

A decorative graphic on the right side of the page features three overlapping circles of varying sizes, each composed of concentric blue rings. Two thin blue lines intersect at the top left and extend diagonally across the page, framing the circles.

Preventing and Addressing Violent Behavior: Taking Proactive Steps for School Safety

National Education Association
NEA Health Information Network

In consultation with the
National Association of School Psychologists
and the American Psychological Association
2009

Preventing and Addressing Violent Behavior: Taking Proactive Steps for School Safety

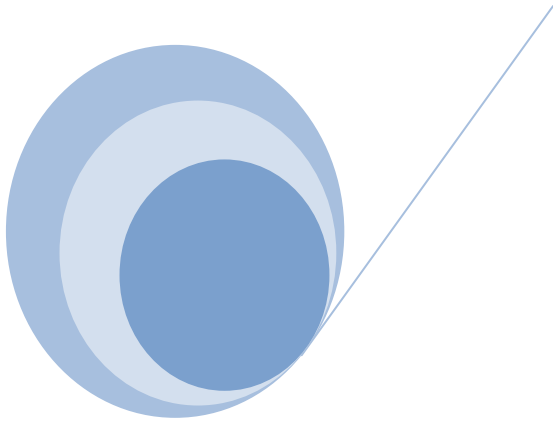
November 2009

National Education Association
NEA Health Information Network

In consultation with the
National Association of School Psychologists
and
American Psychological Association

Table of Contents

Introduction	6
Why Care About Preventing Violent Behavior?	7
What Do We Mean by Violent Behavior?	9
What Policies Guide Us?	9
Prevention Practices that Work	12
Effective Classroom Management	12
A Continuum of Behavioral Supports	14
Teaching Social Skills	17
A Systemic Framework	19
When You Need to Intervene	21
Problem-solving and Analysis	21
Response to Intervention Approach	22
Intensive Interventions	23
Legal Rights: Before and During an Incident	25
Violence and Educators	25
School Safety Rules Apply to All Students	26
Before an Incident Occurs	26
When an Incident Occurs	28
Summary	31
References	32
Resources	34
Acknowledgments	36



Educators know that students learn more when they feel safe. Likewise, educators want to work in a safe environment. That’s why this easy-to-use guide, focused on a proactive prevention approach, was developed by the National Education Association (NEA) and the NEA Health Information Network (NEA HIN) in consultation with the National Association of School Psychologists (NASP) and the American Psychological Association (APA).

We believe that a proactive school safety approach:

- Is based on our vision and core values
- Is guided by policies, practices and procedures
- Uses a continuum of positive behavioral supports
- Starts at the earliest ages
- Engages all students and educators

Why Care about Preventing Violent Behavior?

As a core value, all educators want students to learn and be successful academically, behaviorally and socially in the school setting. It's important to value the mental health of students and educators as much as we value academic success. Educators know that some students struggle in school and may not show positive behaviors. In fact, the violent behavior of one or a few students can create dangerous or crisis situations for an entire school.

Studies show that we can prevent violent behavior by 1) making sure all school settings are positive environments and 2) intervening early when students first begin to have difficulty. Research also shows that improving school climate and increasing student engagement leads to better academic performance.¹

What do we mean by a 'positive school climate?' According to NASP, school climate is defined by student, staff, and family perceptions of their connectedness to, value within, and the benefits of belonging to the school community. Positive school climates reflect a caring and personalized school environment that is associated with improved student behavior, well-being, and academic achievement. On the other hand, negative school climate is associated with risk factors such as absenteeism, poorer school performance, behavior and discipline problems, increased rates of violence and dropping out, and problems with teacher recruitment and retention.² Chronic behavioral problems are a major factor in stress and burnout for all educators.

All educators are responsible for *all* students in *all* settings, including the cafeteria, the recess yard, and on the bus ride home. That means that all educators, including education support professionals and school leaders are critical to effective, positive, safe school environments and need to be included in program planning and professional development on these issues.

¹ NASP. (2009).

² Ibid.

