Fall 3-2-2003

Policy Responses to Violence in Our Schools: An Exploration of Security as a Fundamental Value

Todd A. DeMitchell

Casey D. Cobb

Follow this and additional works at: https://digitalcommons.law.byu.edu/elj

Part of the Educational Administration and Supervision Commons, and the Education Law Commons

POLICY RESPONSES TO VIOLENCE IN OUR SCHOOLS: AN EXPLORATION OF SECURITY AS A FUNDAMENTAL VALUE[1]

Todd A. DeMitchell*

Casey D. Cobb**

I. INTRODUCTION

From anthrax to civilian jetliners used as missiles, the concern for personal safety and community security has claimed the national agenda. Since September 11, 2001, all other values pursued by government have paled to some degree in relation to the need for security. "All communities strive collectively to provide for the recognized needs of their members and for their own survival as communities."[2] Security is the "primary glue" of community.[3]

America has responded to the 9/11 threats, in part, by passing laws and policies and implementing procedures aimed at increasing security. Many pundits and commentators have asserted that America changed on September 11, 2001. But, what of the schools? While some public schools have responded to 9/11 by curbing field trips[4] and crafting policies on

---

* Todd A. DeMitchell (B.A. LaVerne College, M.A.T. University of LaVerne, M.A. University of California, Davis, Ed.D. University of Southern California, Post-Doctorate, Harvard University) is professor and chair of the Department of Education at the University of New Hampshire.

** Casey Cobb (B.A. Harvard University, M.A. University of Maine, Orono, Ph.D. Arizona State University) is an assistant professor of educational policy at the University of New Hampshire.

1. An earlier version of this paper was delivered at the Education Law Association annual conference in Albuquerque, New Mexico (Nov. 2001).

2. Deborah A. Stone, *Policy Paradox and Political Reason* 82 (Scott Foresman 1988).

3. *Id.* at 86.

4. *See* Mark Stricherz, *Safety Concerns Prompt Schools to Curb Travel*, 21 Educ. Week 1, 14 (Oct. 3, 2001).

bioterrorism,[5] the public school response to the need for security predates the World Trade Center and Pentagon horrors of September 2001.[6] For example, some school districts in the spring of 2001 were establishing the School Threat Assessment Response System, or STARS. These response teams typically comprise specially trained police and educators—sometimes supplemented with a handwriting expert and a bomb-detecting dog.[7]

Schools have long been considered safe havens for students, a place of calm and a refuge in an often troubled and increasingly violent world. Murder and death may stalk the streets leading to the school but they did not enter the schoolhouse gate, or so we once thought.[8] Parents typically believed that after their children arrived at school they would be in a safe environment. Many students believe that their survival at school, once taken for granted, is now an issue in doubt.[9] The United States General Accounting Office, in a 1995 report to Senator Christopher Dodd, a member of the Subcommittee on Children and Families, wrote, "The incidence of school violence—searches for weapons, shootings, gang

5. Darcia H. Bowman, *Schools Plan Responses to Bioterrorism*, 21 Educ. 1, 12 (Oct. 31, 2001).

6. For example, the following issues of professional journals highlighted violence and security in our nation's schools on their covers: The Sch. Inst. *Building Violence Prevention Into the Classroom* (Apr. 1994); Phi Delta Kappan, (special report) *Standing Up to Violence* (Jan. 1995); The Sch. Inst. *Preventing School Violence: Alternatives to 'Get Tough' Measures* (Feb. 1996); The Sch. Inst. *Filing Bad Apples: Should School Leaders try to Predict Violent Behavior?* (Feb. 2000); and Phi Delta Kappan, *Dangerous Schools and What You Can Do About Them* (Mar. 2000).

7. Scott S. Greenberger, *Threat Led to STARS Special Teams Allays Fears in Winchester*, Boston Globe B1, B4 (Apr. 4, 2001).

8. Jessica Portner, *Poll Finds Fear of Crime Alters Students Routines*, 2 Educ. Week 5 (Jan. 17, 1996) (analyzing a Louis Harris and Associates study of interviews with 2,023 students in grades 7 and higher in public and private schools that found that fear of crime and violence leads many students to miss school, get lower grades, and carry weapons); Cary Silverman, *School Violence: Is It Time to Hold School Districts Responsible for Inadequate Safety Measures?* 145 Educ. L. Rep. 535, 536 (Aug. 31, 2000) (citing that teachers also fear for their safety).

9. "For children to learn and teachers to teach, schools must be safe places. During the past decade, images of schools as safe havens have been replaced by metal detectors, drive-by shootings, gang warfare, and a generation of school children living in fear." Robert Linquanti & Bethann Berliner, *Rebuilding Schools as Safe Havens: A Typology for Selecting and Integrating Violence Prevention Strategies* 1 (Far W. Laboratory for Educ. Research and Dev.). *See* Ctr. for the Study & Prevention of Violence, *CSPV Fact Sheet* <http://www.colorado.edu/cspv/research/violenceschools> (accessed Nov. 17, 1999) ("Schools can no longer be seen as islands of safety because violence has invaded far too many of the nation's schools.").

activity, fighting, and other instances of disruptive behavior—has risen to unacceptable levels."[10] Research shows that school violence has become a serious concern for the American public[11] in spite of the fact that school violence is down.[12] Summarizing the United States Department of Education's findings, the *1999 Annual Report on School Safety*, stated, "The vast majority of schools are safe places. In fact, notwithstanding the disturbing reports of violence in our schools, they are becoming even safer. But the fears of students, teachers and parents are real."[13]

The concern about the safety of students in our schools reached a critical mass when the nation was both riveted and horrified by the April 20, 1999 television pictures of students at Columbine High School running out of the school single file, hands behind their heads, herded by SWAT team members. The vision of seventeen-year-old Patrick Ireland being dragged to safety through a broken second-floor school window by armed police officers became a focal point of the horror of twelve students and one teacher murdered and the suicide of the two deeply troubled teens who authored the rampage. United States Senator Harry Reid, following the killings in Littleton, Colorado, stated, "This is an emergency if anything has ever been an emergency."[14] President Bill Clinton, in a speech to the American Federation of Teachers, stated:

---

10. Sen. Subcomm. on Children and Families of the Comm. on Health, Educ., Lab. and Pensions, *Hearings on Promising Initiatives for Addressing School Violence*, 106th Cong. 1 (Apr. 25, 1995).

