



Texas School Violence Prevention

A Policy Whitepaper

Texas Conservative Coalition Research Institute

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I. INTRODUCTION

In September of 2015, a public school in Irving, Texas called the local police about a high school student perceived to be dangerous. Shortly thereafter, the student was arrested after authority figures mistook a clock the boy had engineered and brought to class for a possible bomb.¹ Close to Irving, however, administrators failed to prevent an actual violent outburst just two months later at another metroplex school: a student at Skyline High School in Dallas erupted in anger, slapped a teacher in the face and then grappled with her on top of a desk, injuring her.²

The two situations involve different actors and suburban school settings, but together they raise important questions regarding the prevention of school violence in Texas: What works, and what doesn't? How and why did school administrators fail, in each instance, in particular ways – to prevent violence in the latter case, and misidentify a student as a threat in the former case? Is it even accurate to say they “missed” something in both cases, or were they acting based on entirely reasonable protocols? Aren't some unfortunate outcomes unavoidable?

This white paper attempts to partially answer those, and related, questions.

Clearly, there are various *types* of school violence: rampage school shootings by students, lesser forms of student-on-student or student-on-administrator aggression, and acts perpetrated by adults: teacher-on-student aggression³ or shootings by adults that enter school campuses from the outside world. But school violence is not a new phenomenon.⁴ “For [at least] the past two decades, how[, when and whether] to discipline students has been as hotly contested a subject as how to educate them.”⁵ Thus, what needs to be kept in mind when violent outbursts at school garner media attention is that *calls for added protective and preventive measures are not the first or only such pleas*. In fact, Texas and the U.S. more broadly – for well over a decade – have been aware of the problem and have been addressing it in a myriad of ways.

This raises the issue of whether the approaches currently being taken are appropriate and efficacious ones. In order to answer that question, the white paper analyzes the relationship between conservative political principles and current policy approaches to school violence. As mentioned above, along with the

debate surrounding school violence have come various policy proposals enacted by local, state, and federal actors in the area of violence prevention. The white paper will provide an overview of these layers of current governmental law, research, and regulation in [Part II](#).

With that basic framework as a starting point, the paper in [Part III](#) looks to research to better understand the key group in question: student perpetrators of violence. What makes them lash out against their peers and school administrators? Do student perpetrators, generally speaking, exhibit common psychological and/or social attributes, or does the wide variety of them make it impossible to speak of quintessential actors?

In [Part IV](#), the white paper supplements those findings with others gleaned from academic research – concerning actual prevention programs and considerations related to those programs’ design.

Finally, in [Part V](#), the paper will offer conclusions and recommendations for the Texas legislature.

II. EXTANT LAW AND POLICY

A. Federal Policy.

The federal government conducts various research projects on school violence, provides violence prevention grant funds, and occasionally enacts law and regulations touching on related issues.

- *Research:* The Department of Education (DoE), the Department of Justice (DoJ), and the Center for Disease Control (CDC) all publish various compilations of data related to school violence.⁶ These are useful for tracking trends over time, but they are not typically state-specific, so relevant data for Texas is not always easy to come by. In this short white paper, there is not space to cover all of the important findings of these federal research documents and data products. Nonetheless, a few short points can be made:
 - In general, school violence appears to be *decreasing* nationally⁷;
 - Schools have reported that their efforts to reduce/prevent crimes are limited by:
 - Inadequate funds;
 - A lack of adequate, alternative placements or programs for disruptive students, and;
 - Federal, state, or district policies on disciplining special education students.⁸
 - Nonetheless, over 90% of public schools provide training to teachers and aides regarding safety procedures and bullying, while a much smaller percentage – only 48%-- of schools provide training regarding recognizing early warning signs of students likely to become violent.⁹

These points, and the federal research which bears them out, are important not only because they shed light on national trends that are playing out inside Texas and elsewhere, but also because they provide templates for data products that the Texas Education Agency or other public entities may wish to publish (on a scaled-down, state basis) at some point in the future.

- *Grants and Programs:*
 - DoJ: The Resolving Conflict Creatively Program.¹⁰
 - DoE: the Project Prevent Grant Program.¹¹
 - This grant provides funding to local education agencies to increase their capacity to identify, assess, and serve students exposed to pervasive violence, helping to ensure that affected students are offered mental health services for trauma or anxiety; support conflict resolution programs; and implement other school-based violence prevention strategies in order to reduce the likelihood that these students will later commit violent acts.
 - DoE: Project School Emergency Response to Violence (SERV).¹²
 - This grant funds short-term and long-term related services for local education agencies and institutions of higher education to help them recover from a violent or traumatic event in which the learning environment has been disrupted.

These grants are important for Texas because further study could answer the question of whether, and to what extent, increased expenditures can and does reduce the incidence of school violence.

They are also relevant to discussions regarding Texas state expenditures because they suggest that state actors are not the only funding source, perhaps reducing the need for state action in this area.

- *Law:* Public school students are subject to a variety of federal legal requirements – for example, constitutional guarantees regarding due process, search and seizure, and privacy all apply in particular ways in schools. In addition, there are legal strictures including but not limited to the following (the brief list is not meant to be exhaustive):
 - The “Unsafe School Choice Option” is a federal law that was amended by the No Child Left Behind Act of 2001, which requires that each state receiving certain federal funds establish a policy requiring that students attending a “persistently dangerous” public elementary or secondary school, or students who become victims of a violent criminal offense while in or on the grounds of a public school they attend, be allowed to attend a safe public school.¹³
 - In 2014, the Department of Education (which provides violence prevention materials on its website) and the Department of Justice issued a guidance letter explaining to public elementary and secondary schools their nondiscrimination obligations in administering student discipline. According to the letter, “substantial racial disparities [in the administration of school discipline] are not explained by more frequent or more serious misbehavior by students of color,” and these disparities are in violation of federal civil rights law. The guidance recommended that all school personnel undergo training and professional development that covers the topic of conflict resolution and methods “utiliz[ing] exclusionary disciplinary sanctions as a last resort.” This and other similar recent developments can be seen as the federal government’s attempt to “push back against zero-tolerance [school discipline] policies.”¹⁴ It has also established a “state and local policy rubric” for lawmakers.¹⁵ It is unclear how and whether these approaches might change under President-elect Trump.

