be able to refer to clearly written procedures by topic, not search through a document that purports to be a policy statement, to know and understand rules of conduct. The needle buried in the midst of the haystack may not be easy to find.

Clearly and separately articulated procedures enable those responsible for carrying out the policy to understand what is expected. They enable the policymaker to evaluate whether the policy is being carried out, whether the procedures developed are being followed and whether they are adequate and effective or should be changed.

In addition, distinguishing the concept of "policy" from that of "procedure" helps force the policymaker to think about both. A policymaker accomplishes little merely by announcing lofty goals and philosophies. It must also articulate who is responsible for taking action, for making these goals happen and how they are to be accomplished. Every effective policy requires a separate procedure for implementation and a designation of whom is responsible for that task.

The procedure may be specific and detailed, leaving nothing to the discretion of those responsible. On the other hand, it may be quite general, designating who is to carry it out and leaving to discretion how it is to be accomplished. In either event, the *action* to be taken should be clearly separated from the policy to be imposed.

Just as policy without procedure is ineffective, the converse is also true. Procedure without a well articulated policy can lead to confusion, create misunderstandings and may make the procedure less likely to be followed. Without knowing the policy a procedure implements, one has no basis on which to evaluate the procedure's success in meeting the policy's goals.

The importance of the distinction may be illustrated by examining the "Violence Prevention and Weapons Policy" of ISD 116 Pillager Schools (p. 70 of the materials). Paragraph 1.0 of the Pillager policy lists four "Foundations and Basic Commitments". Paragraphs 1.1 and 1.2 are statement of policy, stating that the district is to maintain a learning and working environment that is free from threats, harmful influence and so on. Paragraph 1.3, on the other hand, provides that it is a "violation of this policy" for a student or staff member to possess a firearm. Paragraph 1.3, by its own terms then, is not a statement of policy, but sets forth a rule of conduct, the violation of which presumably results in discipline. Paragraph 1.4 provides that it is a policy of the district to abide by the Gun-Free Schools Act of 1994 and to refer violations to law enforcement. The paragraph actually articulates both policy and procedure. The jump back and forth within the section of "policy" is confusing and leaves many questions about procedure unanswered.

Policy Findings and Purposes

Numerous reasons exist for prefacing a policy statement with findings and purposes that form the foundation of the goals the policy describes. Findings promote understanding and

acceptance of a policy; they remind us of the policy's importance and give us a measuring stick for change. Moreover, should a policy or procedure be challenged (whether in a court of law or in the public arena), findings that support a particular policy can be invaluable in defending it.

Similarly, the purposes behind a policy may be important. The purpose of some policies is self evident: for instance, the inherent value of safeguarding the lives of students and district personnel goes without saying. At the same time, it may well be helpful to the effective implementation of the policy to state the obvious purpose, as well as any other purposes, for the policy. For instance: in addition to the inherent value of students and staff lives, a sense of safety and security enhances the learning environment and preserves or fosters the emotional health of students and staff. Comprehensive safe school programs help equip students to cope with anger or conflict and help to identify at-risk students so as to improve the quality of their lives. A safe environment will attract good teachers and good students to the district.

The Oakland "Comprehensive Plan for Safe and Secure Campuses" (page 74 of the materials) does not clearly separate its findings, purposes, policies and procedures as recommended here. Nevertheless, because it contains many findings and purposes, it stands in stark contrast to the "bare", somewhat "cold", policy and procedures document from Pillager (page 70 of the materials) and is a wonderful example of how much more meaningful such a document may become.

Findings and purposes that accompany policy also make the policy more useful when presenting it to others for support. How much more compelling is the Oakland policy, versus the Pillager one, as a presentation for local community and business support?

II. Suggestions for Policies and Procedures Relating to Violence

Findings and Purposes

For schools or school districts not yet experiencing many of the problems associated with the likelihood of violence, proactive policies and procedures for violence prevention may seem unnecessary to some members of the community. Educating others to the importance of such a policy is part of the reason for “findings” and “purposes” sections to a policy.

Certainly, no school or school district exists in a vacuum. The threat of violence comes not only from within, but from outside. The broader the definition of violence, moreover, the more likely it is that some type of violence will occur for which the policy and procedures may be useful. Thus, the risk of a student who comes to school with a weapon may be more or less statistically likely in a particular setting. On the other hand, in light of the fact most educators are women, schools could be an especially fertile ground for the possibility of domestic violence since the number one cause of death of women in the workplace is homicide.

Similarly, if hate crimes or other harassment or intimidation based upon race, religion, national origin or gender has occurred in the community, or if there is great cultural diversity in the community, the district may wish to refer to this fact in drafting its policy as well.

Other purposes of a policy may include recognizing the importance of developing such life skills as anger management and conflict resolution, personal safety and learning to avoid potentially violent situations, self-protection and recognizing the attributes of potential violence in others.