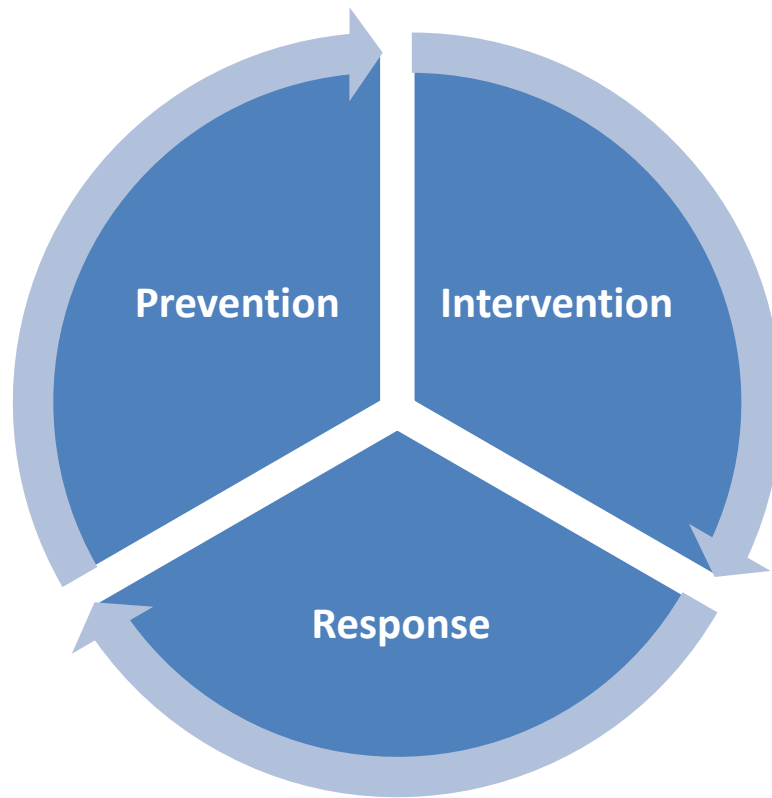


Figure 1. Cycle of a Comprehensive Approach to School Violence

The Center for the Prevention of School Violence³ recommends that schools adopt a comprehensive approach that includes prevention, intervention and response. These terms are defined as follows:

- a) *Prevention* refers to stopping problems before they have a chance to occur.
- b) *Intervention* involves having the programs and systems in place to respond quickly or to de-escalate incidents before they become greater problems.
- c) *Response* refers to crisis response – defined steps that are in place to handle the crisis and quickly return the school back to normal operations.

This guide offers suggestions for prevention and intervention. The NEA Health Information Network School Crisis Guide⁴ presents ideas to consider in response to a crisis.

³ Center for the Prevention of School Violence <http://www.ncdjdp.org/cpsv/index.html>

⁴ NEA HIN School Crisis Guide <http://www.neahin.org/crisisguide/index.html>

What Do We Mean by Violent Behavior?

According to a white paper recently drafted by an American Psychological Association (APA) task force, violent school behaviors may include aggression against persons or property, use of drugs or weapons, or classroom disruptions and disorder.⁵ Violent behaviors may be student-on-student violence, attacks on educators, or damage to school property. They are purposefully harmful. For the purpose of this guide, violent behaviors do not include self-inflicted bodily injury or accidental harm.

What Policies Guide Us?

Two primary federal laws provide the overriding framework for addressing violent behavior – Individuals with Disabilities Education Act (IDEA) and Elementary and Secondary Education Act (ESEA). State and local regulations and policies are created to implement these federal statutes. For example, ESEA and new provisions under IDEA 2004 guide local schools, districts and states in implementing whole school approaches for providing instruction and supports to students who are not performing at expected levels.

Whole school approaches look at school climate, scientifically based early intervening programs, and positive behavioral and intervention supports. Educators can use whole school approaches to address student behavior, ultimately enhancing school safety and protecting student and educator rights.

Generally, whole school frameworks build upon expectations or standards that are defined by state and local policy-makers and decision-makers. Classroom teachers and education support professionals should be involved in selecting which whole school approaches will be used in their schools and districts and how they should be implemented. Their experience is valuable in determining which approaches will be most effective. The following chart illustrates the school safety decision-making process at the national, state, and local levels.

