

Legal Principles in Preventing and Responding to School Violence

By Martha M. McCarthy and L. Dean Webb

Students currently in our schools will be establishing the culture in the workplace in a decade, and perhaps in two or three decades they will be influencing public policy in their communities, states, and beyond. School climates need to change if we hope to create a culture in our society where differences in ideology and backgrounds are respected and where alternatives to violence are pursued to settle conflicts.

Concern about school safety has been elevated to unprecedented levels during the last year in the wake of the tragic shootings at a Littleton, Colo., high school and a Los Angeles day care center. The responses of policymakers at state and local levels have run the gamut from state or local mandates that schools develop safety plans to suggestions that teachers be allowed to carry guns. School districts have poured hundreds of millions of dollars into hiring security personnel and installing fences, metal detectors, surveillance cameras, and numerous other security devices—money that might otherwise be spent for programs and curricula (Jones 1999).

While the concern for the welfare of students is justified, in their zeal to protect students some school boards and school administrators have, in fact, violated the civil rights of the students they are seeking to protect. The American Civil Liberties Union reported investigating hundreds of complaints from students who felt they had been unfairly arrested, expelled, or suspended following the Columbine shootings (Jones 1999). The challenge for school administrators is to maintain that delicate balance between protecting the individual's rights and ensuring the general welfare by maintaining a safe and secure environment conducive to learning. [*General Counsel's note: If you must err, do so on the side of safety!*] This article entails a brief overview of those areas of the law that present the greatest difficulties for school administrators as they attempt to maintain this balance.

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Restrictions on Student Appearance

The interest of school officials in controlling student appearance has increased in recent years as certain clothing, jewelry, and other symbols have been associated with gang affiliation or membership. The shootings at Columbine High School raised concern about the wearing of trench coats and "Goth"-style clothing that was favored by the student shooters. While the U.S. Supreme Court has not directly addressed a case dealing with student appearance, lower courts have followed the guidance provided by the Court in other student expression cases (see *Tinker v Des Moines* 1969; *Bethel School District v Fraser* 1986; *Hazelwood School District v Kuhlmeier* 1988).

Accordingly, the judiciary has supported school policies restricting attire that can be linked to disruption, is lewd or vulgar, or presents a health or safety hazard. However, dress codes that are vague or lack any educational justification will not be supported. For example, in the well-publicized Iowa case, *Stephenson v Davenport Community School District* (1997), the Eighth Circuit Court of Appeals ruled that the school district policy prohibiting "gang related activities such as display of colors, symbols, signals, signs, etc." was too vague to put the student on notice that a tattoo of a cross between her thumb and index finger would fall within the scope of the policy.

The courts have also ruled that the well-intended goal of keeping gangs and gang violence off campus does not, in and of itself, provide sufficient grounds to prohibit students from wearing specific clothing or other symbols that could be associated with gang membership or affiliation. If challenged, the school district will be required to show that gang activity does exist at the particular school and that there is a relationship between the prohibited items and the gang activity. In a California case the school district passed a blanket policy prohibiting the wearing of any clothing identifying a college or professional sports team. Although the policy was upheld at the high school level, the court found no educational rationale for the policy at the elementary and middle school levels. Despite the assertion that the policy was needed to reduce the influence of gangs, testimony showed there was negligible gang activity at the middle school, and no gang activity at the elementary level (*Jeglin v San Jacinto Unified School District* 1993).

Whereas some schools have used attire prohibitions as a violence prevention strategy, others have adopted school uniforms. In fact, President

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Clinton advocated school uniforms in his 1995 State of the Union address. Voluntary uniform policies have been adopted, primarily at the elementary and middle school levels, in a number of large urban districts, including those in Baltimore, Md., Cleveland, Ohio, Memphis, Tenn., Miami, Fla., New Orleans, La., New York City, Philadelphia, Pa., St. Louis, Mo., and Washington, D.C. Most districts that have adopted uniforms have made them voluntary, but a number of districts (e.g., Birmingham, Ala., Chicago, Ill., Dayton, Ohio, Oakland and Long Beach, Calif., and San Antonio, Tex.) have made uniforms mandatory at the elementary level. However, most of these programs have included a provision allowing students, with parental permission, to "opt out" of the requirement.