B. State policy.

Texas, like many other states, legally regulates school violence and has enacted mandatory training programs for a variety of education administrators and law enforcement officers.

- *Background.*

In Texas, disorderly conduct by public school students, as well as violence prevention, is addressed in a handful of ways. School districts and charter schools must develop “Student Codes of Conduct,”¹⁶ which govern behavior on school premises, and state law governs how and whether a student will be disciplined following an altercation with a school official.¹⁷ The law also requires each campus to have a designated “campus behavior coordinator,” whose function is to “maintain[] student discipline”¹⁸ Many schools, going one step further, employ marshals who perform law enforcement functions (they can carry a gun and make arrests, among other privileges).¹⁹ [NB: The federal government under President Obama expressed concerns about this type of official, claiming they make too many arrests and often violate students’ civil rights.] And school districts may establish “school-community guidance centers” in order to “locate and assist children with problems that interfere with education, including . . . children with severe behavioral problems or character disorders.”²⁰

- *Recent legislation.*

Texas has been active in this policy sphere of late – tinkering with, and updating, older provisions and enacting new ones, in part reacting to national stories about shootings and other forms of school violence.

In the 84th Texas session, HB 2684 (Giddings) was signed into law. The bill requires school districts with large enrollments to adopt policies requiring school peace officers to complete education and training programs with learning objectives in areas such as: “de-escalation techniques and techniques for the limiting the use of force,” “conflict resolution,” “restorative justice,” child psychology, and mental health interventions. The bill tasked the Texas Commission on Law Enforcement (TCOLE) to create the curriculum. The bill requires sixteen hours of training, but a peace officer can get an exemption by taking an alternative course from a national provider. *The bill does not, however, cover school employees other than peace officers and resource officers, nor does it cover districts with fewer than 30,000 students.* (In Texas, there are about 1,200 school districts, and only roughly 40 (3%) have more than 30,000 students. Nearly 30% of students are enrolled in just 18 school districts associated with the larger metropolitan areas.²¹) These facts suggest that there may be gaps that still could and should be filled by future legislation.

According to agency reports, TCOLE met its deadlines²², and over 1,400 law enforcement officers have taken the training course, which is based on a 187-page curriculum.²³ The training includes “Lecture[s],” “Group Discussion,” and “Scenarios and Role-Play” and is 20 hours long. Several parts of the course are primarily of value to law enforcement officers *only* (how to handcuff a student, etc.), but other parts of the course overlap to a significant degree both with programs utilized by districts and with privately-provided options like CPI’s. There is substantial material, for example, on child psychology, mental health crisis intervention, and de-escalation, and interactive drills/role-playing regarding them. This new course also overlaps with programming by Texas State University’s School Safety Center (more on this below), which puts on safety workshops and “summits” across the state, and shares its safety “toolkits” with school administrators.

Other recent state legislation includes: HB 2186 (84R, requiring annual suicide prevention training for district and charter employees), SB 460 (83R, requiring candidates for state teaching certificate to receive training in mental/emotional disorder intervention), SB 1556 (83R, creating a statewide school safety task force), SB 393 (83R, allowing school districts to create and use graduated sanction schemes in lieu of filing criminal charges against students), and HB 1942 (82R, defines “bullying” for school districts and describes mandatory anti-bullying policies for school districts), among others. Even earlier, SB 1724 (76R) amended the state Education Code to require all districts to publish certain information in an annual performance report, including a report of violent or criminal incidents that includes the “number, rate, and type” of incidents to the extent that complies with federal privacy law.

- *The Texas School Safety Center (TSSC).*

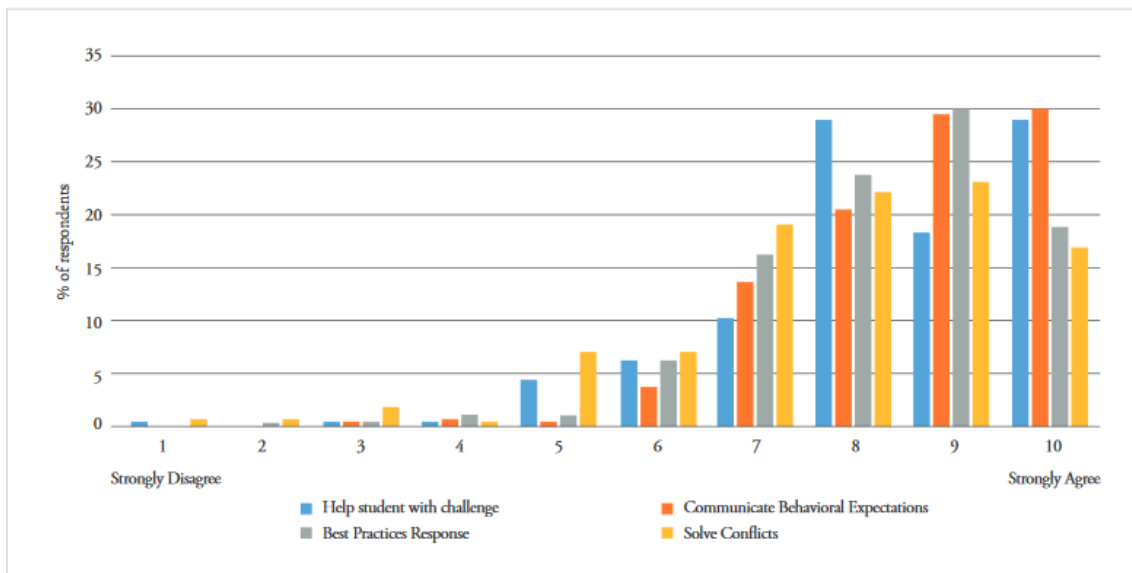
There is also the Texas School Safety Center, authorized by the 77th legislature in 2001. The TSSC plans events – like school administrator safety conferences,²⁴ regional summits, and school safety certification program; it also provides “took kits,” and videos (like one entitled “3 Simple Steps to Creating Safe Schools”). TSSC, finally, issues reports, like a school safety practices survey.²⁵

In its most recent survey, teachers from a variety of school settings were asked questions regarding school access controls, student supervision, incident documentation, law enforcement on school

grounds, and “physical environment strategies.” One surprising fact that emerges is that some 94% of school administrators reported that they do not use metal detectors.²⁶

Teachers were also asked to rate their agreement with the following statements: (a) students have been taught “how to solve conflicts with one another,” (b) that teachers “help students with the challenges they face at home or with other students,” (c) that teachers “effectively communicate behavioral expectations to students,” and (d) that teachers “routinely use knowledge of ‘best practices’ to guide their response to student behavior.” The results of those questions are indicated in the bar graph below.