Policy and Procedure Statements

As suggested above, the district policy may be a rather general statement articulating the district’s goal of establishing and maintaining a school environment that protects the health and

safety of students, district personnel and visitors to the schools or other district property. More specific policies, such as a policy to abide by the Gun-Free Schools Act of 1994, state laws, a policy of no-tolerance for weapons, drugs, alcohol or tobacco, should also be articulated. The policy may articulate certain district-wide policies with respect to the manner in which district policies are to be carried out, the designation of who will formulate or enforce procedures and so on.

Creating district policy, however, is the easy part. The true work begins not with the statement of policies, but the implementation of procedures that make policies a reality. Procedures implementing policy on the district level may be specific or general depending upon the amount of control the district wishes to retain or the amount of discretion it wishes to grant to individual schools. Procedures on some level, however, must be specific enough to get the job done!

Although the possibilities are almost endless, a district or school may wish to consider the following ideas for inclusion in its policies and procedures. It is emphasized these are beginning points which will require a great deal of “fleshing out”.

Findings

Courts, in evaluating school search policies, have relied upon the findings, purposes and goals of school or district policies in upholding them.

The following categories of findings are not intended to be relied upon as factually accurate, but are intended only to represent the types of facts which, after proper research, might be determined by the district or school as a basis for district/school policies and procedures:

- Correlation between carrying weapons and drug involvement

- Correlation between presence of weapons with drug-involved youth and other youth obtaining guns for protection
- Correlation between truancy and students fear for personal safety at school
- Effect of abuse/neglect on students
- Effect on students ability to learn (and teachers ability to teach) when they feel unsafe or insecure in their environment
- Legitimacy of proactive stance on school safety issues to prevent deterioration of current school environment
- Violence is unpredictable and may happen at anytime, anywhere.

Purposes, Goals

- In recognition and furtherance of this district's responsibilities as guardian and tutor of the children entrusted to the district's care (Veronia School Dist. 47J v. Acton, 115 S.Ct.2386 (1995); Todd v. Rush County Schools)
- In recognition that violence is sometimes unpredictable and uncontrollable; that incidences of violence are not confined to any particular location or time, but may occur anywhere at anytime; and that the potential for violence may escalate rapidly if left unchecked (Todd)
- In recognition of the fact that instances of violence requiring the attention or intervention of the school or district may directly or indirectly affect the entire school or district population as well as only one or a few individuals
- In recognition that preparedness for the possibility of violence may serve to prevent or reduce the likelihood that it will occur and the severity of any such an occurrence

- In recognition of the disruption of the educational process where students or teachers are concerned for their safety or well being
- In recognition of the likelihood that the presence of weapons will lead to acts of violence and that acts of violence may lead to serious injury or death
- In recognition of the special needs present in the challenge of providing education
- To preserve and increase the sense of well being and safety of district students and personnel
- To ensure the protection and safety of all persons while on district property or while attending school or district sponsored activities
- To prevent violence or the escalation of violence directed at district students or personnel by assisting students in resolving conflict in non-violent ways
- In recognition of the need to prepare students for adulthood through education in anger control and non-violent conflict resolution, to identify students in particular need of programs designed to prevent or correct violent or potentially violent behavior and to assist them in obtaining the benefit of such programs
- To develop and implement an effective and comprehensive program addressing student violence
- To involve students, parents or guardians, district personnel and representatives of appropriate state and local agencies in the formulation, implementation and ongoing assessment of such a comprehensive program
- To prevent student access to, carrying of and use of weapons or other threats of violence

- To develop and enforce a student code of conduct that includes no tolerance for violence, including a prohibition against carrying or use of weapons of any type or the threat or use of violence on district property or any other setting under the control or supervision of the district
- To develop and implement a comprehensive strategy for prevention of violence through education, collaboration and intervention
- To preserve and enhance student confidence in law enforcement, school administrators and the community at large
- To develop and foster communication between students, parents or guardians, teachers or other district personnel and law enforcement officials so as to facilitate student reporting of the presence of weapons on district property and of actual or implied threats of violence by students or other individuals
- To train district personnel and students to recognize, report and react appropriately to potentially violent situations and to actual emergencies
- To develop, coordinate and improve district-wide and interagency communication, services and responses to the threat or perceived threat of violence
- To enhance the assessment and awareness of, and response to, potentially violent individuals or groups
- To coordinate student and family services for individuals assessed as potentially violent or at risk
- To develop and enhance a system of alternative school placement
- To develop pre-release and transition strategies for alternative school students returned to mainstream schools

- To develop and implement a comprehensive response to violence based crises
- Periodically, to assess the level of violence or the threat of violence district-wide and in each individual school; to assess the effectiveness of programs implemented by the district and to modify programs to meet each school's changing needs
- To help persons in need of help
- To ensure that parents/guardians are notified of violent or potentially violent behavior of students and to assist them in identifying community support agencies
- To enhance and preserve a positive learning environment

Policies

- It is the policy of this district/school to maintain a learning and working environment that is free from threats or harmful influence of any person(s) or group(s) that exhibit or promote violence and disruptive behavior.
- It is the policy of this district/school to promote healthy human relationships and learning environments which are physically and psychologically safe.
- It is the policy of this district/school that students are our first priority and that no physical or emotional harm should come to them during school activities or school-sponsored events on school grounds or on school buses.
- It is the policy of this district/school that while students are in the custody of the district/school, they feel safe and secure; that they are in a place where guns, violence and criminal activity are effectively barred.
- It is the policy of this district/school to address the causes of violence, assist young people at risk of falling into violent pathologies and help all students develop the skills necessary to confront and deal with life's crises without resorting to violence.