In several districts parents have challenged mandatory uniform policies. In Long Beach, a suit filed by the American Civil Liberties Union on behalf of low-income families was settled out of court after the district agreed to inform parents of the opt-out provision and the availability of uniforms from charities. In an Arizona case, *Phoenix Elementary School District No. 1 v Green*, the state appeals court upheld a mandatory uniform policy with no opt-out provision, ruling that the policy was reasonably related to the school's interest in promoting school safety, reducing clothing distractions, ensuring that students dress properly, improving school spirit, leveling socioeconomic barriers, and reducing faculty time to enforce dress codes. The court also noted that the school had provided other means for student expression, including buttons, petitions, and non-uniform day.

Despite some judicial support of mandatory uniforms, the U.S. Department of Education (1998) in its *Manual on School Uniforms* advises school districts to provide an "opt-out" provision in any school uniform policy. According to the *Manual*, "absent a finding that disruption of the learning environment has reached a point that other lesser measures have been or would be ineffective, a mandatory school uniform policy without an opt-out provision could be vulnerable to challenge" (p. 2). The agency also recommends that districts make provisions for students whose families cannot afford the uniforms and for students whose religious beliefs might be substantially burdened by the uniform requirement.

It should be noted that the First Amendment and other constitutional

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provisions place constraints on *governmental* action and do not apply to students in private schools. Students attend private schools by choice, and as a condition of such attendance they can be required to give up certain liberties that would be constitutionally protected in public schools. For example, the private school contract signed by parents can stipulate that all students will wear uniforms and adhere to restrictive grooming regulations.

Privacy Rights: Search and Seizure

Public school students have privacy rights protected by the Fourth Amendment, which guarantees the right of citizens “to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.” In general, courts have held that students and schools jointly control school lockers, so school officials have been allowed to inspect lockers without search warrants and without securing the students’ permission. In short, students have an expectation of privacy in that their lockers are secure against classmates, but not against school personnel who can inspect lockers for legitimate reasons (e.g., uncovering weapons or drugs). Because of students’ nonexclusive ownership, courts have upheld random and blanket searches of lockers for illegal contraband. In fact, some courts have concluded that school personnel have a duty to inspect the lockers under their control to prevent their use for illicit purposes. The Tenth Circuit Court of Appeals declared that “school authorities have, on behalf of the public, an interest in these lockers and a duty to police the school, particularly where possible serious violations of the criminal laws exist” (*Zamora v Pomeroy* 1981, p. 670).

Some state regulations and school district policies have placed constraints on school personnel in connection with locker searches that go beyond Fourth Amendment mandates, such as requiring students to be present when their lockers are opened. Where such requirements have been adopted, courts will require school authorities to abide by them.

Students have a higher expectation of privacy in connection with personal searches (e.g., purses, pockets, book bags) than with their lockers; reasonable suspicion is necessary for personal student searches to satisfy the Fourth Amendment. The Supreme Court articulated the reasonable suspicion standard in 1985 in a case that involved the search of a student’s purse (*New Jersey v T.L.O.* 1985). Under this standard, school authorities do

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not have to secure a search warrant to conduct personal searches of students, but there must be reasonable grounds for suspecting the search will turn up evidence that the student has violated school rules or the law. Also, the scope of the search must be reasonable in that it is not excessively intrusive given the age and gender of the student and the focus of the search. This standard generally has been interpreted as requiring individualized suspicion that the student is concealing contraband before personal searches can be conducted.

Although a few courts have upheld strip searches based on reasonable suspicion (see, e. g., *Williams v Ellington* 1991; *Cornfield v Consolidated High School District* 1993), school authorities would be wise to avoid such intrusive searches. In fact, statutes in several states prohibit school personnel from conducting strip searches (see McCarthy, Cambron-McCabe, and Thomas 1998). If a strip search seems absolutely necessary, school authorities should contact the police to secure a search warrant based on probable cause that a crime has been committed.