⁵ Board of Educational Affairs Task Force on Violence Directed Against Classroom Teachers. (2009)

School Safety Decision-making at the Federal, State and Local Levels⁶

Policy	Federal	State	Local
<p>Elementary and Secondary Education Act/No Child Left Behind (ESEA/NCLB)</p> <p>Resource: www.ed.gov</p>	<p>Requires state accountability plans</p> <p>Defines school improvement strategies</p> <p>Defines elements of Adequate Yearly Progress (AYP)</p>	<p>Develops State plans to meet ESEA requirements</p> <p>Provides State supported technical assistance (TA)</p>	<p>Develops district plans to meet State requirements</p> <p>Implements professional development plans</p>
<p>Individuals with Disabilities Education Act (IDEA)</p> <p>Resource: http://idea.ed.gov</p>	<p>Addresses Positive Behavioral Supports (PBS) to improve school climate</p> <p>Requires the use of Functional Behavioral Assessments (FBAs)</p> <p>Addresses scientifically research-based interventions</p> <p>Suggests Progress Monitoring as a tool</p> <p>Permits up to 15% of IDEA funds for Early Intervention Services (EIS)</p> <p>Defines special education eligibility procedures</p> <p>Defines Manifestation Determination Review (MDR)</p>	<p>May recommend PBS & provide TA</p> <p>Defines data-driven instruction and AYP for Local Education Agencies (LEAs)</p> <p>Supports LEAs with TA plan</p> <p>Develops guidance for identifying learning disabilities (LD) using Response to Intervention (RTI)</p> <p>Provides guidance for data collection on disproportional representation</p> <p>Provides MDR guidance</p>	<p>Implements PBS or Positive Behavioral Interventions & Support (PBIS) plans</p> <p>Implements data-driven instructional practice</p> <p>Implements FBAs & Behavior Intervention Plans (BIPs) as needed</p> <p>Supports school-based problem solving teams</p> <p>Conducts Manifestation Determination Review (MDR) meetings</p> <p>Implements social skills programs</p>

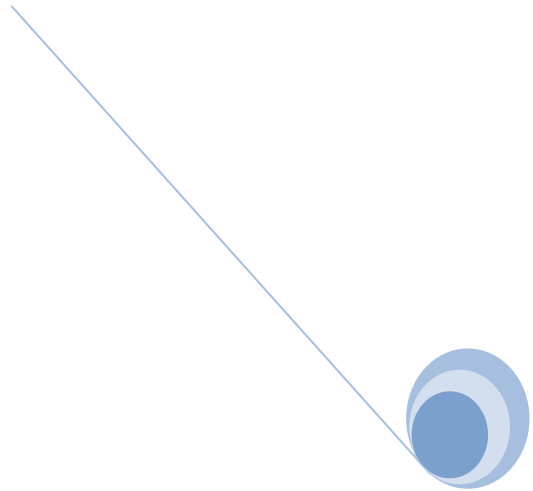
⁶ Adapted from Project ACHIEVE <http://www.projectachieve.info/>

Policy/Practices	Federal	State	Local ⁷
<p>Due Process</p> <p>Resource: www.wrightslaw.com</p>	<p>Requires steps for mediation/due process hearings</p> <p>Defines search & seizure /student rights & responsibilities</p>	<p>Provides guidance for mediation process, due process hearings & student rights & responsibilities</p>	<p>Defines school safety policy</p> <p>Offers due process safeguards information to families and students</p> <p>Implements procedures for due process hearings</p>
<p>Non-discrimination</p> <p>Resource: http://idea.ed.gov</p>	<p>Dictates how to address disproportionate representation of culturally & linguistically diverse (CLD) students in suspensions/disciplinary referrals</p>	<p>Collects & reviews disproportionality data, including data on suspensions of CLD students</p> <p>Requires LEAs identified as significantly disproportionate to use EIS funds</p>	<p>Addresses needs of CLD students through data-driven practices, child study teams or student study teams that incorporate problem solving strategies</p>
<p>Discipline and suspension</p> <p>Resource: www.nichcy.org</p>	<p>Defines removal from classroom (short-term and long-term)</p> <p>Delineates suspension practice for students with disabilities</p> <p>Defines change of placement (45 day placement) rule</p> <p>Defines ‘pattern of removal’</p> <p>Defines student rights in discipline & suspension proceeding</p>	<p>Provides guidance & ensures implementation through accountability process for suspensions and expulsions</p> <p>Provides guidance for MDR/change of placement/pattern of removal for students with disabilities</p>	<p>Defines & implements procedures for suspensions & other disciplinary actions</p> <p>Provides students & families with information on discipline policies</p> <p>Conducts Individualized Education Program (IEP)/MDR meetings/ FBAs & develops BIPs to address behavior</p>

⁷ Adapted from Project ACHIEVE <http://www.projectachieve.info/>

Prevention Practices that Work

Today's school leaders realize that we need to approach discipline problems in a positive way. We cannot assume that children come to school knowing what is and is not appropriate behavior. To build a school climate that's safe and conducive to learning, we must *teach* appropriate behavior.