Figure 18: Student guidance



Source: Texas School Safety Center.

As mentioned above, TSSC not only publishes reports, it also hosts a variety of conferences and symposia. Some of these events include violence prevention training. For example, in this October’s School Administrator Conference, there was a “breakout session” entitled “Let the Teachers Think! Scenario-Based Drills to Facilitate Decision-Making and Confidence.”²⁷ Other offerings include topics like those listed below:

10:15 Breakout Sessions

1. After Hours Emergency, Who’s in Charge? - Robby Ball Texas A
2. De-escalating Explosive Behavior in Students - Michelle Parsons Texas B
3. How to Keep on Keepin’ On: Planning for Continuity of School Operations During Disasters Texas C
- Felicia McGee
4. How to Stay CCC (Calm, Cool, and Collected) for Autistic and Special Education Students Executive Salon 1
During Emergency Situations - Cindy Weiss
5. Diving into Diversity: Promoting and Teaching Competency, Sensitivity, Awareness, and Executive Salon 2
Inclusion in Schools - Alexandra Copeland
6. Building the Psychosocial Culture of Trust in a DAEP Setting with Restorative Justice Concepts . Executive Salon 4
- Charles Quintela, Jesse Callendar and Paul Roman

Source: Texas School Safety Center.

It is unclear to what extent TSSC and its events/materials are known and utilized throughout the state, or to what degree TSSC partners or collaborates in its programming with other organizations. However, based on its website, it appears that TSSC *does* frequently bring in outside speakers – law professors, retired principals, members of TEA, cops, and groups like “Next Generation Training,” Advanced Law Enforcement Rapid Response Training (ALERTT), and “Behavior Counts Education” – so not everything is hosted/carried out by TSSC employees. TSSC frequently charges attendees, with the typical cost being around \$250/person.

- *Texas Education Agency (TEA) and Texas Attorney General (AG).*

TEA publishes various “discipline data products” that are available at the state, region, or district level and arranged according to ethnicity, socioeconomic status, and other criteria. A section of one of its recent reports is copied below – it shows the numerical incidence of certain violent conduct, statewide, over the course of the 2014-15 school year.

W-REASON INCIDENT COUNTS	G01	01-PERMANENT REMOVAL BY TEACHER	509
	G02	02-CONDUCT PUNISHABLE AS A FELONY	1,022
	G04	04-CONTROLLED SUBSTANCE/DRUGS	23,252
	G05	05-ALCOHOL VIOLATION	2,362
	G06	06-ABUSE OF A VOLATILE CHEMICAL	62
	G07	07-PUBLIC LEWDNESS/INDCT EXPOSURE	801
	G08	08-RETALIATION AGAINST DIST EMPL	339
	G09	09-TITLE 5 FELONY - OFF CAMPUS	953
	G10	10-NON-TITLE 5 FELONY-OFF CAMPUS	431
	G11	11-FIREARM VIOLATION	117
	G12	12-ILLEGAL KNIFE	257
	G13	13-CLUB	11
	G14	14-PROHIBITED WEAPON	264
	G16	16-ARSON	96
	G18	18-INDECENCY WITH A CHILD	79
	G19	19-AGGRAVATED KIDNAPPING	N/A
	G21	21-VIOLATED LOCAL CODE OF CONDUCT	1,404,645
	G22	22-CRIMINAL MISCHIEF	1,009
	G23	23-EMERGENCY PLACEMENT/EXPULSION	87
	G26	26-TERRORISTIC THREAT	1,619

Source: Texas Education Agency.

What do TEA’s statistics, broadly-speaking, show? In Texas, the situation is complex, and the format TEA uses makes chronological comparisons and speculation regarding “trends” difficult. For example, over the last few years, the number of in-school suspensions is shown to be decreasing, while the number of expulsions is holding steady. When microtrends are combined, however, they are hard to generalize: preliminary evaluations suggest that, since 2011, the number of firearm/illegal knife related incidents has held steady, the number of “terroristic threats” has risen²⁸, and the incidence of school-related gang violence, fighting/mutual combat, and criminal mischief at schools has decreased. As such, it is hard to make blanket statements about school violence trends across the state. This is why TCCRI recommends that TEA *change* the way it collects and aggregates data – in order to know, on an ongoing basis, whether prevention efforts are working and what the incidence of school violence really is, statistical comparisons over time are needed.

Complementing TEA’s data is a second state agency that is implicated in school violence and its prevention: the Office of the Attorney General (OAG). OAG has, in the past, issued “school safety

guides.” The most recent one that TCCRI was able to obtain online is from 2013,²⁹ and it is unclear whether, and with what degree of frequency, OAG continues to publish these guides.

Finally, local districts in Texas, and individual schools within them, have training protocols (and indeed, each district is required by state law to report its violence prevention efforts annually). Austin ISD, for example, has employed a “violence prevention officer,” and, in a recent document submitted to the state, it outlined 14 teacher training initiatives and 18 student-focused programs aimed at reducing violence. Individual campuses act to address these issues as well: for example, Highland Park High School conducts “wellness checkups” to screen for depression, anxiety, and other emotional ailments.³⁰ Another proactive campus, Medrano Middle School in Dallas, sent parents a letter following the shootings in Newtown, Connecticut, assuring parents that the school was safe because (among other reasons) it had already “developed crisis plans and conducted preparedness training” as well as undergone “violence prevention programs (bully-proofing, social skill development, [and] peer conflict mediation).”