11. *See* Ron Astor & Heather A. Meyer, *The Conceptualization of Violence Prone School Subcontexts: Is the Sum Greater Than the Whole?*, 36 Urb. Duc. 374 (2001).

12. *See* Kim Brooks, Vincent Schiraldi, & Jason Ziendberg, *School Hype: Two years Later (2001)* 1 <http://www.cjcj.org/schoolhousehype/shh2.html> (accessed Nov. 11, 2001) ("Despite the fact that there was a 40% decline in school-associated violent deaths between school years 1997-98 and 1998-99 (from 43 to 26), the number of Americans who were fearful of their schools rose nearly 50% during the same period.") at 1. *See* U.S. Dept. of Educ., *For Release: Nation's Schools Experience Drop in Crime and Victimization According to the Departments of Justice and Education*, <http://www.ed.gov/pressreleases/10-2001/10312001.html> (accessed Dec. 28, 2001) ("Victimization in the nation's schools has decreased since 1992 according to a new report issued today by the Justice Department's Bureau of Justice Statistics and the Department of Education's National Center for Educational Statistics.").

13. U.S. Dept. of Educ. & U.S. Dept. of J., *Annual Report on School Safety* (1999).

14. Mark D. Preston, *School Violence Emergency Prompts $996M Senate Plan*, Telegram & Gazette Worcester A0 (May 8, 1999).

> Our progress will come to nothing if our schools are not
> safe places, orderly places, where teachers can teach,
> and children can learn. . . . Make no mistake this is a
> threat not to our classrooms, but to America's public
> school system and, indeed, to the strength and vitality
> of our nation.[15]

Over the last decade, public discussions regarding school
violence have increased. Literature, research, and
advertisements targeted at school security have proliferated.[16]
Policy makers have responded to the heightened concern about
the need to protect our students by passing a variety of
measures designed to make our schools safe once again. Police
officers, metal detectors, ID cards, zero-tolerance, and random
locker searches have become more the norm than the
exception. One Texas Legislator went so far as to propose
legislation that would allow principals and superintendents in
rural areas to carry guns at school.[17] The Secret Service
National Threat Assessment Center implemented a Safe School
Initiative in 1999. The methodology used to study the school
shootings was borrowed from their Exceptional Case Study
Project. For likely the first time, the Secret Service worked in
partnership with the U.S. Department of Education.[18]

It is the thesis of this paper that the pervasiveness of the
policy response to drugs, weapons, and violence has signaled
the emergence of a new fundamental value in educational
policy making—security. Public policy pursues those values
the polis considers most important at a given time. The
simplest, most basic of human needs is survival. Government
must protect its citizens from recognized threats—crime,
attack, and invasion. Schools have not, historically, pursued
security as a fundamental value. The school's concern has been
for student safety. Disciplinary policies are typically aimed at

---

15. Cited in Ron Avi Astor, Heather A. Meyer, & W.J. Behre, *Unowned Places and Times: Maps and Interviews About Violence in High Schools*, 36 Am. Educ. Res. J. 4 n.1 (1999).

16. Astor & Meyer, *supra* n. 11; Todd A. DeMitchell, *Security Within the Schoolhouse Gates: An Emerging Fundamental Value in Educational Policy Making?*, 120 Educ. L. Rep. 379 (1994).

17. *Texas Legislator Would Arm Principals in Small Schools*, Boston Globe A3 (Mar. 3, 2001).

18. Natl. Threat Assessment Ctr. <http://www.treas.gov/usssindex.htm?ntac.htm&1> (accessed Mar. 8, 2001).

disruption, fighting, and rowdy behavior, whereas security policies are aimed at protecting students from grievous injury and death.   Discipline maintains the integrity of the instructional environment and provides order.   Security maintains the health and well being of the individual. For the first time, schools are pursuing policies of security.

This exploratory study was designed to elicit data on the perceptions of a representative sample of New England school superintendents regarding policies that reflect the value of security. Literature on educational policy formation provided the theoretical base for the study. The study focused on whether security is emerging as a distinct fundamental value in educational policy making. Superintendents were asked to make choices between various fundamental values, much as they currently do in any policy environment where resources are not abundant.

II. FUNDAMENTAL VALUES AND POLICY MAKING

Understanding policy is important because, as Patricia First stated, "[p]olicy drives the educational system."[19] A policy is a set of values issued with authority and expressed in written form or words.   It is authoritative when there is sufficient power to induce a shift in behavior toward achieving specified values.   Supporting this definition, David Easton noted that policy "consists of a web of decisions and actions that allocate values."[20] Similarly, Deborah Stone argued that policy making is a struggle over ideas.   Those ideas, often called values, are invoked as justifications for government's action or inaction. Values provide "shared meanings [that] motivate people to action and meld individual striving into collective action."[21] Policy making is the struggle over which value or combination of values will be pursued in a given policy. It is the "way that cultural values are authorized and confirmed."[22] It is the essence of a political act, "the struggle of

---

19. Patricia F. First, *Educational Policy for School Administrators* 3 (Allyn & Bacon 1992).

20. David Easton, *The Political System, an Inquiry into the State of Political Science* 130 (Knopf 1953).

21. Stone, *supra* n. 2, at 7.

22. Catherine Marshall, Douglas Mitchell, & Frederick M. Wirt, *Culture and Education Policy in the American States* 6 (Falmer Press 1989).

a group to secure authoritative support of government for its values."[23]   It is reasonable to conclude that a policy is the embodiment of a particular value or set of values, which government deems is in the best interest of the public.