Students misbehave even in the best-run classrooms. Educators can prevent occasional misbehavior from becoming a chronic problem by employing three proactive prevention strategies:

- Effective classroom management
- A continuum of behavioral supports
- Social skills instruction

Effective Classroom Management

Classroom management is among teachers' most challenging concerns. Effective classroom management has been described as *the art and skill of ensuring that **most** students behave responsibly **most** of the time*. Here are a few general classroom management ideas⁸:

- Organize the physical space
- Set clear rules and expectations
- Follow the rules you set
- Define expected consequences
- Correct minor rule violations in a matter-of-fact way
- Establish routines
- Reward generously

⁸ Ralabate, P. (2002).

Reflective educators continually look for ways to improve their practice. Developing effective classroom management techniques should be at the top of the list. Many excellent professional development opportunities and resources are now readily available. The set of essential classroom management considerations⁹ listed below is an example of a reflective exercise to help educators fine tune their classroom management plans. In addition, a number of resources are listed in the resource section of this guide.

Essential Questions for Effective Classroom Management

A. Structure the classroom/organize instruction for success

- Have you clearly defined expectations for teaching?
- Have you defined clear student expectations and rules?
- Do you have procedures for dealing with students who do not have materials or who are unprepared?
- Do you have effective beginning and ending routines?
- Have you defined clear expectations for transitions between activities?

B. Teach students expectations and rules

- Have you created lessons on expectations and taught them to the students?
- Have you created lessons and taught expectations for classroom routines and policies?
- Have you provided teaching and re-teaching as needed?

C. Supervision and behavior support

- Do you use five positives for every one negative interaction with students?
- Do you circulate and scan the classroom as a method of monitoring student behavior?
- Do you interact positively with students?
- Do you correct immediately?
- Do you correct respectfully?
- Do you have a menu of in-class consequences that can be applied to a variety of infractions?
- Do you have a plan for how you can reinforce positive behavior in the classroom?
- Do you have a plan for how you can respond to different types of misbehavior?
- Do you interact with every student in a culturally sensitive and respectful way?
- Do you provide age-appropriate, non-embarrassing feedback to all students?

⁹ Adapted from Classroom Management STOIC Checklist (Sprick, Garrison & Howard, 1998)

A Continuum of Behavioral Supports

Effective teachers use proactive strategies in their classrooms to prevent chronic behavior problems. Nonetheless, incidental classroom disruption can still be a serious problem – causing instructional interruption and leading to severe disciplinary actions, such as suspension or expulsion.

Currently, many school-wide or district-wide approaches to behavior are rigid or punitive in nature. Instead of resolving behavioral problems, these approaches are associated with negative outcomes. Results from over 500 studies show that punitive discipline policies are one of the least effective responses to problem behavior.¹⁰ Ineffective or rigid disciplinary approaches can contribute to inappropriate identification of students for special education services, especially under the category of emotionally disturbed. Experts also suggest that schools with rigid discipline systems, such as zero tolerance rules, may inadvertently promote disproportionate and harsher discipline rates for culturally and linguistically diverse (CLD) students.¹¹

Research shows that classroom-oriented violence prevention programs are more effective when there is a focus on changing the whole school environment.¹² Experts emphasize that these factors are critical to violence prevention:

- A positive, predictable school-wide climate
- High rates of academic and social success
- Formal social skills instruction
- Positive active supervision and reinforcement
- Positive adult role models
- Multi-component, multi-year school-family-community effort¹³

¹⁰ PACER Center. (n.d.)

¹¹ Kochhar-Bryant, C. & Stephenson, J. (2007); NEA. (2007).

¹² Howard, K. (1999).

¹³ Sugai, G. (2009, March 3).