III. WHY ARE SOME CHILDREN AND TEENAGERS PRONE TO VIOLENCE?

Since the 1999 attacks on Columbine High School by Eric Harris and Dylan Klebold, there has been newfound interest in studying what causes various forms of school violence. Why does one student lash out, but not his brother or sister from the same household? Why do certain bullied kids become violent, but not others who suffered worse harassment?³¹

When it comes to school violence, it seems fair to say that there is no easy calculus of “A+B+C” = Problem Child, and there is still much we don’t know regarding the myriad causes, often overlapping, interdependent, and difficult to untangle.³²

Nonetheless, certain conclusions reasonably may be drawn.

- Common explanations of school violence tend to focus on “such issues as the influence of violent video games and movies, peer rejection, depression and suicidal thoughts, the easy accessibility of guns, side effects from psychiatric medications, the impact of bullying, and the consequences of being a loner who is uninvolved at school and has inadequate social connections.”³³ These factors are surely helpful, and they in part explain what causes a proclivity toward violent outbursts. Sometimes, however, these explanations are contrary to fact (i.e. violent students do not fit neatly into these molds) or are overly simplistic.
 - For example, the Columbine High School shooters made good grades and “had many friends, but they often generated negative reactions from other peers . . . When Eric [Harris] and Dylan [Klebold] got strikes in bowling class, they gave Nazi salutes and yelled ‘Heil, Hitler!’ As a result, their peers harangued them. This is hardly surprising, as public displays of Nazi behavior can be expected to draw hostile reactions.”³⁴
 - Strictly-speaking, then, it may be inaccurate to say that Klebold and Harris became violent after being “bullied.” Based on anecdotes like the one related above, further information is needed to qualify such a statement.
 - Even if bullying *did* play a part in the aforementioned shooting, some mention of the broader context is important: the fact remains that most children who are harassed by peers do not become violent.
- Students who become violent at school are not “ordinary kids.” They often suffer from serious, sometimes undiagnosed, psychological problems – depression, trauma, and psychotic disorders. Frequently, they have significant difficulty managing their anger.³⁵ Nonetheless, the fact that some disorders are at least partially “medical” in nature does not mean that students, even when suffering from such ailments, lose all capacity to exercise reasonable judgment and impulse control.³⁶
 - It is important, in this respect, not to overplay the “victim” card. These ailments often require treatment but do not necessarily negate culpability for violence, especially when one considers that “[a]dvocates for the mentally ill point out that most crime is not committed by people with mental illnesses, and that most people with mental illnesses do not commit crimes.”³⁷

- Poor parenting can play a role in school violence – especially when that parenting involves substance abuse, physical abuse, or severe neglect. But not all troubled children have incompetent or unloving parents.³⁸
- Peer influence plays an important role, and there is often a problem of social contagion. Students can be drawn into violence by friends – for example, one teenager’s depression and another’s sadism can converge to produce terrible results.³⁹
- Violence also often follows from a list of increasingly-serious incidents: suspension, destruction of property, criminal involvement outside of school, etc.⁴⁰
 - For example, in a true threat assessment, a “red flag” might be a sequence like the following: a student is arrested outside of school, suspended after defacing a locker while at school, and then turns in a written assignment with disturbing language and/or imagery.⁴¹
- Generally speaking, perpetrators of school violence are male. These male students often suffer from fragile identities rooted in feelings of shame, envy, and weak/deficient masculinity.⁴² Violence, thus, can be seen as way of addressing or compensating for these feelings.
- The worst, most destructive forms of school violence are characterized by student perpetrators that (1) lack empathy (due to issues which may include anger, a “me against the world” mentality, sadism, desperate insecurity, and emotional impairment), (2) exhibit “existential rage,” and/or (3) are mentally impaired due to existential anguish (often on the verge of suicide).⁴³

In Texas, school violence is carried out by student perpetrators that may act out for a variety of reasons, and based upon a variety of influences. Thus, prevention strategies enacted by the legislature must take into account the complexity of overlapping causes and seek to incorporate them into program design. As the above profile indicates, it is never a foregone conclusion that violence will occur. The better school administrators and policymakers understand violence-prone students’ commonly-held attributes and backgrounds, the more likely it is that they can be identified and appropriately handled *before* they tailspin toward destructive outbursts and cause harm to others.

Two specific areas that the profile suggests should be targeted are anti-bullying and so-called “de-escalation” training, which will be further explored below. Anti-bullying efforts address the inter-peer aggression, conflict, and ridicule that often spark violence. De-escalation measures, meanwhile, attempt to quell student anger and “talk down” students that are on the verge from lashing out.

One final way in which the above profile is useful to legislators is that it speaks to the need for comprehensive communication strategies. In some schools, “siloeing” is a problem: for example, a teacher may know that a student has written disturbing thoughts in an assignment, and a counselor knows that the same student has suffered abuse at home, but the two school employees are not aware of the other’s experience and knowledge. As the information above suggests, students often act out only after several factors combine and exacerbate each other. The more complete a picture schools have of their students, the likelier they are to identify students prone to violence.

IV. CONSIDERATIONS DRAWN FROM RESEARCH

When it comes to addressing, and preventing, school violence, **academic research provides a lens into several important sub-issues that are worthy of consideration for legislators. Certain “buzzwords” and topics come up frequently in the literature and in public discussion, and it is likely that they will also come up when/if the legislature considers training and data aggregation reforms.** These topics involve questions like: (1) *What is the appropriate way to “punish” a child that is violent so as to deter future outbursts?* (2) *Why are certain school discipline strategies more complicated than meets the eye?* (3) *Why are threats and bullying that occur off-campus still of concern to schools and administrators?* (4) *What are Texas schools reporting to be their biggest concerns?* (5) *Which types of prevention training have a proven history of success?* They are further fleshed out below.

- *Restorative justice or strict discipline?*

When one is suspected of, or has threatened, future school violence, the question of punishment is raised. There is a balancing that must take place: a school weighs the need to signal moral opprobrium regarding inappropriate, hurtful actions, on the one hand, with the imperatives to deter future problematic conduct, reintegrate the problem student (by rebuilding broken relationships), and maintain a safe, learning atmosphere for other, non-violent students.