One strategy used to identify whether students are bringing weapons to school is to have everyone go through metal detectors upon entering the building. If an individual sets off the metal detector, this provides reasonable grounds for a subsequent personal search of book bags or pockets. Courts have upheld the use of metal detectors without individualized suspicion, reasoning that the school's interest in ensuring the security of all students and staff members far outweighs the minimal invasion of privacy involved in the scanning process (see *Thompson v Carthage School District* 1996).

Metal detectors do not uncover drugs, so some school districts have used drug-detecting canine units or implemented drug-testing programs. Courts have condoned using dogs to sniff student lockers, and some courts have applied similar reasoning in upholding blanket dog sniffing of cars in school parking lots (*Horton v Goose Creek Independent School District* 1982). Most courts have drawn the line with blanket sniffing of students, however, holding that there must be individualized suspicion before having canines sniff students for drugs (see, e.g., *Jones v Latexo Independent School District* 1980; *Horton* 1982). Only the Seventh Circuit Court of Appeals (Indiana, Illinois, Wisconsin) has upheld the use of canine units to sniff all students, reasoning that a dog's alert cre-

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ates reasonable suspicion to conduct a subsequent search (*Doe v Renfrow* 1980).

The judiciary has upheld school authorities in subjecting individual students to urinalysis with reasonable suspicion that the targeted students are taking drugs. Although blanket or random drug testing programs for the entire student body have not yet been upheld (see, *Brooks v East Chambers Consolidated Independent School District* 1989), there has been recent movement in this direction. The Supreme Court in *Vernonia School District 47J v Acton* (1995) upheld suspicionless testing of students participating in athletic programs, noting that students have a lower expectation of privacy in connection with athletic activities. The Court reasoned that the school district's "custodial" responsibility for the welfare of children entitles school personnel to more control than would be allowed in other settings.

The Court also recognized the important governmental interest of deterring drug use among schoolchildren, especially among athletes, where drug use poses a significant risk of harm to others. Other courts have upheld random drug testing of all students who participate in cocurricular activities (*Todd v Rush County Schools* 1998; *Miller v Wilkes* 1999), which covers about 80 percent of high school students. However, the Supreme Court of Colorado struck down such a program that applied to band members who were taking an instrumental music class for credit; the court reasoned that band was not a voluntary cocurricular activity and found no evidence that this group of students contributed to the school's drug problem (*Trinidad School District v Lopez* 1998). Also, the Seventh Circuit Court of Appeals recently struck down a policy requiring drug testing of all students involved in fights, because the court did not find a sufficient connection between the behavior at issue and drug use (*Willis v Anderson Community School Corporation* 1999).

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Procedural Rights

The Fifth Amendment guarantees that no individuals can be compelled to be a witness against themselves in any criminal action. In the landmark case of *Miranda v Arizona* (1966), the U.S. Supreme Court interpreted this Fifth Amendment right against self-incrimination as requiring that a person being detained be advised of his or her right to remain silent. The question of how this right applies when school authorities question students about possible violations of the law or school policy has arisen in several cases. *The*

courts have been unanimous in confirming that Miranda warnings are not required when a student is questioned by school authorities about violations of school policy (see, e.g., *In re Harold S.* 1999). In fact, the judiciary has ruled that even if a police official, such as a school resource officer, is present at the questioning, the student does not have to be Mirandized. However, if the police officer does the questioning, the student's Fifth Amendment rights do apply (*State of Washington v D. R.* 1997).