In education, a small cluster of fundamental values has surfaced. For educational policy makers, the constant dilemma is how to choose among the competing values to ascertain which will be pursued in any given policy.   Several commentators have offered descriptions of educational policy's fundamental values. Guthrie and Reed identify three deeply held values that significantly impact educational policy— equality, efficiency, and liberty.[24] Marshall, Mitchell, and Wirt posit that there are four dominant values in educational policy making—equity, efficiency, choice, and quality.[25] Swanson and King assert that five fundamental values have been historically prominent in policy making in general, and education, specifically.   Those values are liberty, equality, efficiency, fraternity, and economic growth.[26]

A comparison of these three value sets shows an overlap. Choice and liberty used by the authors above are similar and will be interchangeable for the purposes of this paper.[27] Equity and equality although similar are not exactly the same.[28] Efficiency is found in all three sets. Fraternity appears to be restricted to curricular issues raised in support of other values touted as American. And, economic growth can be subsumed under quality because education cannot be of quality if it does not prepare students to be productive in society. In addition, economic growth, per se, is influenced by state and national decisions and not by specific school district decisions.

---

23. Frederick M. Wirt & Michael W. Kirst, *Schools in Conflict* 1 (McCutchan Pub. Corp. 1982).

24. James W. Guthrie & Rodney J. Reed, *Education Administration and Policy: Effective Leadership for American Education* 26 (Prentice Hall 2d ed. 1991).

25. Marshall, *supra* n. 22. Frederick M. Wirt and Michael W. Kirst accept the four values as articulated in Marshall, et al., *The Political Dynamics of American Education*, 70 (1997).

26. Austin D. Swanson & Richard A. King, *School Finance: Its Economics and Politics*, (Longman 1991).

27. Frances C. Fowler, *Policy Studies for Educational Leaders: An Introduction*, (2000) ("Liberty—sometimes also called freedom, independence, or choice—is a fundamental principle of democracy, and these words resonate deeply in the hearts of most people.").

28. *Id.* at 112, ("Equality—sometimes called equity or social justice—has several meanings.").

Marshall, Mitchell, and Wirt recognized this connection when they wrote that "policies that push for quality provide norms and resources to improve those life chances by preparing the citizen for a complex world."[29] This discussion will accept and use the following values as dominant in educational policy making—equity, efficiency, choice, and quality. We use the term excellence as a proxy for quality because it is a term more commonly used in educational policy making.

A. Security as a Fundamental Value

While security as a fundamental value appears to be emerging in educational policy making,[30] it has long been part of policy making at the national and state levels. Deborah Stone discussed this value as part of the goals of the wider political process but not in terms of educational policy making. Borrowing from Edmund Burke in his book, Reflections on the Revolution in France, Stone posits that government's primary responsibility is to respond to the needs of its citizens. She wrote, "Need carries more weight than desires or deservingness."[31] And the simplest, most basic human need is sheer survival. Needs based on safety or being at risk have "become a major preoccupation in public policy."[32] It is this primary need to be safe that has recently surfaced in educational debates on what schools should do for and provide for students.

Security is not just a program or part of the curriculum much like safety classes; instead, it is a value that competes with other values for limited public resources. To the extent that policies valuing security, equity, efficiency, and excellence all cost money, these values are all in competition for scarce resources. Beyond monetary concerns, these values may conflict with one another. For instance, security clashes with efficiency because providing for safety is not always cost efficient. Money that goes to install surveillance cameras ($400 each), metal detectors ($2,000 to $10,000) and hire security personnel ($60,000 to $100,000 for an officer and $15,000 to

---

29. Marshall, Mitchell & Wirt, *supra* n. 22, at 137.

30. DeMitchell, *supra* n. 16, at 379.

31. Stone, *supra* n. 2, at 69.

32. *Id.* at 76.

$30,000 for an aide) is money not available for other things that may be more directly related to student outcomes.

Security clashes with choice in that security reduces options for action. This was demonstrated when New Hampshire was wrestling with whether to pass a Gun-Free School Zone law (HB 1528). At a hearing of the Senate Judiciary Committee, more than two hundred gun owners turned out, arguing against the law because they feared that it would limit their right to carry guns. Instead of limiting their right to bear arms in or near schools, the gun owners called for schools getting tougher with students who have weapons at school. The gun owners argued for liberty, the educators and the bill's sponsors argued for security. In a similar backhanded way, *Time* magazine, in a post-Columbine debate, featured among others Lisa Bouchard, a self-styled gun advocate, who asserted, "How different do you think the outcome would've been on the 20th of April if the teachers had been armed? I think teachers should be encouraged to have guns."[33] Ms. Bouchard wanted the teachers to have the liberty of packing a gun in school to maintain security, which would also support her goal of keeping her gun without additional control from government. She did not want her choice to possess a firearm to be infringed upon in the search for security in our schools. Ms. Bouchard wanted security for students but did not want it at the expense of her choice to possess firearms. These two situations point out how educational policy making does not occur in social isolation. Policies inside the schoolhouse gate impact the wider society outside the gate.

While not necessarily promoting equity, security can either be neutral towards it or it can be in opposition. If security policies target groups of students because of their membership in the group (such as racial or ethnic classifications), then security clashes with equity. It can also clash with security when both values are competing for scarce resources. For example, a school district may be faced with the option of funding a new literacy program aimed at low achieving students in schools with high poverty or hiring a security guard or installing a magnetometer.

Security competes with some values for its position on the public agenda and proponents of security as a fundamental

---

33. S.C. Gwynne, *Is Any Place Safe?*, 154 Time 30, 30 (Aug. 23, 1999).

value may form coalitions with other values such as excellence. Security and quality can be natural allies in that it is difficult to pursue a quality education in an unsafe environment. Commenting on this relationship between security and quality, Burke concluded, "[s]tudents cannot learn if they do not feel safe. No matter how you define safety—emotional or physical—it is a necessity in both the school and the classroom."[34] As has been demonstrated throughout history, one-time allies can become adversaries in periods of scarce resources.