When this happens, there are always trade-offs in policy options. Strict, “zero-tolerance” policies have the advantage of impressing on the student the severity of the behavioral violation that has occurred. They also result in removal of the problem student from school grounds, thus fostering a safer school climate more conducive to learning for the rest of the student body, and one in which social conflicts – at least while the problem student is off-premises—may be less likely to occur.

Suspension or expulsion for a threat of violence, however, “can have several undesirable effects. It can increase students’ rage and the desire for revenge. It can also increase their sense of isolation. They may feel rejected and experience a loss of status. For people who are already on shaky ground emotionally, such punishment can make things even worse. Additionally, suspension or expulsion can result in decreased supervision in that students have unstructured time all day long.”⁴⁴

Generally speaking, “[t]he broad implementation of punitive suspension policies [has given] researchers ample data, the analysis of which has yielded a body of work suggesting th[at] . . . suspensions do not deter bad behavior . . . and mo[re] likely feed it by alienating students from the school community . . . Additional studies show that a student who has been suspended is more likely to eventually drop out of school or end up in the criminal justice system.”⁴⁵

Thus, some schools have begun to adopt policy alternatives to zero-tolerance. In so-called “restorative justice” models, teachers are urged “to take the time to talk to the [problem] student, calmly, outside the classroom, to work on building the relationship.”⁴⁶ Under this approach, administrator training “emphasize[s] each party owning up to his or her responsibility and making amends, with an honest conversation or an action (a student who had left a classroom in disarray might help the teacher clean it.)”⁴⁷

One administrator describes his version of restorative justice as: “[H]old[ing] our students to high expectations, provid[ing] the necessary support, restor[ing] damaged relationships and demonstrat[ing]

unconditional love.”⁴⁸ Crucial under this model is recruiting students to check the actions of their peers and training them to step in when appropriate.

Nevertheless, as with “zero tolerance,” this approach is imperfect. As stated above, fewer suspensions and expulsions mean that violent students may remain on school grounds, poisoning the social atmosphere for other students. And the “quixotic reality of restorative practices [is that]: Despite circle after circle, [some students] remain volatile, testing teacher’s patience for an approach that seemed to yield . . . few results.”⁴⁹

- *The problem of social media and cyber-violence.*

With the rise of modern technology, school “violence” has become harder to define and spatially delineate. Sometimes, what happens on the Internet and on mobile devices affects what happens inside schools, and hurtful actions do not always entail physical bodily injury (the harm is reputational or psychological). Furthermore, more than one-third of violent threats to schools are delivered by social media, email, text messaging, and other forms.⁵⁰ Schools often must make threat assessments for online communication that implicates them.

In 2015, 88 percent of American teenagers had access to a mobile phone, and 24 percent were online “almost constantly.”⁵¹ Cyber-bullying, in addition to school threats, is a significant problem – with roughly one-tenth of all school aged children reporting being victims of it.⁵² Part of the danger of “violence” perpetrated online is that it’s not always based on one-on-one interaction; there is a viral aspect of online communication that is especially fraught for teenagers. That is to say, “the wildfire aspect of something that races around online, the feeling that there’s something out there that must be known and shared, lest you be left out of the conversation.”⁵³

One firsthand account by a female student indicates the problem:

A senior in high school I know was “caught [engaging in sexual acts]—it was at a party and somebody walked in and took a picture and it went all over social media. And so many people were hating on her in the school and she literally had no friends left She was being called a slut and it got to her badly, ‘cause she suffers from anxiety and depression, and she wanted to kill herself.”⁵⁴

Clearly, if any of this activity happened at school, it would be sanctionable conduct. But because it happened online, it raises hard issues for school administrators. Appropriate responses, and the law governing such situations, are beyond the scope of this white paper.

Yet legislators should be aware of the fact that cyberbullying is a problem in Texas. A girl in Texas City took her own life in November of 2016 after “an onslaught of bullying for years” – behavior that involved her peers “creat[ing] fake social media accounts to harass her” on account of her weight.⁵⁵ And earlier this year, several suicides in the San Antonio area appear to have been caused by cyberbullying.⁵⁶ In general, the rise of social media and internet usage by adolescents seem to exacerbate suicide risk.⁵⁷ (NB: Currently, individual school districts are in charge of creating their own anti-bullying policies.⁵⁸)

- *Texas schools’ safety and security needs assessment.*

In Texas, public schools must report their safety and security climates annually. Among the significant findings from the most recent survey are that⁵⁹:

- Over forty percent of schools feel that bullying and cyberbullying are “moderately,” “very,” or “extremely” concerning at their campuses.
- Almost sixty percent of schools feel that the threat of mass violence is “moderately,” “very,” or “extremely” concerning at their campuses.
- Over forty percent of schools feel that student fighting is “moderately,” “very,” or “extremely” concerning at their campuses.
- Less than ten percent of schools report that sex trafficking and/or human trafficking are “moderately,” “very,” or “extremely” concerning at their campuses.
- Roughly 76% of campuses report that additional on-site violence prevention training would be “moderately,” “very,” or “extremely” useful, while roughly 36% of campuses say that off-site training would be useful.

- *Prevention programs work. But which kind?*

A variety of academic research has shown in recent years that specific types of violence prevention programs can have quantifiable, statistically significant benefits. As one researcher describes the developments:

Ten years ago the greatest impediment to the funding of delinquency prevention programs was the lack of well-tested models to serve different types of youth. However, in recent years a number of carefully designed and rigorously tested program models have proven their ability to produce strong positive impacts on youth behavior in a variety of organizational settings. Furthermore, cost-benefit studies of these programs have shown that many can virtually pay for themselves by way of the savings they produce in future law enforcement and correctional costs avoided.⁶⁰

Some examples of prevention programs that have been proven to be successful are⁶¹:

- Mentoring programs (e.g., Big Brothers Big Sisters) – youth are 33% less likely to hit someone;
- Anti-bullying programs (e.g., Olweus) – Reduction in reports of bullying and victimization, reduction in general antisocial behavior such as fighting, theft, and truancy;
- “Alternative thinking” strategies (e.g., PATHS) – Decreased reports of conduct problems, including aggression; and
- “Parent and teacher prevention programs (e.g., “The Incredible Years”) – reduction in peer aggression in the classroom, reductions in conduct problems at home & school.