School-wide or district-wide prevention programs typically incorporate proactive, positive instructional strategies implemented over time with consistency. The purpose of school-wide Positive Behavior Intervention and Supports (PBIS) – also referred to as School-wide Positive Behavior Supports (SWPBS) – is to establish a continuum of effective and positive behavioral support for all students. During the last 15 years, research has demonstrated that PBIS is effective in promoting positive school behavior, thereby making schools safer and more successful learning environments. Schools that implement PBIS report increased academic learning time and improved academic performance. Office discipline referrals are reduced by as much as 60%, and problem behavior in many cases was reduced by more than 90%.¹⁴

The following chart is an example of team roles and responsibilities at different phases of PBIS implementation.

Phase One: Commitment to School Level Implementation	
Role of District	Role of State Leadership Team
<ul style="list-style-type: none"> • Identify Point of Contact • Small number of schools trained in Positive Behavioral Interventions & Supports (PBIS) • Small number of coaches identified & trained • Each school has internal or external coach (external preferred) • Provide funds for various trainings, lodging, meetings, data system, stipends, incentives, etc. 	<ul style="list-style-type: none"> • Conduct site visit to school two times/school year (completion of “implementation phase checklist”) • Provide technical assistance to local coaches • Provide training to schools as needed on school-side data collection system(s) • Maintain communication with Point of Contact • Nominate Exemplar • Attend State Leadership Team Meetings monthly • Complete school-side evaluation tool (SET) Report • Coordinate Semi-Annual Regional Meetings for team leaders & coaches • Provide technical assistance to move to Phase Two • Provide New Team Training

¹⁴ NASP. (n.d.); U.S. Department of Education. (2000).

Phase Two: Commitment to Capacity Building

Role of District	Role of State Leadership Team
<ul style="list-style-type: none"> • All of Phase One • Multiple schools trained in PBIS within district/region • Coach facilitator or lead coach identified (% of time allocated for PBIS activities) • District/Regional Leadership team identified [membership should include representatives who have primary responsibility for a.) policy, leadership, community relations/partnerships, b.) student achievement, instruction, discipline, c.) supervision of principals & staff, d.) staff development, data management & technology, e.) special education & alternative placement] • data facilitators identified & trained • SET Assessors identified & trained 	<ul style="list-style-type: none"> • Provide support & technical assistance to coach facilitator (coaches facilitator coordinates site visits, “implementation phase checklist,” data facilitation, SET assessment & support to local coaches) • Conduct site visits to schools only by special request or identified needs • Assist with district self assessment & action plan • Assist with dissemination activities such as presentation to local community groups, businesses, Superintendent • Conduct capacity building awareness activities using PBIS Blueprint or other resources with key stakeholders • Submit formal reports to State PBIS management team - include progress notes, updates, training needs • Conduct needs assessment • Conduct data facilitator training, SET assessor training • Provide technical assistance to move to Phase Three

Phase Three: Commitment to Large Scale Implementation & Sustaining

Role of District	Role of State Leadership Team
<ul style="list-style-type: none"> • All of Phases One & Two • Identification of PBIS Coordinator/Facilitator • Working Budget • District/Regional Action Plan in place to address capacity building around training, coaching, evaluation, coordination • District/Regional Leadership PBIS functioning team • Maintenance of database • Progress Report in development • Local newsletters, brochure & other marketing material 	<ul style="list-style-type: none"> • Active communication & coordination with PBIS Coordinator & PBIS District/Regional Leadership Team • Attendance at district/regional monthly meetings • Identifies resources such as grant opportunities • Promote visibility to State • Assists with marketing/dissemination/policy • Linkage to other state initiatives

Role of District	Role of State Leadership Team
<ul style="list-style-type: none"> • Alignment to Charter, Code of Conduct • Formal report cycle to key stakeholders (superintendent, board, community/business, parent organizations) • Integration of PBIS in professional development plans & training of new staff • Linkages with other agencies for ‘at risk’ students • Coordinate data trainings • Coordinate SET trainings 	

Adapted from the OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS)
<http://www.pbis.org/common/pbisresources/training/Roles%20state%20team-district%20phases.doc>

Even though PBIS is a defined program, positive behavior support (PBS) is not. The term refers to a set of strategies or procedures designed to improve behavior that are non-punitive in nature and systemic in application. Common characteristics of effective positive prevention programs include:

- Systemic (school-wide or district-wide) implementation
- Established structures and systems to facilitate positive behavior change
- Active stakeholder leadership in its development and implementation
- Data-driven decision-making
- Inclusive aspects that apply to all students
- High-quality professional development for all educators

Additional resources on PBIS and PBS can be found in the resource section of this guide.