- It is the policy of this district/school that each student is equally valued; that discrimination on the basis of race, national origin, gender or physical or mental disability shall not be tolerated and that the value placed upon each student is communicated and made known to him or her.
- Parents and students will form an integral part of the safety planning and policymaking functions of the district/school.

Procedures

The following is a list of topics for which the district or school may wish to institute specific procedures:

- The creation of a District Crisis Response Team and District Crisis Management Plan
- The creation of a School Crisis Response Team and School Crisis Management Plan
- The District, in conjunction with the schools and community, will create a Community Crisis Response Team and Community Crisis Management Plan.
- Each such Team will establish a protocol for dealing with crises, including:
 - Methods and lines of communication within the school, between the school and district, between the school or district and the community and between the school and parents/families (including the designation of a media liaison if appropriate)
 - Methods and lines of communication for identifying, referring and intervening with students or district personnel at risk for suicide or other destructive behaviors

- A system for reporting students or district personnel who are at risk for destructive behavior, including threats, carrying weapons, exhibiting emotional instability, experiencing emotional crises, etc.
- A system for assisting students or district personnel who are being threatened or otherwise are at risk of harm (including students or district personnel who have sought or obtained victim protective orders)
- The district/school/community shall establish follow-up procedures and debriefing to critique the effectiveness of the Crisis Management Plan and Crisis Management Team.
- The district/school shall establish a working relationship with community service providers.
- Each school shall make readily available to students and district personnel the telephone numbers and contact persons within and outside the school, including community resources and support services, hotlines, self-help groups, etc.
- Each school and the district shall establish a working relationship with law enforcement officials.
- Each school and the district shall establish a procedure that provides for reporting to appropriate law enforcement personnel all violations of state or federal law, including violation of the Gun-Free Schools Act of 1994.
- Each school shall establish a protocol for searches of students, automobiles, lockers, book bags and other student property.
- Each school and the district shall establish a system of data collection of law violations, incident reports, accident reports, truancy, etc.

- Each school and the district shall establish a regular, periodic review and assessment of data collected to determine recurring problems, patterns, trends and so on.
- Each school and the district shall provide for regular, periodic surveys of students, parents and district personnel regarding safety issues.
- Each school and the district shall provide for regular, periodic review of policies and procedures and the incorporation of findings from data collection and communicating the results to parents, teachers, students, law enforcement and so on as appropriate.
- Each school and the district shall periodically train or retrain all students and school and district personnel, including volunteers, cafeteria workers and maintenance personnel, in issues of safety and crisis management and further provide for student and district personnel training to avoid becoming a victim of violence.
- Each school and the district shall provide for periodically reviewing and assessing the safety and security of school building and grounds, other facilities used by the school or district, including gymnasiums, athletic fields, sites for dances or social activities and so on. The review shall be of physical properties, supervision and monitoring, visitor identification and screening, student checkout procedures, parental authorization for student checkout and so on.
- Each school or the district shall establish criteria for requiring the use of security personnel/law enforcement at school/district functions.
- Each school shall establish and enforce a student code of conduct and a fair and consistent disciplinary policy

- Each school shall establish a program for students in anger management, diversity awareness and conflict resolution. Such programs shall include the use of mediation or other types of non-violent conflict resolution.
- Each school shall periodically evaluate the use, effectiveness and accessibility of such programs and provide for periodic modifications to such programs to make them more effective.
- No later than, each school shall conduct a survey of students, parents and school personnel on their perceptions of the existence and threat of violence in their schools and in their daily lives.
- No later than, each school shall formulate a committee of interested parents, students, teachers and community leaders to assist in the development of policies and procedures relating to violence and crisis management and shall conduct one or more public forums to discuss these issues.
- No later than, each school shall develop policies and procedures to implement a crisis management strategy.
- All policies and procedures and expectations of the school/district shall be communicated to all affected persons, including students, parents, teachers and all other district personnel and volunteers.
- The privacy of all students will be protected as provided by Law.

Conclusion

The foregoing is intended only to give the reader general information about the importance and use of school or district policies and procedures on violence and/or crises management. It is strongly recommended that legal counsel be consulted before adopting or

implementing any school or district policy or procedure. Consideration of such issues as student privacy rights, search and seizure, freedom of speech and association, civil rights and so on, may affect the validity or application of district and school policies and procedures.

Question or Comments? Feel free to Contact Ms. Loving at CMC@CrisisInc.com