Based on recent news anecdotes, *de-escalation training* also works: for example, when a 14-year-old teen arrived at his middle school with a gun this fall, he had a 45 minute conversation with his school counselor, who had been trained in de-escalation techniques. He had planned to use the gun to kill teachers and a police officer, but after the conversation, he agreed to give up his gun.⁶²

For violence prevention to be effective – not every time, in every circumstance, but broadly-speaking – *tiered* approaches to risk mitigation are often advocated.⁶³ An example of this tiered structure of programming at an individual school or district would be:

- Tier One: access to conflict resolution programs, suicide intervention programs, and peer intervention programs;

- Tier Two: target kids experiencing difficult, stressful periods (losing a loved one, suffering from teasing/bullying, or those in high-risk populations) with increased counseling/attention; and then
- Tier Three: refer children of particular concern to specially trained teachers/investigators.

To recap: Lawmakers should be aware that when it comes to school discipline, there is a debate between “restorative justice” and “zero tolerance” techniques, and both approaches have strengths and weaknesses. They should also acknowledge that conflict and bullying can migrate from off campus locations or electronic communications to discussions and interactions occurring on school grounds. Finally, they should take schools’ surveys into account: significant percentages of Texas schools report that violence is a serious concern and that more training to prevent it would be helpful. Based on evidence of past success, tiered approaches and de-escalation are areas to emphasize in training protocols.

V. CONCLUSION AND RECOMMENDATIONS

Based on the above analysis and related research, several conclusions may be drawn that are useful for policymakers to consider.⁶⁴

First, punishment is not the same objective as prevention, and the two entail different strategies; in other words, subjecting a student to discipline for wrongful conduct should not be confused with ensuring that student does not engage in repeat behavior down the road.

Second, physical security measures – ID badges, cameras, metal detectors, and the like – can deter some, but probably not most, forms of violence.

Third, students must play a role in preventing violence (perhaps through an “if you see something, say something” campaign modelled off the Department of Homeland Security terrorism prevention policy).

Fourth, there is a problem of fragmented information – teachers, counselors, and administrators don’t always see each other’s records. In isolation, student infractions can seem minor, but when aggregated together, they become serious. In general, schools need to coordinate the integration of notes and records to better ensure safety. They also need to make sure every student at their school is “connected” to (i.e. in frequent social contact with) at least one adult – a counselor, teacher, or coach. The socially isolated are more prone to not seek help, which can stoke the embers of future violence.

Fifth, in addition to prevention programs currently in use, broader motivational programming offerings (see, e.g. “Rachel’s Challenge,” etc.) aimed at changing school culture may be useful at prevention as well.

To better ensure school safety, lawmakers may wish to:

1. Change the way TEA aggregates data regarding the incidence of school violence.
 - a. Mandate that the agency chart data chronologically, allowing for easier year-to-year comparisons.
 - b. Mandate that the agency designate individual exemplars – e.g., large urban schools with next to no violence vs. others that are persistently dangerous. Better understanding the successful strategies and training programs (or lack thereof) at these schools will inform the policymaking discussion moving forward.
 - c. Beyond the numerical incidence of certain kinds of violence (e.g. the number of times statewide that someone brought a knife to school), TEA reports should differentiate between rural vs. suburban vs. urban schools; male vs. female perpetrators; ages; ethnic groups; and type of event precipitating violent actions. (For a possible model of such data collection, see Rami Bensbenishty and Ron Avi Astor, *School Violence in Context Culture, Neighborhood, Family, School, and Gender* (Oxford: New York, 2005), 49.)
2. Reform the Texas School Safety Center to allow for an updated, broader range of programming – one option would be for the TSSC to partner with Crisis Prevention Institute (CPI) and other providers for increased and/or new anti-bullying offerings.
3. Mandate that TEA conduct a statewide survey to monitor for all schools:

- a. Safety and discipline practices: control access to buildings, security cameras, ID badge, and dress code.
 - b. Violence prevention training – what kind, what subjects are covered, and how often is it administered?
 - c. Any plans for active shootings and suicide threats.
 - d. Security personnel on site, including type of security and frequency of and breadth of security coverage.
 - e. Detailed reporting on bullying.
 - f. How online conduct is being addressed.
4. Legislatively address what schools should do with potentially violent *special education* students, or those that are disruptive, but not violent, when there are no alternative placement options.
 5. Expand TCOLE training passed last session to cover school employees other than peace officers and resource officers, as well as smaller districts with fewer than 30,000 students⁶⁵.
 - a. Districts (and their associated Regional Service Centers, when applicable) could expand their current offerings of de-escalation training and provide such training to employees *other than* special ed teachers (the only current group, in some districts, that *is required* undergo de-escalation training). The chart below gives some idea of the serious dearth in trained staff – in large districts like Houston, for example, there are only 12 instructors trained in de-escalation for more than 200,000 students.

District	Students	Teachers	Instructors
Houston ISD	215157	11645	12
Plano ISD	54822	3824	13
El Paso ISD	61620	4121	3
North East ISD	68205	4257	24
Mansfield ISD	33456	2270	6
Roma ISD	6490	446.97	3
San Angelo ISD	15009	931.29	3
Mission CISD	15372	1008.8	2
Crane ISD	1147	93.99	0

Source: Crisis Prevention Institute

¹ Ashley Fantz, Steve Almasy, and AnneClaire Stapleton, “Muslim teen Ahmed Mohamed creates clock, shows teachers, gets arrested, *CNN.com*, Sept. 16, 2016, available at <http://www.cnn.com/2015/09/16/us/texas-student-ahmed-muslim-clock-bomb/> (last accessed 20 Oct. 2016).

² See, e.g. Tawnell D. Hobbs, “Skyline High School teacher suffers minor injuries in student assault,” *The Dallas Morning News*, 19 Nov. 2015, available online at <http://www.dallasnews.com/news/news/2015/11/19/skyline-high-school-teacher-suffers-minor-injuries-in-student-assault> (last accessed 9 Jan. 2017).

³ See, e.g. Justin Wm. Moyer, “White high school teacher arrested in Tex. after classroom attack on black student caught on video,” *The Washington Post*, April 11, 2016, available online at <https://www.washingtonpost.com/news/morning-mix/wp/2016/04/11/white-high-school-teacher-arrested-in-tex-after-classroom-attack-on-black-student-caught-on-video/> (last accessed 20 Oct. 2016).