If during questioning it appears that the violation of the school policy may also be a violation of criminal law, law enforcement officials should be notified and asked to be present before questioning proceeds. Every reasonable effort should also be made to contact the student's parent, guardian, or representative, who should be given the opportunity to confer with the student and be present during any further questioning (Aspen Reference Group 1999). In such instances, case law to date still has not required school administrators to give *Miranda* warnings. Even though not always required, the most prudent course of action is to have the law officer provide the *Miranda* warning to protect the student and ensure that any information obtained will be admissible in subsequent criminal proceedings. And, in fact, NASSP's *Safe Schools Handbook* (1995) advises that when a student is suspected of a serious breach of the criminal code (e.g., a shooting at school), school officials should step aside and let police officials conduct a formal interrogation.

In addition to Fifth Amendment rights, public school students are entitled to procedural protections under the Fourteenth Amendment. Every state constitution places a duty on the legislative body to provide for a system of free public schooling, so students have a state-created property right to attend school (*Goss v Lopez* 1975). Given this right, school authorities must provide students at least minimal procedural due process before removing them from their regular instructional assignment through in-school or out-of-school suspensions. This means that even for suspensions of a brief period of time (e.g., one class period), the Fourteenth Amendment entitles the student to notice of the charges and the opportunity to tell his or her side of the events that led to the disciplinary action. As the Supreme Court recognized in *Goss v Lopez* (1975), the judiciary is not imposing on school personnel anything more than fair-minded administrators have always done. The fundamental fairness required in connection with short-term suspensions (fewer than 10 days) does not entitle students to call their

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own witnesses or to be represented by counsel (see *Boynton v Casey* 1982; *Bethel School District v Fraser* 1986).

Of course, the longer the suspension, the more formal the procedural safeguards should be. With expulsions (i.e., removing students from school for a period 10 days or longer), the student should be granted a formal hearing where he or she can be represented by an attorney. State laws and school board policies generally specify the grounds for expulsions and stipulate the length of expulsions (usually no longer than the end of the current academic year unless the expulsion takes place near the conclusion of the school term). In the absence of requirements in state law or school board policy, no services need be provided for expelled children, except for children with disabilities who are covered by the Individuals with Disabilities Education Act. Educational services cannot be terminated for children with disabilities, so they are entitled to home education or some other alternative placement during the expulsion. Before such a change of placement can occur, the child's review committee must meet and agree on the alternative setting (*Honig v Doe* 1988).

Under the Federal Gun Free Schools Act of 1994, all states are required to have legislation stipulating that students who bring firearms to school will face at least a one-year expulsion. If states do not comply, they risk withdrawal of their federal funds under the Elementary and Secondary Education Act. Local superintendents are given some flexibility to modify the expulsion requirement in individual cases. For children with disabilities, the expulsion for violating the Gun Free Schools Act is limited to 45 days and, as noted above, educational services cannot be terminated for such children.

States and school districts have responded in various ways to their legal obligations under the Gun Free Schools Act. Many school boards have implemented zero-tolerance policies that pertain to drugs as well as all types of weapons. Under some zero-tolerance policies, no exceptions are made in expelling students for noncompliance, and no provisions are made for alternative educational programs at public expense. Other zero-tolerance laws or policies provide opportunities for students to appeal the penalty and/or provide alternative school programs for the expelled students. Proponents praise zero-tolerance provisions as a vehicle to reduce school violence, but critics are concerned that in some instances the infraction may not warrant the punishment imposed.

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Harassment and Hate Crimes

Much of the violence in schools is motivated by racial or ethnic prejudice or sexual aggression (including peer-to-peer sexual harassment and anti-gay harassment). Many school districts have sought to limit bias-based violence by enacting policies prohibiting harassment motivated by a student's race, national origin, religion, gender, sexual orientation, or disability. These policies typically define harassment as oral, written, graphic, or physical conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the student's ability to participate in or benefit from the district's educational programs or activities. Often, school district anti-harassment policies provide the following examples of the types of conduct that may create a hostile environment based on one or more of the characteristics noted above:

- Intimidation and implied or overt threats of physical violence
- Physical acts of aggression, assault, or damage to another's property
- Demeaning jokes, taunts, slurs, nicknames, innuendoes, or other negative or derogatory remarks
- Graffiti or other visual displays such as cartoons or posters depicting slurs or derogatory sentiments
- Use of "fighting words" intended to incite individuals to violent action
- Criminal offenses directed at an individual (see U.S. Department of Education and National Association of Attorneys General 1999 for more detailed examples and discussion of recommended school district policies).

