Overview

1. Impact of school safety concerns
   - Zero tolerance
   - Building security and shooter drills
2. Safety of our schools
3. Policy recommendations and problems
School Policies Are Shaped by Fears of School Violence

- Bullying came to national attention because of a perceived link to school shootings.
- Fear of school shootings has dramatically changed school discipline and safety practices.
- School discipline and safety practices may conflict with effective school bullying policies.

Bullying Prevention Efforts Must Compete with Other Priorities

- Building security measures
- School shooting drills
- Zero tolerance discipline practices
- High stakes testing and other academic expectations
Bullying is reported motive for many school shootings

Secret Service and Dept of Education study:

71% of attackers felt bullied or persecuted at school.

School shootings have transformed school safety and discipline.

(APA Zero Tolerance Task Force, 2008; Cornell, 2006)

The Expansion of Zero Tolerance

From No Guns to
• No Toy Guns
• No Nail clippers
• No Plastic utensils
• No Finger-pointing
• No Jokes
• No Drawings
• No Rubber band shooting

No Accidental violations
Zero Tolerance Suspensions After the Newtown Shootings

6 year old pointed finger and said “pow!”

http://www.sott.net/article/255552-6-year-old-suspended-for-pretend-gunshot

Boy who held pencil like gun suspended

School has “zero tolerance” weapons policy

Updated: Thursday, 09 May 2013, 3:54 PM EDT
Published: Monday, 06 May 2013, 5:33 PM EDT

Anne Mahamara

SUFFOLK, Va. (WAVY) - A Suffolk school suspended a second grader for pointing a pencil at another student and making gun noises.

Seven-year-old Christopher Marshall says he was playing with another student in class Friday, when the teacher at Driver Elementary asked them to stop pointing pencils at each other.

“When I asked him about it, he said, “Well I was being a Marine and the other guy was being a bad guy,”’” said Paul Marshall, the boy’s father. “It’s as simple as that.”

Students are suspended for trivial misbehavior.
School suspension practices have raised concerns about racial disparities and possible discriminatory practices in school discipline.

School shootings are so traumatic that they skew perceptions of school safety and convince the public and policymakers that there are dramatic needs for security measures.
Building Security Measures

Bullet-Proof Building Entrances

Building Security Measures

Metal detectors and x-ray screening
Building Security Measures

Security and Police Officers

Building Security Measures

Security Cameras
Building Security Measures

Camera Monitoring Systems

Increased use of firearms for school security

Gun group offers training for Utah teachers
Extra security in Hillsborough schools would cost $4 million

**School security measures could cost millions locally**

### Additional Florida School Security Could Cost $100 Million

- School security wish list would cost Marion County $160M
- Armed guards in every Minn. school would cost $138 million
- NRA proposal would cost state schools about $138 million.

*(DeAngelis, Brent, & Ianni, 2011)*

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Extra security in Hillsborough schools would cost $4 million

**School security measures are expensive and deprive schools of resources that could be allocated to preventive measures such as anti-bullying programs and counseling services.**

- Armed guards in every Minn. school would cost $138 million
- NRA proposal would cost state schools about $138 million.

*Every Per Pupil dollar spent for Security is a Per Pupil dollar NOT spent for Instruction.*
School Shooter Drills Are Widely Practiced

Students are involved in shooter drills.
Students escorted from school during a shooter drill.

Simulated Injuries
School Policies on Bullying
Dewey Cornell, Ph.D.

April 9, 2014

Some schools hold monthly lockdown drills.

Many states mandate 1 or more lockdown drills per year.

Schools Are Safe: Risk of Violence Exaggerated

- School-age homicides rarely occur at school
- Most homicides occur in residences and other locations
- School violence has declined.

(Cornell, 20006; Nekvasil & Cornell, 2014)
School Policies on Bullying
Dewey Cornell, Ph.D.
April 9, 2014

Homicides At School vs Outside of School
Ages 5-18

Sources: CDC National Center for Health Statistics and School Associated Violent Death Surveillance Study (All annual totals are approximate, using the school year for school homicides and the calendar year for non-school data).

2005-2010 Homicides in 37 States

FBI National Incident-Based Reporting System (NIBRS) database. Selected locations. School includes colleges. Analyses by Nekvasil, Cornell, & Huang, 2013
School Policies on Bullying
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April 9, 2014

School-Associated Violent Deaths
1992-2010

2013 data from CDC School-Associated Violent Death Study -
http://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/savd.html

What Can Be Done About School Shootings?
A Review of the Evidence
Randy Borum, Dewey G. Cornell, William Modzeleski, and Shane R. Jimerson

“Any given school can expect to experience a student homicide about once every 6,000 years.”

School Policies on Bullying
Dewey Cornell, Ph.D.

April 9, 2014

School violence has declined.

Indicators of school crime and safety; 2012. Table 2.1. National Crime Victimization Study data reported by National Center for Education Statistics (Robers et al., 2013)

School policies on bullying must be disentangled from concerns about school shootings and school security.
School Policies on Bullying
Dewey Cornell, Ph.D.