Security policies are more than just a program or a single agenda item. It is a value, which helps to shape and identify agenda items that further its goal. It is more than "Take a Bite out of Crime" style programs or conflict resolution programs. Security goes to the very heart of what is important in the manner in which government relates to its citizens. Security policies can be found at all levels of government.

1. Protective Rings: Drugs, Guns, Prostitutes, and Violence

Policy makers at the national, state, and local levels have responded to the need for security in our schools.[35] For example, at the national level, Congress passed "The Safe and Drug-Free Schools and Communities Act of 1994," which provides grants to states for violence prevention programs and substance abuse education.[36] Second, the "Gun-Free Schools Act of 1994" requires states receiving federal funds to expel any student who carries a gun to school.[37] A third arena of federal involvement with the fundamental value of security is found in "Goals 2000: Educate America Act." After ending a filibuster by Senator Helms, the Senate passed the Goals 2000 legislation by a vote of 63-22 thus sending it to President Clinton who promptly signed it. Goals 2000 contained H.R.

---

34. Jim Burke, *Teenagers, Clothes, and Gang Violence*, 49 Educ. Leadership 10, 11. *See New Jersey v. T.L.O.*, 469 U.S. 325, 350 (1984) ("The primary duty of school officials and teachers, as the Court states, is the education and training of young people... Without first establishing discipline and maintaining order, teachers cannot begin to educate students.").

35. *See* Laura Beresh-Taylor, *Preventing Violence in Ohio's Schools*, 33 Akron L. Rev. 311, n. 23 (2000); Robert C. Cloud, *Federal, State, and Local Responses to Public School Violence*, 120 Educ. L. Rep. 877 (1987).

36. Pub. L. No. 103-382, § 403, 108 Stat. 3672 *et seq.* (1994).

37. 20 U.S.C. § 8921 (1994).

2455, the "Safe Schools Act of 1994."[38] This particular part of Goals 2000 was "intended to achieve Goal Six of the national educational goals which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning by ensuring that all schools are safe and free of violence."[39] These pieces of federal legislation were clearly aimed at making schools a safe place for students and adults. Choice, equity, and efficiency were not the driving force behind these laws. Excellence may have been linked with security, but security was clearly the defining value.

In addition to establishing gun-free zones and drug-free zones around schools, at least one state, Tennessee, tried to erect another barrier of protection—prostitute-free zones. The proposed legislation would apply to prostitutes and their "Johns" caught within a mile and a half of elementary and secondary schools. In Tennessee, there would be three security rings around the schools—drugs, weapons, and prostitutes.[40]

Massachusetts tried to erect a fourth protective ring around schools. Two Massachusetts laws prohibited outdoor and point-of-sale advertising of smokeless tobacco and cigars within a 1,000-foot radius of a public playground, an elementary school, or a secondary school. The United States Supreme Court, in *Lorillard Tobacco Co. v. Reilly*, struck down the statutes on First Amendment grounds.[41] Drugs, guns, prostitutes, and tobacco were all part of society prior to the 1990s, yet now they have taken on special urgency in relation to schools and students. One ring of security may not give rise to pause by policy commentators, but four does point to an emerging new trend.

The Education Commission of the States report entitled "A Summary of Common State Strategies for Addressing School Safety" summarizes legislation enacted since 1995 that addresses security.[42] The summary is organized into five categories and demonstrates the breadth of the policy response

---

38. Pub. L. No. 103-227, § 701, 108 Stat. 204 *et seq.* (1994).

39. H.R. Rpt. 2455, at § 1 (Feb. 23, 1994).

40. *News in Brief: Prostitute-Free Zones,* Educ. Week 15 (Apr. 19, 1995).

41. 533 U.S. 525 (2001).

42. Educ. Commn. of the States, *Common State Strategies for Addressing School Safety* (Oct. 1999) <http://www.ecs.org/clearinghouse/13/7/6/1376.htm> (accessed Mar. 16, 2002).

to the need for security. The five categories are: 1) penalizing inappropriate student behavior, 2) preventing violence/intervening with violent students, 3) creating disciplined and safe school environments, 4) providing additional or better information, and 5) building capacity. The categories cover thirty-one different common state strategies. For example, Arkansas Senate Bill 364 (1999) holds parents responsible for allowing minors to possess firearms on school property. Colorado established an alternative online education program for select students expelled from public school.[43] And, Kentucky's House Bill 330 (1998) established a center for school safety and requires all schools and districts to assess school safety and student discipline and prepare a safety plan.

In addition to national and state actions against violence and drugs, local school districts and the courts have also responded to the need for security. Some school districts have placed metal detectors in their schools, hired security personnel, toughened sentences for breaches of the rules (e.g. zero-tolerance policies),[44] instituted anti-gang regulations banning gang regalia and certain colors,[45] instituted student conflict resolution procedures, and added violence prevention programs. Following the killings at Columbine High School, some schools banned trench coats, "Goth" style clothing, and clothing related to the shock singer Marilyn Manson.[46] Pasadena Independent School District in Texas will only allow clear plastic book bags to be brought to school. One school gave students in-school detention for carrying magazines with gun ads. In Osceola County, Florida, schools started equipping students with a tiny computer worn inside a ring that gives access to buildings and classrooms, known as an *iButton*.[47] Some high schools, like Sommerville High School in Massachusetts, instituted photo-identification tags which students must wear around their necks to allow for quick

---

43. H.R. 1227 (1998).

44. *See* Margaret Graham Tebo, *Zero Tolerance, Zero Sense*, 86 ABA J. 1 (2000) ("School is really the safest place a kid can be. . . . We have a responsibility to make it as safe as it can be. But zero tolerance can't mean zero common sense.").

45. *See Chalifoux v. New Caney Indep. Sch. Dist.*, 976 F.Supp. 659, 663 (S.D. Tex. 1997).

46. *See Boroff v. Van Wert City Bd. Educ.*, 220 F.3d 465, 467 (6th Cir. 2000).