Teaching Social Skills

Teaching appropriate behavior and social problem-solving skills is an important way to modify recurring minor and major misbehaviors. All students need social and problem-solving skill instruction to be successful in school. For example, students need skills to help deal effectively with challenging social situations such as dealing with teasing or bullying, asking for

help, or learning to ignore distractions. Students need to learn social skills to enable them to treat one another respectfully and to resolve conflicts appropriately.

A variety of research-based curricula and programs are available that can help students learn and practice appropriate behaviors and social skills. Below is a list* of examples of effective, evidence-based resources for teaching social skills:

- ***ACCEPTS Program*** (Walker, et al.) Offering a complete curriculum for teaching effective social skills to students at middle and high school levels, this program teaches peer-to-peer skills, skills for relating to adults, and self-management skills.
(<http://www.proedinc.com/customer/productView.aspx?ID=625&SearchWord=ACCEPTS%20PROGRAM>)
- ***EQUIP Program*** (Gibbs, Potter, & Goldstein) Offering a three-part intervention method for working with antisocial or behavior-disordered adolescents, this approach includes training in moral judgment, anger management/correction of thinking errors, and pro-social skills. (<http://www.researchpress.com/scripts/product.asp?item=4848#5134>)
- ***PREPARE Curriculum*** (Goldstein) This program presents a series of 10 course-length interventions grouped into three areas: 1) reducing aggression, 2) reducing stress, and 3) reducing prejudice. It is designed for use with middle school and high school students but can be adapted for use with younger students.
(<http://www.researchpress.com/scripts/product.asp?item=5063>)
- ***Primary Mental Health Project*** (Cowen, et al.) Targeting children K-3, this program addresses social and emotional problems that interfere with effective learning. It has been shown to improve learning and social skills, reduce acting, shyness and anxious behaviors, and increase frustration tolerances.
(<http://www.sharingsuccess.org/code/eptw/profiles/48.html>)
- **Project ACHIEVE** (Knoff & Basche) This is an innovative whole-school improvement and reform program that helps schools and families develop and strengthen children's and adolescents' resilience, enabling them to resist unhealthy behavior patterns. The target audience is predominantly elementary and middle school youth. In addition to teaching social skills, the approach helps create a school in which all students feel connected. (<http://www.projectachieve.info>)
- **Promoting Alternative Thinking Strategies (PATHS)** (Knoff) Designed as classroom instruction in social skills, this program targets impulsiveness as well as antisocial and

aggressive behaviors. It has been used in grades K-5 in more than 1,000 schools.

(<http://www.projectachieve.info>)

- **‘Stop and Think’ Social Skills Program** (Knoff): Part of Project ACHIEVE, this program has been successful in reducing student discipline referrals to the principal's office, school suspensions and expulsions, fostering positive school climates and pro-social interactions, increasing students' on-task behavior, and improving academic performance. (<http://www.projectachieve.info>)

*Adapted from NASP. (n.d.). *Social Skills: Promoting Positive Behavior, Academic Success, and School Safety* Fact Sheet (www.nasponline.org)

A Systemic Framework

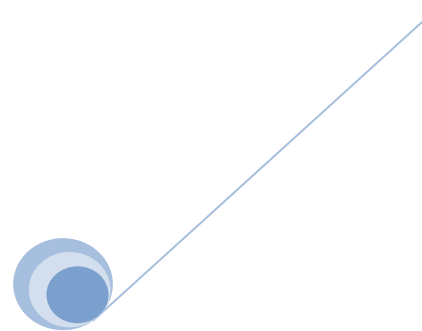
A key element in providing positive prevention strategies is to design a framework that provides a continuum of supports at district, school and classroom levels. A complete framework includes both positive behavioral supports and social skills instruction. The chart below is an example of such a framework.