A number of anti-harassment policies have faced First Amendment challenges in the courts. Although some university policies prohibiting discriminatory or harassing expression have been found unconstitutionally overbroad (see, e.g., *UWM Post v Board of Regents* 1991; *Dambrot v Central Michigan University* 1995), policies prohibiting hate expression and behavior in elementary and secondary schools do not seem vulnerable to successful First Amendment challenges. For example, a Kansas federal district court upheld the three-day suspension of a middle school student for drawing a picture of a Confederate flag on a piece of paper in violation of the school district's policy against harassment and intimidation. The policy, which prohibited students from possessing at school "any written material, either printed or in their own hand writing,

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that is racially divisive or creates ill will or hatred" included reference to Confederate flags or articles, as well as other items, such as Black Power or Nazi symbols, which might lead to a disturbance (*West v Darby Unified School District* 1998). Although a panel of the Eleventh Circuit Court of Appeals in a subsequent Florida case found an insufficient link between a student's display of a Confederate flag to a group of his friends and any school disruption to warrant the student's suspension, the full appellate court recently vacated this ruling and agreed to rehear the case (*Denno v School Board of Volusia County* 1999).

Harassing conduct based on gender has received particular attention in the 1990s. From self-reports, four-fifths of public school students have been victims of some form of sexual harassment (AAUW 1992). In a case involving harassment of a student by a teacher, *Franklin v Gwinnett* (1992), the U.S. Supreme Court held that in addition to legal sanctions against the harasser, victims might be entitled to damages from the school district for severe, persistent, or pervasive sexual harassment, which constitutes gender discrimination under Title IX of the Education Amendments of 1972. In subsequent cases involving student harassment by school employees and peers, the Court ruled that the school district will be held liable under Title IX only if school officials with authority to stop the harassment have actual knowledge of the behavior and reflect deliberate indifference toward the victim (*Gebser v Lago Vista Independent School District* 1998; *Davis v Monroe County Board of Education* 1999).

Most incidents of alleged harassment involving First Amendment questions do not have simple solutions but require a careful consideration of all the factual and legal issues. The U.S. Department of Education and the National Association of Attorneys General (1999) distributed *Protecting Students from Harassment and Hate Crime: A Guide for Schools*, which directs schools to *Sexual Harassment Guidance* (U.S. Department of Education 1997) and free expression court cases (e.g., *Tinker v Des Moines* 1969; *Bethel School District v Fraser* 1986; *Hazelwood School District v Kuhlmeier* 1988) for analyses of the interplay of First Amendment protections and harassment prohibitions. *It is incumbent on all schools and educators to take harassment complaints seriously and to make every effort to prevent all types of disrespectful behavior from occurring.*

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Violence to Self: Student Suicide

Suicide is the fifth leading cause of death among 5 to 14-year-olds and the third leading cause of death among 14 to 29-year-olds. About three-fifths of high school students have reported suicidal ideation, and 14 percent have attempted suicide (American Association of Suicidology 1997). As the suicide rate among school-age children has increased in recent years, so has the number of cases charging school district liability for failure to implement a suicide prevention program or failure to train staff to recognize suicidal tendencies, failure to prevent the suicide, or failure to notify parents of the student's suicidal tendencies.