47. G. De Becker, *How Can We Protect Our Children?*, USA Weekend 6-7 (Aug. 20-22, 1999).

identification of non-students.[48]   Diana Philip, a Texas American Civil Liberties Union official, stated in August 1999, "[T]his summer, we have had school boards putting together the most restrictive policies we have ever seen."[49]

Indicative of how the courts are supporting this policy shift to security is the 1996 Illinois Court of Appeals decision in *People v. Pruitt*.[50] This case involved the use of metal detectors in Chicago schools. The court poignantly wrote:

> We long for the time when children did not have to pass through metal detectors on their way to class, when hall monitors were other children, not armed guards, when students dressed for school without worrying about gang colors. Those were the days when sharp words, crumpled balls of paper, and, at worst the bully's fists were the weapons choice.[51]

Another example of the use of metal detectors to enhance school-based security surfaced in rural New Hampshire. "Instead of the postcard image of New England gatherings to deal with local issues, those at the Kearsarge Regional School District meeting . . .saw people passing through a metal detector."[52]   The sign on the glass door to the school's gymnasium directed people to leave their weapons outside before attending the meeting. This unusual step was taken after a threat had been received against school officials following on the heels of the killing of public employees in a nearby town hall. The school needed to be made safe not only for children but for adults as well.

---

48. Thomas Pelton, *Students' Snarl Over 'DogTags'*, Boston Globe A1, A5 (Dec. 6, 1995).

49. Gwynne, *supra* n. 33, at 30.

50. 662 N.E.2d 540 (Ill. App. 1st Dist. 1996). *See generally In re F.B.*, 658 A.2d 1378 (Pa. 1995); *People v. Dukes*, 151 Misc.2d 295 (City Crim. Ct. 1992) (both courts upholding the use of the magnetometers). For a discussion of metal detectors and public policy, *see* Robert S. Johnson, *Metal Detectors in Public Schools: A Policy Perspective*, 80 Educ. L. Rep. 1 (1993); Eugene C. Bjorklun, *Using Metal Detectors in the Public Schools: Some Legal Issues*, 111 Educ. L. Rep. 1 (1996). For a general discussion of court cases related to school officials actions curbing violence in schools *see*, R. Craig Wood & Mark Chestnut, *Violence in U.S. Schools: The Problems and Some Responses*, 97 Educ. L. Rep. 619 (1995).

51. Pruitt, 662 N.E.2d at 545.

52. Assoc. Press, *Metal Detectors Greet School Meeting*, Portsmouth Herald (N.H.) A10 (Mar. 7, 1994).

2. *Drug Testing and Lawful Searches and Seizures*

Search and seizure of students brings into focus the rights of students and the legitimate need to maintain an environment in which learning can take place. The courts appear to be moving away from the rights of students when issues of safety are involved. The courts tend to see schools as unique environments. In 2001, the Tenth Circuit Court of Appeals held that school "officials must be able to move quickly when dealing with immediate threats to a school's proper educational environment and student safety."[53]

The United States Supreme Court in *Vernonia School District 47J v. Acton*[54] upheld mandatory random drug testing of student athletes. The High Court found that the nature and immediacy of the governmental concern of curbing drug use in schools was important if not compelling. "Deterring drug use by our Nation's school children is at least as important as enhancing efficient enforcement of the Nation's laws against the importation of drugs . . .or deterring drug use by engineers and trainmen."[55] The Supreme Court elevated the need to combat drugs in our schools to the level of a compelling governmental interest. The Court sustained suspicionless drug testing of railway employees involved in railway accidents and random drug testing of federal customs officers who carry guns or who are involved in drug interdiction. These cases are the exception rather than the rule when it comes to government conducting a search that is neither based on probable cause nor reasonable suspicion. Because the Supreme Court has zealously protected the rights of individuals to be secure from unwarranted intrusion into their private life by government, the *Vernonia* decision underscores the impact that the need for providing security in our schools is a public policy to be pursued vigorously in the courts as well as in the legislative halls.

Even though the High Court in *Vernonia* stated that they "caution against the assumption that suspicionless drug testing

---

53. *Earls v. Bd. of Educ.*, 242 F.3d 1264, 1269 (10th Cir. 2001), *rev'd on other grounds Bd. of Educ. v. Earls*, 536 U.S. 822 (2002).

54. 515 U.S. 646 (1995). For a discussion of school district responses to the *Vernonia* decision, *see* Todd A. DeMitchell & Thomas Carroll, *Mandatory Drug Testing of Student Athletes: A Policy Response to Vernonia School District, 47J v. Acton*, 7 J. Sch. Leadership 50-68 (1997).

55. *Vernonia*, 515 U.S. at 661.

will readily pass constitutional muster in other contexts,"[56] the Supreme Court did expand the context for random, suspicionless drug testing of public school students in *Board of Education v. Earls.*[57] The Court held that a drug testing policy for competitive extra curricular activities such as Future Farmers of America, choir, and band was constitutional. *Vernonia* applied to athletes and cheerleaders, the role models for the school. Justice Thomas wrote, "The health and safety risks identified in *Vernonia* apply with equal force to Techumseh's children. Indeed, the nationwide drug epidemic makes the war against drugs a pressing concern in every school." [58] Despite the fact that the school district did not show a drug problem of epidemic proportions, the wider war on drugs was important enough for the majority to find that "special needs" exist in the public school context.[59]

The courts have been active in pursuing security as a fundamental value in other arenas besides drug testing such as bodily searches for drugs. Searches, drug testing, and strip searches are highly intrusive acts of government. Strip searches of students, in particular, have historically been looked upon with a jaundiced eye by the judiciary. In an often cited 1980 case involving the strip search of female student for suspected drug possession, the Seventh Circuit wrote, "It does not require a constitutional scholar to conclude that a nude search of a thirteen-year-old child is an invasion of constitutional rights of some magnitude. More than that: it is a violation of any known principle of human decency."[60]

This sentiment was widely held regarding strip searches; however, recently the courts seem to be willing to allow strip searches for drugs. For example, the Seventh Circuit Court of Appeals that wrote with such indignation in the 1980 case, upheld the strip search of a student in a locker room where he was told to change into his gym clothes with school authorities watching.[61] Similarly, the Sixth Circuit Court of Appeals upheld the strip search of a female student for drugs—no drugs

56. *Id.*

57. 536 U.S. 822 (2002).