	District	School	Classroom
Positive Behavioral Supports	<ul style="list-style-type: none"> • Systematic support • Common vision, language and experiences • Phase-in component with changing team roles 	<ul style="list-style-type: none"> • System change for entire school • Positively stated school-wide expectations • Systematic data collection • Positive reinforcement 	<ul style="list-style-type: none"> • Positively stated classroom expectation • Positive reinforcement • Data-based decision-making

	District	School	Classroom
Social Skills	<ul style="list-style-type: none"> • Support with resources and finances • Provide training and professional development 	<ul style="list-style-type: none"> • School-wide system in place • Defined specific skill sets for various groups 	<ul style="list-style-type: none"> • Model social skill instruction • Direct instruction format • Provide practice feedback

When You Need to Intervene

Appropriate and timely intervention is a critical component of preventing and addressing violent behavior.



Problem-solving and Analysis

Over the last two decades, schools have used a problem-solving model to address behavioral problems. Problem-solving and Analysis can be used to assist students with any chronic misbehavior that has not responded to prevention strategies. Steps in Problem-solving and Analysis include:

- Define the problem in observable and measurable terms.
What does it look like? How can I count it?
- Identify desirable replacement behavior.
What behaviors do you want? What is the first step you will accept to ensure that you are moving in the right direction?
- Develop a hypothesis.
Think about why the behavior is happening.
- Design an intervention plan that is based on information you have gathered about the possible cause of the behavior.
Who does what, when?
- Implement the plan.
- Monitor and evaluate the results.
Was the intervention put into place the way it was designed? Are the objectives reached at the desired rate?

Many school-wide positive behavior support (PBS) models use problem-solving to design targeted intervention plans to address behavior problems that do not improve within the positive school environment. The SPRINT process (Project ACHIEVE) and Positive Behavioral Interventions and Supports (PBIS) are two examples. The following figure developed by the NEA IDEA Resource Cadre illustrates the problem-solving process.

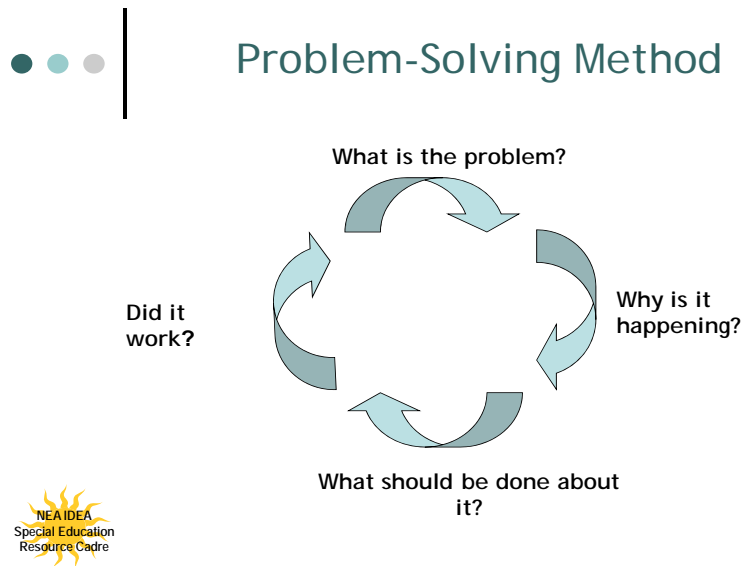


Figure 2. Problem-solving Method (NEA IDEA Resource Cadre, 2009)

Response to Intervention Approach

Many states have implemented school-wide or district-wide positive behavior support approaches that rely on a multi-tiered system of interventions and supports based on the concept of Response to Intervention (RTI). Research has demonstrated that RTI approaches are effective ways to implement school-wide behavior intervention systems.¹⁵

Although there are various implementation models, an RTI framework usually includes three tiers: 1) Tier 1 – provides school-wide general education prevention strategies, 2) Tier 2 – designs strategic or targeted interventions offered in small groups, and 3) Tier 3 – defined intensive interventions or crisis management services for individual students. General school-wide positive behavior, school-wide anti-social prevention, and bullying prevention programs are examples of Tier 1 programs. A group contingency intervention model to reduce classroom disruptive behavior, such as a classroom or school-wide response-cost lottery, is an example of a Tier 2 intervention program.

¹⁵ Burns, M.K., et al. (2007).