⁴ Peter Langman, *Why Kids Kill: Inside the Minds of School Shooters* (St. Martin’s Griffin: New York, 2009), 3.

⁵ Susan Dominus, “Halls of Justice,” *The New York Times Magazine*, Sept. 11, 2016, at p.60.

⁶ See, e.g., Neiman, S. (2011). *Crime, Violence, Discipline, and Safety in U.S. Public Schools: Findings from the School Survey on Crime and Safety: 2009–10* (NCES 2011-320). U.S. Department of Education, National Center for Education Statistics. Washington, DC: U.S. Government Printing Office; Gray, L., and Lewis, L. (2015). *Public School Safety and Discipline: 2013–14* (NCES 2015- 051). U.S. Department of Education. Washington, DC: National Center for Education Statistics, available online at <http://nces.ed.gov/pubs2015/2015051.pdf> (last accessed 21 Oct. 2016); Zhang, A., Musu-Gillette, L., and Oudekerk, B.A. (2016). *Indicators of School Crime and Safety: 2015* (NCES 2016-079/NCJ 249758). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC; NCES, “Student Surveys – Publications,” available online at http://nces.ed.gov/programs/crime/student_pubs.asp (last accessed 24 Oct. 2016); NCES, “Principal/School Surveys,” available online at <http://nces.ed.gov/programs/crime/principals.asp> (last accessed 24 Oct. 2016); United States Secret Service and DoE: *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>; United States Secret Service and DoE: *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States* <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>; CDC: the “Understanding School Violence Fact Sheet,” “Behaviors that Contribute to Violence on School Property,” and various data sets related to school violence and prevention – see, www.cdc.gov/violenceprevention/pdf/school_violence_fact_sheet-a.pdf; https://www.cdc.gov/healthyyouth/data/yrbs/pdf/trends/2015_us_violenceschool_trend_yrbs.pdf; <http://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/savd.html>; http://www.cdc.gov/healthyyouth/data/shpps/pdf/2014factsheets/violence_shpps2014.pdf.

⁷ See, e.g. Zhang and Oudekerk, at v (stating, “Between 1992 and 2014, the total victimization rate at school declined 82 percent . . . The percentage of students who reported being threatened or injured with a weapon on school property has decreased during over the last decade, from 9 percent in 2003 to 7 percent in 2013.”) The report’s findings include similar statistical decreases in bullying, harassment, etc.

⁸ Neiman, *supra* n.6 at 4.

⁹ Gray and Lewis, *supra* n.6 at 2.

¹⁰ See, e.g. William DeJong, National Institute of Justice Program Focus, *Building the Peace: The Resolving Conflict Creatively Program*, 1993, available online at <http://files.eric.ed.gov/fulltext/ED379562.pdf>.

¹¹ See DoE, “Project Prevent Grant Program,” available online at <http://www2.ed.gov/programs/projectprevent/index.html> (last accessed 24 Oct. 2016).

¹² See DoE, “Project School Emergency Response to Violence (SERV),” available online at <http://www2.ed.gov/programs/dvppserv/index.html> (last accessed 24 Oct. 2016).

¹³ Texas Educ. Agency, “School Safety Choice Option,” Agency Non-Regulatory Guidance.

¹⁴ Evie Blad, “Feds to Schools: Protect Students’ Civil Rights by Limiting Role of School Police,” *Education Week*, Sept. 8, 2016, available at http://blogs.edweek.org/edweek/rulesforengagement/2016/09/feds_to_schools_protect_students_civil_rights_by_limiting_role_of_school_police.html?intc=main-mpsmv (last accessed 25 Oct. 2016).

¹⁵ See DoE and DoJ *Safe School-based Enforcement through Collaboration, Understanding, and Respect (SECURE) – State and Local Policy Rubric*, available at <http://www2.ed.gov/documents/press-releases/secure-policy.pdf> (last accessed 35 Oct. 2016).

¹⁶ Tex. Educ. Code § 37.001.

¹⁷ See, e.g. Tex. Educ. Code §§ 37.0011, 37.002, 37.0021, 37.006.

¹⁸ Tex. Educ. Code § 37.0012(b).

¹⁹ Tex. Educ. Code §§ 37.081-37.0811.

²⁰ Tex. Educ. Code § 37.051.

²¹ Ross Ramsey, “Analysis: Texas Schools, by the Numbers,” *The Texas Tribune*, July 13, 2015, available online at <https://www.texastribune.org/2015/07/13/analysis-texas-schools-numbers/> (last accessed 9 Jan. 2017).

²² However, based on TCCRI conversations, timing was an issue, and some involved in the process felt it was haphazard and/or rushed, based on unrealistic deadlines imposed by the legislature.

²³ TCCRI obtained a copy of this training protocol vis-a-vis an open records request.

²⁴ To see the agenda for TSSC’s most recent such conference, please see <https://locker.txssc.edu/eb5c5c8540b5d48f69aaab13ffd38ac5/Agenda.pdf>.