58. *Id.* at 830.

59. *Id.* at 327.

60. *Doe v. Renfro,* 631 F.2d 91, 92-93 (7th Cir. 1980).

61. *Cornfield v. Consolidated High Sch. Dist. No. 230,* 991 F.2d 1316, 1327-28 (7th Cir. 1993).

were found. The court stated, "to question an official's every decision with the benefit of hindsight would undermine the authority necessary to ensure the safety and order of our schools."[62]

B. Research of Public School Superintendents

The thesis of the following exploratory study is that security is emerging as a fundamental value in educational decision-making. The previous discussion defined policy, identified fundamental values, and discussed federal, state, local, and judicial responses to the call to make our schools secure places for learning. This next section seeks to ascertain whether there is any empirical evidence to support the contention that security is a new fundamental value.

Five propositions were posited as necessary for the emergence of a fundamental value. The five propositions are not exhaustive; rather, they are preliminary and instructive. These propositions are:

1. If security is a new fundamental value, it should be differentiated from discipline policies. Although the two are related, security must address a different set of needs.

2. If security is emerging as a fundamental value in educational policy making, there should be evidence of a rising concern about the issue of security.

3. Fundamental values are generally reflected through budgetary decisions. It is expected that if security were a new value, policies established in pursuit of that value would result in increased expenditures on security measures.

4. How does security compare with other fundamental values in education? It is expected that superintendents would perceive security as being on par with other fundamental values.

5. Fundamental values often compete with each other for scarce public resources. The pursuit of one value is often in conflict with another fundamental value. A new fundamental

---

62. *Williams ex rel. Williams v. Ellington*, 936 F.2d 881, 886 (6th Cir. 1991).

value would compete favorably with other established fundamental values.

Data on these five propositions were gathered through a random selection of public school superintendents (N=300) from New England. Superintendents were selected as the unit of analysis because of the central role they play in the policy process. An internet search of state departments' of education web sites provided the population of school districts from the six states. No attempt at stratification was made because the data would not be disaggregated by states. One hundred and fifteen surveys were returned for a response rate of 38.3%. Table 1 displays demographic information from the sample.

Table 1
Descriptive Statistics for Respondents and Their Districts
(n=115)

Gender of Superintendents	Frequency	Percent
Female	26	22.6
Male	83	72.2
Total	109	94.8
Missing		65.2
Total	115	100.0

Size of School Districts	Frequency	Percent
1-1,000	23	20.0
1,001-3,000	41	35.7
3,001-5,000	28	24.3
5,001+	17	14.8
Total	109	94.8
Missing		65.2
TOTAL	115	100.0

Location of School Districts	Frequency	Percent
Rural	44	38.3
Suburban	48	41.7
Urban	12	10.4
Total	104	90.4
Missing		119.6
TOTAL	115	100.0

Discussion of Propositions

Distinct items from the survey targeted each of these five propositions. Specifically:

Proposition	Survey Questions
Proposition #1	1, 2
Proposition #2	3-7
Proposition #3	8
Proposition #4	9-12
Proposition #5	13-19

1. If security is a new fundamental value, it should be differentiated from discipline policies. Although the two are related, security must address a different set of needs.

Discipline Policies—defined as policy responses to acts involving disruptive, rowdy behavior and fighting. While injury may result from the disruptive behavior, it is generally not severe.

Security Policies— defined as policy responses that target acts of violence which can likely cause great bodily harm or death. Weapons and drugs are often associated with this type of behavior.

Table 2

Questions	Mean (s.d.)	1 SD	2 D	3 N	4 A	5 SA
#1 As defined above, I think that there is a difference between discipline policies and security policies.	4.00 (1.11)	7.0%	6.1%	.9%	52.2%	33.9%
#2 In my district, there has been a shift in policy discussions from disciplinary problems such as fighting, disruptions, and rowdy behavior to more violent (or calculated) acts that threaten the fundamental security of our students.	3.05 (1.10)	8.7%	26.1%	21.7%	38.3%	5.2%

NOTE: SD=Strongly Disagree; D=Disagree; N=Neutral; A=Agree; SA=Strongly Agree

The respondents clearly find that there is a difference between security and discipline policies (see Table 2). Eighty-six percent of the respondents to Question #1 agreed or strongly agreed with the statement regarding the differences between security and discipline. They were less clear about the shift in policy discussions between security and discipline. A review of the distribution of responses shows that 34.8 percent of the respondents disagreed or strongly disagreed with statement #2 while 43.5 percent agreed or strongly agreed. This proposition of differentiation is supported.

2. If security is emerging as a fundamental value in educational policy making, there should be evidence of a rising concern about the issue of security.

Table 3

Questions	Mean (s.d.)	1 SD	2 D	3 N	4 A	5 SA
#3 I spend more time reading about security issues than I have previously.	3.74 (.81)	.9	10.4	12.2	67.0	9.6
#4 I have more concern for the security of our students than I have had previously.	3.77 (.96)	2.6	10.4	13.0	54.8	19.1
#5 The discipline policies that we have in place are inadequate to address today's security issues.	2.71 (1.03)	5.2	51.3	10.4	27.8	2.6
#6 I have received more pressure from the community regarding security than I previously had regarding student discipline problems.	3.04 (.90)	2.6	29.6	27.8	39.1	0
#7 The shootings at other schools throughout the nation, including Columbine High School, have prompted our decision to adopt new policies regarding the security of our students and staff.	3.77 (.83)	.9	12.2	6.1	69.6	10.4