To date, the courts have not imposed liability on school districts for failure to implement a suicide prevention policy or failure to train staff in suicide prevention, holding this to be a discretionary decision of the school district (see, e.g., *Brooks v Logan* 1995; *Hasenfus v LaJeunesse* 1999). The absence of a suicide prevention program or specialized training may not be sufficient to impose liability, but in several recent cases the courts have affirmed school authorities' duty "to use reasonable means to attempt to prevent a suicide when they are on notice of a child or adolescent student's suicidal intent" (*Eisel v Board of Education* 1991, p. 456; see also *Brooks v Logan* 1995). In fact, a Florida federal district court in *Wyke v Polk County School Board* (1995) awarded the mother of a suicide victim \$165,000 in damages. The court found that the failure of school officials to inform the student's mother of his attempted suicide at school the day before the completed suicide breached the duty imposed on school officials by state law to exercise reasonable care in supervising and protecting students. In contrast, a Maine court in *Hasenfus v LaJeunesse* (1999) held that school officials would be responsible for a student's suicide only if their behavior was so severe and deliberately indifferent as to "shock the conscience."

Although courts thus far have been reluctant to impose liability on school districts for student suicides, as more states and school districts mandate suicide prevention programs and as our knowledge of the risk factors and warning signs for suicide expand, the potential for school district liability will also increase. As suggested in *Eisel*, most courts recognize that the school district owes its students the duty to protect them from foreseeable harm, and that the ability to foresee could be created by specialized training. With or without the threat of liability, the safest course of action for all

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school employees is to be on the alert for the warning signs of suicide (see, e.g., Metha and Dunham 1988) and to treat seriously the suicide potential of any student who exhibits these signs.

Some limitations on student behavior are necessary to prevent violence in public schools, but students' rights must be protected in imposing such restrictions. Student handbooks should clearly describe the rationale for any conduct regulations and the consequences for noncompliance. Disciplinary rules should be discussed with the students, their justification should be debated, and rules should be eliminated if they lack a sound educational or safety rationale. Any constraints imposed on students' freedom must be necessary to protect the general welfare and advance the school's educational mission. Students should feel safe, but they should not view schools as prisons where they have lost all personal liberties.

Moreover, school authorities' emphasis should be on the prevention of antisocial and illegal behavior rather than on punitive action. Schools need to make every effort to encourage students to engage in civil conduct and healthful living and to use mediation to resolve conflicts. Student assemblies and group and individual counseling sessions can assist students in learning to treat others with respect and to expect such treatment in return. Various programs, some of which include simulations and role-playing exercises, are available to help students acquire mediation skills so they can resolve conflicts without resorting to violence and can empathize with individuals who are the victims of disrespectful or harassing behavior.

Students currently in our schools will be establishing the culture in the workplace in a decade, and perhaps in two or three decades they will be influencing public policy in their communities, states, and beyond. School climates must change if we hope to create a culture in our society where differences in ideologies and backgrounds are respected and where alternatives to violence are pursued to settle conflicts. As *Breaking Ranks* states, "High schools should, if necessary, be islands of tolerance where those whose customs and traditions and ideas might subject them to derision elsewhere can find refuge" (p. 70).~**B**

References

- American Association of Suicidology (AAS). 1997. Youth suicide fact sheet. Washington, D.C.: AAS.
- American Association of University Women (AAUW). 1992. *Hostile hallways*. Washington, D.C.: AAUW.
- Aspen Reference Group. 1998. *Safety and security administration in school facilities: Forms, checklists, & guidelines*. Gaithersburg, Md.: Aspen.