Policies should be based on recognized harms associated with bullying.

Individual impact on students
- Victims
- Perpetrators
- Bystanders

Schoolwide impact on school climate

49 states have legislation on bullying

LEAs directed to develop policies with certain features, e.g.:
- Define and prohibit bullying
- Mandate staff reporting
- Investigate bullying
- Train staff
- Monitor level of bullying

Policy Recommendations

1. Clarify bullying definition and educate school community (students, staff, parents).
2. Detect and intervene to stop bullying, but do not use zero tolerance.
3. Use valid measures to assess bullying.
4. Use evidence-based strategies to reduce bullying and intervene with victims, perpetrators, and bystanders.
5. Recognize when bullying is criminal or discriminatory.

Cornell & Limber (under review) Legal and policy considerations in bullying intervention.

Policy Problems

1. Definition of bullying
2. Detection of bullying
3. Assessment of bullying
4. Use of evidence-based programs
5. Bullying as discrimination
Policy Problem 1

- State definitions of bullying tend to be inclusive of any form of intentional peer aggression.
- Conventional research definitions (and CDC definition) are limited to peer aggression with a power imbalance.


Policy Problem 2

- Students are unwilling to report bullying to adults. A more supportive school climate and change in peer culture will help.
- Schools need more systematic and effective ways to identify victims.
  - Tip lines
  - Peer nomination surveys
  - Active staff monitoring and inquiry

(Cornell & Cole, 2011; Eliot et al., 2010; Swearer et al., 2010)
Policy Problem 3

- Schools rely on anonymous self-report surveys of limited validity.
- Anonymous surveys cannot be validated against independent criteria.
- Self-reports depend on student knowledge and understanding of the complex concept of bullying.

(Cornell & Cole, 2011)

Policy Problem 4

- Policies should encourage evidence-based programs.
- Many bullying prevention programs have little or no scientific support.
- There is a huge market for motivational speakers and other programs with unknown effectiveness.
Policy Problem 5

- Bullying and harassment are often confused or used interchangeably.
- Harassment has legal significance, whereas bullying does not.
- Harassment does not require power imbalance.

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

October 26, 2010

Dear Colleague:

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department's Office for Civil Rights (OCR). As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment.

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf
"The statutes that OCR enforces include Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 19733 (Section 504); and Title II of the Americans with Disabilities Act of 19904 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability. School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees."

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf

Dear Colleague:

The U.S. Department of Education’s Office of Special Education and Rehabilitative Services (OSERS) is committed to working with States to ensure that school districts provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate. OSERS is issuing this letter to provide an overview of a school district’s responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities.1

As discussed in this letter, and consistent with prior Dear Colleague Letters the Department has published, bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the IDEA that must be remedied. However, even when situations do not rise to a level that constitutes a denial of FAPE, bullying can undermine a student’s ability to achieve his or her full academic potential. Attached to this letter are specific strategies that school districts and schools2 can implement to effectively prevent and respond to bullying, and resources for obtaining additional information.

USDOE OSER Policy
Recommendations for Bullying of Students with Disabilities

- Comprehensive multi-tiered behavioral framework
- Implement clear policies on bullying
- Collect data on bullying
- Notify parents when bullying occurs
- Address ongoing concerns
- Sustain prevention efforts


Sexual Harassment:
Davis v Monroe Opinion

In May, 1999 Supreme Court ruled that a school board is liable under Title IX for student-to-student harassment if:

1. The sexual harassment was so severe, pervasive, and objectively offensive that it deprived the victim of access to educational opportunities and benefits.
2. School authorities had knowledge of the harassment.
3. School authorities were deliberately indifferent to the sexual harassment.

Davis v Monroe County Board of Education (526 US. 629, 1999)
**Liability for Bullying?**

**Scruggs v. Meriden Board of Education**
U.S. District Court of Connecticut

- Middle school boy receiving LD services was bullied repeatedly, and eventually committed suicide
- Family sued superintendent, vice principal and school counselor
- Court found the school to be negligent and deliberately indifferent

**LW v Toms River Regional School Board of Education**

- New Jersey boy repeatedly teased about perceived sexual orientation in elementary and middle school (called “faggot” “gay” etc., physically bullied and threatened)
- Court cited Davis V Monroe in finding for plaintiff, awarded 50K
- School ordered to revise policies, train staff, implement bullying prevention program

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**United States Government Accountability Office**

**Report to Congressional Requesters**

**May 2012**

**SCHOOL BULLYING**

**Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed**

http://www.gao.gov/products/GAO-12-785T
Policy Gap

Federal protections from bullying are limited and piecemeal:
- Must deny FAPE
- Only protects victims of harassment based on sex, race, color, national origin, disability status.
- No federal right to education

New Jersey Supreme Court

“Students in the classroom are entitled to no less protection from unlawful discrimination and harassment than their adult counterparts in the workplace.”

Protection from bullying should be a basic right of children and youth.

References


Davis v Monroe County Board of Education (526 US. 629, 1999).