Superintendents in this study read more about security than previously, they have more concern about security than they had previously, and they are influenced by major events such as Columbine.   Significant events often open policy windows for new agenda items such as security.[63]   Seventy-four percent of the superintendents responded neutral, agree or strongly agree on Question #4:   I have more concern for the security of our students than I have had previously.   This percentage points to the emergence of security as an issue. Fifty percent of urban school superintendents strongly agreed with the statement in Question #4 while sixteen percent of the rural superintendents and twelve and one-half percent of the suburban superintendents strongly agreed.   Even though the high profile multiple shootings have occurred in rural and suburban schools, the urban superintendents have more concern for the security of their students than previously. Similarly, school districts with a student population larger than 5,000 had a larger number of respondents strongly agree (52.9%) with the statement than superintendents from school districts with less than 1,000 students (13%), school districts with student populations between 1,001 and 3,000 students (12%), and school districts with student populations between 3,001 and 5,000 students (10.7%).   When the agree response is factored in with the strongly agree, the overall level of agreement about the increase in concern for security descends according to the size of the school district—5,000+ (82.3%), 3,001-5,000 (75%), 1,001-3,000 (72.2%), and 1-1,000 (65.2%). Larger and urban school districts have an increased concern regarding the security of their students.   Why this is true is unknown but worth exploring in greater depth.

While Question #6 was neutral, Question #5 indicates that superintendents believe that existing discipline policies are adequate to address issues of security.   Only thirty percent

---

63. *See generally* John W. Kingdon, *Agendas, Alternatives, and Public Policies* (Little, Brown 1984).   He persuasively argues that problem identification is not the only stream that runs through policy making, nor is it necessarily the beginning point for policy initiation. In addition to problems there are solutions and participants. All three of these streams run separately but become coupled at critical points or "windows of opportunity."   The mixing of these multiple streams is not necessarily consistent with the model of rational decision making.   In fact, policy makers do not exclusively define the problem and then search for the one best solution.   "More often, solutions search for problems."   *Id.* at 91.   Solutions and problems are both dumped into the "garbage can" as they are formulated.

agreed or strongly agreed with the statement while 56.5% percent disagreed or strongly disagreed. It is unknown as to why superintendents would find a difference between security and discipline policies and consider discipline policies adequate to address a different policy issue. While they have more concern about security, superintendents find existing discipline policies to be adequate. Could it be that the use of the term "inadequate" asks superintendents to criticize their policies? With the exception of Question #5, superintendents seem to support the proposition that there is a rising concern about security.

3. Fundamental values are generally reflected through budgetary decisions. It is expected that if security were a new value, policies established in pursuit of that value would result in increased expenditures on security measures.

Question 8: There has been [mark one]
____an increase ____a decrease ____no change in the percent of the school budget now allocated to security issues.

Sixty school districts (52.2%) reported an increase in spending on security. No school districts reported a decrease in spending on security. Fifty-four school districts (47.0%) reported no change in budget allocations for security. One school district did not respond to this question

A one-way ANOVA at the .05 level revealed a statistically significant difference between the means of those respondents who increased the level of funding for security measures and those that had no change for questions concerning the expenditure of additional funding (i.e., Questions 13, 16, 17, and 18) ($M_{increase} = 3.50$, $M_{no\ change} = 3.00$, $p<.05$). In other words, superintendents who have already allocated more funds for security are more inclined to commit additional new funds for security than those superintendents who did not increase the budget for security.

The context of schooling is important for understanding the policies and procedures enacted and the efficacy of the implementation. School district size and location are variables that have been disaggregated in a number of policy studies, i.e. collective bargaining[64] and dress codes.[65] Small schools may

---

64.   *See* Todd A. DeMitchell & Thomas Carroll, *Educational Reform on the*

not feel the need for security because of the primary relationships established within a small number of individuals. Conversely, large impersonal schools may have a greater need for security policies. Similarly, urban centers, which are often associated with crime, may respond to security differently than rural isolated schools.

School districts with a student population between 1,001 and 3,000 showed the least percent of increase in expenditures (34.1%) while school districts with more than 5,000 students showed the greatest increase in the budget allocation for security (70.6%). When analyzed by location, both rural and suburban school districts equally increased their allocations (50%) for security while suburban school districts (62.5%) had the greatest increase in the budget for security. There is evidence to support the proposition that there has been an increase in the expenditures on security. This is important because it demonstrates that security is competing with other values for scarce financial resources. A value without financial resources behind it may become an espoused value as opposed to a value in use.

4. How does security compare with other fundamental values in education? It is expected that superintendents would perceive security as being on par with the other fundamental values.

Table 4

Questions	Mean (s.d.)	1 SD	2 D	3 N	4 A	5 SA
#9 In my district, the security of students is as important as achieving excellent student academic outcomes.	4.33 (.81)	.9	1.7	11.3	35.7	50.4

65.   *See generally* Todd A. DeMitchell, Richard Fossey & Casey Cobb, *Dress Codes in the Public Schools: Principals, Policies, and Precept,* 29 J.L. & Educ. 31 (2000).

#10. In my district, the security of students is just as much an issue as equity of student access to educational programs.	3.35 (.97)	0	24.3	26.1	38.3	10.4
#11 Policies valuing security are as important as policies pursuing excellence in education.	3.68 (.83)	1.7	7.8	20.9	58.3	10.4
#12 I consider security to be a fundamental value on par with other fundamental values such as equity, excellence, efficiency, and choice.	3.97 (.60)	0	4.3	6.1	76.5	12.2

The first thing noticed in these data is that all of the mean scores are above the neutral rating. Question #9 exhibited the highest mean (4.33). This question asks whether security is perceived as important as excellence. Eighty-six of the respondents agreed or strongly agreed with the statement that the *security of students is as important as achieving excellent academic outcomes*. However, sixty-nine percent of the superintendents agreed or strongly agreed with the similar statement in Question #11. Twenty-one percent of the respondents answered neutral. Although there is some degree of inconsistency in the responses to items 9 and 11, both suggest the importance of security relative to excellence.