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- ²⁵ See, e.g. McKenna, J.M., Lentz, T.S., & Gower, K.F., *Texas School Safety Practices Survey: 2015-2016*, Texas School Safety Center, Texas State University, San Marcos, TX (2016).
- ²⁶ McKenna et al, *supra* n.66 at 11.
- ²⁷ See Conference Program – Tex. Sch. Admin. Safety Conf. Oct. 23-26, 2016, available online at https://locker.txssc.txstate.edu/eb5c5c8540b5d48f69aaab13ffd38ac5/2016_TSAS_Conference_Program.pdf (last accessed 25 Oct. 2016).
- ²⁸ Tawnell D. Hobbs, “Terroristic threats up in Texas schools,” *The Dallas Morning News*, Dec. 2, 2015.
- ²⁹ See AG’s “School Crime and Discipline Handbook 2013,” available online at https://texasattorneygeneral.gov/files/cj/schoolcrime_2013.pdf (last accessed 25 Oct. 2016).
- ³⁰ Highland Park High School website, available at <http://hs.hpisd.org/Departments/Counseling/PersonalSupport.aspx> (last accessed 20 Oct. 2016).
- ³¹ Peter Langman, *Why Kids Kill: Inside the Minds of School Shooters* (St. Martin’s Griffin: New York, 2009), xii.
- ³² *Id.*
- ³³ *Id.* at 4-9.
- ³⁴ *Id.* at 13.
- ³⁵ *Id.* 15-25; see also, Sue Klebold, *A Mother’s Reckoning: Living in the Aftermath of Tragedy* (Crown: New York, 2016), 152.
- ³⁶ In this respect, proclivities toward violence seem akin to drug addiction. It is easy to label both as “brain diseases” that are impossible to prevent, but that belies a more complicated reality in which the psychologically unstable still retain power over their actions, and those actions are still “wrong.” Stigma, disapproval, and accountability are thus warranted, despite the pleas of certain members of the medical community, whose empathy goes too far. See Sally Satel and Samuel Candler Dobbs, “What the Surgeon General Gets Wrong About Addiction,” *RealClearHealth*, Nov. 30, 2016, available online at http://www.realclearhealth.com/articles/2016/11/30/what_the_surgeon_general_gets_wrong_about_addiction_110290.html (last accessed 12 Dec. 2016).
- ³⁷ Andrew Solomon, “Introduction” to Sue Klebold, *A Mother’s Reckoning: Living in the Aftermath of Tragedy* (Crown: New York, 2016), xv.
- ³⁸ Andrew Solomon, “Introduction” to Sue Klebold, *A Mother’s Reckoning: Living in the Aftermath of Tragedy* (Crown: New York, 2016), xii; see also, Klebold at 136, 261-62.
- ³⁹ See, e.g., Klebold, *supra* n.35 at 134.
- ⁴⁰ See, e.g., Klebold, *supra* n.35, Chapter 13.
- ⁴¹ Klebold *supra* n.35 at 224.
- ⁴² Langman, *supra* n.4 at 147-51.
- ⁴³ Langman, *supra* n.4 at 138-44.
- ⁴⁴ Langman, *supra* n.4 at 186.
- ⁴⁵ Dominus, *supra* n.5 at 60.
- ⁴⁶ Dominus, *supra* n.5 at 62.
- ⁴⁷ *Id.*
- ⁴⁸ Dominus, *supra* n.5 at 61.
- ⁴⁹ Dominus, *supra* n.5 at 81.
- ⁵⁰ See Ken Trump, “Schools face new wave of violent threats sent by social media and other electronic means, study says,” Nat’l Sch. Safety and Sec. Servs., Feb. 25, 2014, available online at <http://www.schoolsecurity.org/2014/02/schools-face-new-wave-violent-threats-sent-social-media-electronic-means-study-says/> (last accessed 12 Dec. 2016).
- ⁵¹ Nancy Jo Sales, *American Girls: Social Media and the Secret Lives of Teenagers* (Knopf: New York, 2016) at 9.
- ⁵² U.S Dep’t of Education, Nat’l Center for Education Statistics, *Student Reports of Bullying and Cyber-Bullying: Results from the 2011 School Crime Supplement to the National Crime Victimization Survey*, Aug. 2013, available online at <http://nces.ed.gov/pubs2013/2013329.pdf> (last accessed 24 Oct. 2016).
- ⁵³ Nancy Jo Sales, *American Girls: Social Media and the Secret Lives of Teenagers* (Knopf: New York, 2016) at 6.
- ⁵⁴ Sales, *supra* n.53 at 52-53.
- ⁵⁵ Jake Reiner, “Bullying leads Texas City senior to suicide,” *Click2Houston*, Nov. 30, 2016, available online at <http://www.click2houston.com/news/bullying-leads-texas-city-senior-to-kill-herself> (last accessed 2 Dec. 2016).
- ⁵⁶ See, e.g. Madalyn Mendoza, “Alamo Heights student was a victim of bullying before committing suicide, family says,” *MySanAntonio*, Jan. 8, 2016, available online at <http://www.mysanantonio.com/news/local/article/Alamo->

[Heights-High-School-student-was-a-victim-of-6743320.php](http://news4sanantonio.com/news/make-it-stop/14-year-old-commits-suicide-after-being-bullied) (last accessed 2 Dec. 2016); Erin Nichols, “14-year-old commits suicide after being bullied,” *News4SanAntonio*, July 28, 2016, available online at <http://news4sanantonio.com/news/make-it-stop/14-year-old-commits-suicide-after-being-bullied> (last accessed 2 Dec. 2016); Michael Locklear, “8th grader dies after possible bullying in New Braunfels,” *News4SanAntonio*, Aug. 31, 2016, available online at <http://news4sanantonio.com/news/make-it-stop/8th-grader-dies-after-being-bullied-in-new-braunfels> (last accessed 2 Dec. 2016).

⁵⁷ See Benjamin Shain, *Suicide and Suicide Attempts in Adolescents*, Pediatrics, June 2016, available online at <http://pediatrics.aappublications.org/content/early/2016/06/24/peds.2016-1420> (last accessed 2 Dec. 2016).

⁵⁸ Tex. Educ. Code §§ 37.001(a)(7); 37.0832(c).

⁵⁹ The statistics that follow are taken from Texas School Safety Center – Texas State University, *Campus Safety and Security Needs Assessment Report 2015-2016 – Supplemental Frequencies, Percentages, and Crosstabulations*.

⁶⁰ Peter W. Greenwood & Susan Turner, “Chapter 4: Juvenile Crime and Juvenile Justice,” CRIME AND PUBLIC POLICY at 101 (Oxford: New York, 2011).

⁶¹ These are taken from Greenwood & Turner, *supra* n. _ at 108.

⁶² Derek Hawkins, “A teen took a gun to his middle school. This counselor talked him out of killing teachers and a cop,” *The Washington Post*, Sept. 30, 2016.

⁶³ Klebold, *supra* n.35 at 275-76.

⁶⁴ Most of these are taken from Langman, *supra* n.4 at Chapter 8.

⁶⁵ However, this should only be required where funds are available. We should avoid imposing unfunded mandates on small school districts. That’s why they were exempted in the first place.