- Bethel School District No. 403 v Fraser*, 478 U.S. 675 (1986).
- Boynton v Casey*, 543 F. Supp. 995 (D. Me. 1982).
- Brooks v East Chamber Consolidated Independent School District*, 730 F. Supp. 759 (S. D. Tex. 1989).
- Brooks v Logan*, 903 P.2d 73 (1995).
- Cornfield v Consolidated High School District No. 230*, 991 F.2d 1316 (7th Cir. 1993).
- Dambrot v Central Michigan University*, 55 F.3d 1177 (6th Cir. 1995).
- Davis v Monroe County Board of Education*, 119 S. Ct. 1161 (1999).
- Denno v School Board of Volusia County*, 182 F.3d 780 (11th Cir. 1999), *vacated* (11th Cir., October 22, 1999).
- Doe v Renfrow*, 631 F. 2d 91 (7th Cir. 1980).
- Eisel v Board of Education of Montgomery County*, 597 A.2d 447 (1991).
- Franklin v Gwinnett*, 503 U. S. 60 (1992).
- Gebser v Lago Vista Independent School District*, 118 S. Ct. 1989 (1998).
- Goss v Lopez*, 419 U. S. 565 (1975).
- Hasenfus v LaJeunesse*, No. 98-2149, 1999 WL 244123 (1st Cir. Me).
- Hazelwood School District v Kuhlmeier*, 484 U.S. 260 (1988).
- Honig v Doe*, 484 U. S. 305 (1988).
- Horton v Goose Creek Independent School District*, 693 F.2d 524 (5th Cir. 1982), *cert. denied*, U.S. 1207 (1983).
- In the Interest of J. C.*, 591 So. 2d 315 (Fla. Dist. Ct. App. 1991).
- Jeglin v San Jacinto*, 827 F. Supp. 1459 (C. D. Cal. 1993).
- Jones, C. (1994, August 4). District spending on safety. *USA Today*, pp. 1-2.
- Jones v Latexo Independent School District*, 499 F. Supp. 223 (E. D. Tex. 1980).
- McCarthy, M.; N. Cambron-McCabe; and S. Thomas. 1998. *Public school law*, 4th ed. Boston, Mass.: Allyn & Bacon.
- Metha, A., and H. J. Dunham. 1988. Behavioral indicators. In *Preventing adolescent suicide*, edited by D. Capuzzi and L. Golden. Muncie, Ind.: Accelerated Development, Inc.
- Miller v Wilkes*, 172 F.3d 574 (8th Cir. 1999).
- National Association of Secondary School Principals (NASSP). 1996. *Breaking ranks: Changing an American Institution*. Reston, Va.: NASSP.
- . 1995. *Safe schools: A handbook for practitioners*. Reston, Va.: NASSP.
- New Jersey v T. L. O.*, 469 U.S. 325 (1985).
- Phoenix Elementary School District No. 1 v Green*, 943 P.2d 836 (Ariz. Ct. App. 1997).
- Stephenson v Davenport Community School District*, 110 F.3d 1303 (8th Cir. 1997).

- State of Washington v D. R.*, 930 P.2d 350 (Wash. Ct. App., 1997).
- Thompson v Carthage School District*, 87 F. 3d 979 (8th Cir. 1996).
- Tinker v Des Moines Independent Community School District*, 393 U.S. 503 (1969).
- Todd v Rush County Schools*, 133 F. 3d 984 (7th Cir. 1998), *cert. denied*, 119 S. Ct. 1254 (1998).
- Trinidad Sch. Dist. No. 1 v Lopez*, 963 P.2d 1095 (Colo. 1998).
- U.S. Department of Education. 1998. *Manual on school uniforms*. Washington, D.C.: U.S. Department of Education.
- U.S. Department of Education, Office for Civil Rights (OCR). 1997. *Sexual harassment guidance: Harassment of students by school employees, other students, or third parties*, 62 *Federal Register* 12034. Washington, D.C.: U.S. Department of Education.
- U.S. Department of Education, Office for Civil Rights & National Association of Attorneys General (Bias Crimes Task Force). 1999. *Protecting students from harassment and hate crime: A guide for schools*. Washington, D.C.: U.S. Department of Education.
- UWM Post v Board of Regents of University of Wisconsin*, 774 F. Supp. 1163 (E. D. Wis. 1991).
- Vernonia School District 47J v Acton*, 515 U.S. 646 (1995).
- West v Derby Unified School District*, No. 260, 23 F. Supp. 1223 (D. Kan. 1998).
- Williams v Ellington*, 936 F.2d 881 (6th Cir. 1991).
- Willis v. Anderson Community Sch. Corp.*, 158 F.3d 415 (7th Cir. 1998), *cert. denied*, 119 S. Ct. 1254 (1999).
- Wyke v Polk County Board of Education*, 898 F. Supp. 852 (1995).
- Zamora v Pomeroy*, 639 F.2d 662 (10th Cir. 1981).