Question #12 summarizes the proposition. Nearly eighty-nine percent of the superintendents agree or strongly agree with the statement. A one-way ANOVA between rural, suburban, and urban districts revealed no significant differences across localities ($p > .05$) on Question 12. That said, respondents from rural school districts had a lower mean score than the others. A one-way ANOVA at the .05 level similarly showed no significant variation according to size of the school district. Together, these indicate that the emergence of security in relation to the identified fundamental values is not specific to location or size of the school district. Therefore, security as a fundamental value is not dependent upon context of infrastructure. In addition, gender does not appear to influence the view as to whether security is a fundamental value on par with other fundamental values. Eighty-five percent of the females agreed or strongly agreed with the statement compared to eighty-nine percent of the males.

5. Fundamental values often compete with each other for the scarce public resources. The pursuit of one value is often in conflict with other another value. A new fundamental value would not only compete with established values, but the new value would compete favorably with those values.

Table 5

Question	Mean (s.d.)	1 SD	2 D	3 N	4 A	5 SA
#13 If I were given an unexpected amount of money to use for my school district, I would feel more pressure to use it on measures designed to increase security than on measures designed to boost assessment scores.	1.99 (.74)	22.6	60.9	11.3	5.2	0
#14 In the past few years, I have received more pressure from my community regarding security than I have had regarding our instructional program.	2.18 (.74)	13.0	60.9	19.1	6.1	0
#15 Policies, which pursue security often, conflict with considerations of excellence.	2.19 (.75)	11.3	67.0	13.0	8.7	0
#16 If I were given an unexpected amount of money that could adequately serve only one new program, I would feel more pressure to use it on measures designed to increase security than on measures designed top provide an equitable education for all students.	1.91 (.59)	20.0	70.4	7.8	1.7	0
#17 At this time, it is more important to provide money to enhance curricular options than to enhance security measures. * This question reversed the direction of supporting security. The mean has been changed back to the orientation of the larger the mean, the more support for security.	3.74 (.81)	.9	9.6	14.8	64.3	10.4

#18 Providing resources for activities and equipment that protect students and staff is more important than providing resources to support family choices of schools for their children to attend in your school district.	3.21 (.89)	2.6	16.5	36.5	33.0	4.3

Question 19: Please <u>rank order</u> by the priority that your school district has placed on the following pursuits in the past few years. Prioritize the policy choices using all the numbers 1 through 5, with 1=highest priority, 2=next highest priority, and so on to 5=least highest priority. This is a forced choice question. All five numbers must be used; there can be no ties.
_____achieving academic excellence
_____reducing the drop out rate
_____making programs cost effective
_____eliminating school violence
——— offering expanded curriculum choices

Table 6[66]

Rank Order of Responses to Question 19
(according to means)

1. Academic excellence M= 1.26
2. Expand curriculum choices M=2.81
3. Make programs cost effective M= 3.34
4. Eliminate school violence M= 3.59
5. Reduce drop out rate M= 4.02

With the exception of Question #18, security does not compete well for new resources. The means for Proposition 5 fell below neutral. Security only received scores above the neutral point when it was compared to supporting family choice of schools. When these responses are compared with the responses for Question #18 there appears to be a discrepancy. While superintendents tended to have increased the amount of

---

66. It can be argued that the propositions in Table 6 serve as a proxy for the following fundamental values:
    Academic excellence = Excellence
    Drop Out Rate = Equity
    Making Programs Cost Effective = Efficiency
    Eliminating School Violence = Security
    Offering Expanded Curriculum Choices = Liberty

spending on security, they seem unwilling to take newly found money and use it for security rather than on programs that impact teaching and learning. Question #18 presents the option of security or family choice. Superintendents chose security, which can be argued impacts their students' instructional programs as opposed to choice which benefits parental preferences. These responses are consistent with the responses to Question #19 which requires a rank ordering of values. As seen above, superintendents' rank ordered instructional programs (excellence and expanded curriculum choices) highest while efficiency and security were virtually tied for third place and dropout reduction clearly occupied the last position.

III. CONCLUSION

Education, like other governmental activities, is characterized by a competition for scarce resources. The struggle for those resources often coalesces around several fundamental values that most times are in competition with one another. In education, those fundamental values have historically been efficiency, equity, choice, and excellence. A new fundamental value—security—appears to be joining that established constellation of competing values.

In so far as it can be empirically tested, there is preliminary evidence from the survey of New England superintendents that security is emerging as a fundamental value. Eighty-six percent agreed or strongly agreed that "[s]ecurity policies are differentiated from discipline polices." Similarly, 86.1 percent of the respondents agreed or strongly agreed that "The security of students is as important as achieving excellent student academic outcomes." When asked if security is a fundamental value on par with other fundamental values, 88.7 percent of the superintendents agreed or strongly agreed. Fifty-two percent of the school superintendents reported an increase in spending on security issues. When forced to rank order priorities, excellence clearly emerged as the top value with nearly 88 percent of the respondents rating it number 1. Eliminating school violence compared favorably with the remaining three values as a first choice. Making school programs cost effective was rated second at 5.2 percent, eliminating school violence received 3.5 percent, followed by

expanded curriculum choices, with reducing the dropout rate only receiving one vote as number one (.9 percent).

Excellence is the dominant fundamental value at this time according to this sample of superintendents. This is not surprising given the wave of high stakes testing that is sweeping across the nation. However, security appears to compete successfully with the other values. It garners additional financial support in at least 50 percent of the school districts and it is considered an issue on par with other values. The increase of spending on security may come at the expense of other values if there were no external funding.

There appears to be evidence that a new fundamental value, security, has been pushed onto the public agenda. Legislatures and Congress have passed laws aimed at making our schools safe by creating rings of protection around the school. School districts have passed regulations regarding gang attire, installed metal detectors, randomly tested students for drug use, and touted the impact that school uniforms have on reducing violence. The courts have shown an increased willingness, especially in the area of search and seizure, to support those actions aimed at providing greater security for the schools. It is a sad commentary that security, as a value to be pursued in educational policy making, has joined the traditional values of excellence, equity, choice, and efficiency. Further research, particularly case studies, is needed on this topic to ascertain if security is a fundamental value. This preliminary research does point to the emergence as such.