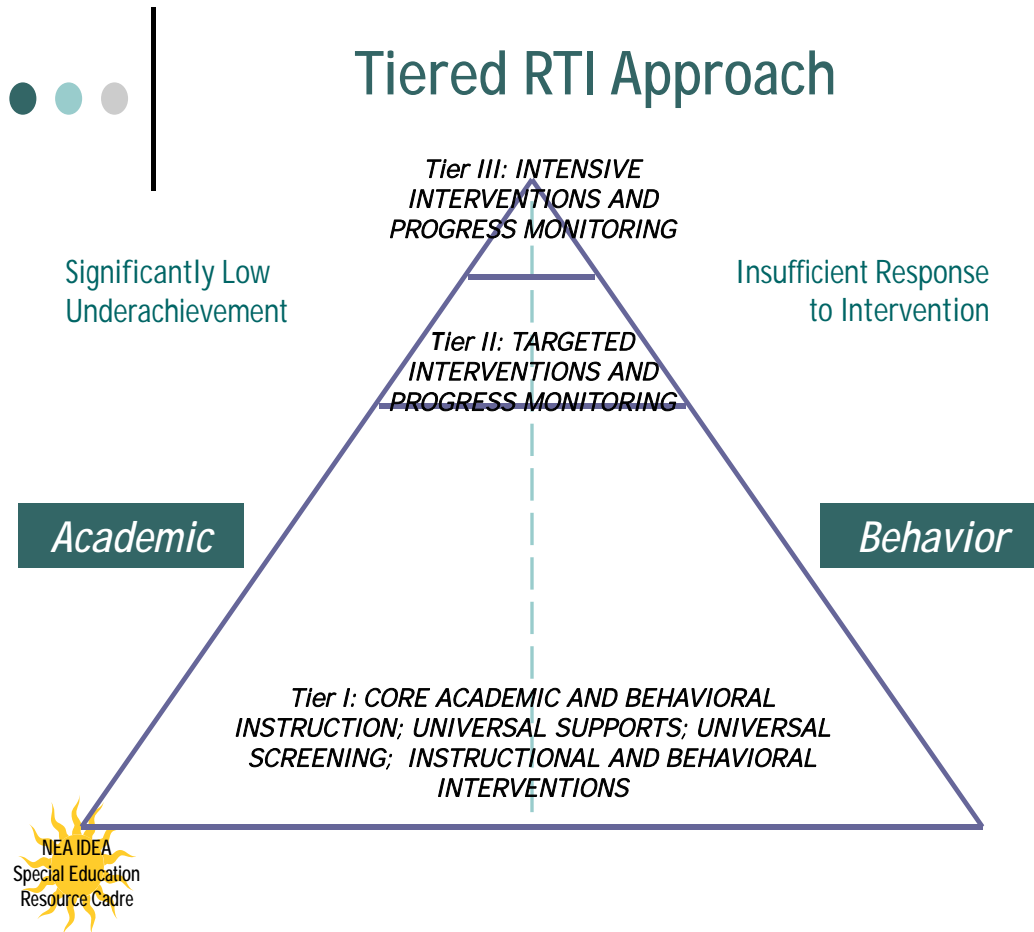


Figure 3. An example of a Tiered RTI Approach (NEA IDEA Resource Cadre, 2009)

The illustration above shows a three-tiered school-wide or district-wide system of prevention and intervention addressing both behavioral and academic issues.

Intensive Interventions

Individual or intensive interventions for behavioral problems that do not improve with Tier 1 supports and Tier 2 interventions may require conducting a Functional Behavioral Assessment (FBA) to determine the reason for the inappropriate behavior or ‘function’ that it serves for the student. Using the problem-solving and analysis method, a problem-solving team develops a Behavioral Intervention Plan (BIP) to address the inappropriate behavior. This process may be conducted without identifying a student as emotionally disturbed, particularly if

the BIP is only needed for a short time for the behavior to improve. However, it is important to note that students requiring long-term behavioral support and intervention should be referred for a special education evaluation to determine if a disability is impeding the student's ability to learn and/or perform. Tier 3 interventions should not be substituted for the individualized special education services that some students need.

In addition to the technical assistance available from the Center on Positive Behavior Intervention and Supports [<http://www.pbis.org>], information on how to implement RTI to address behavior is available from these resources:

- IDEA Partnership <http://ideapartnership.org>
- IRIS Center <http://vanderbilt.edu/iriscenter.org>
- National Center on RTI <http://rti4success.org>
- RTI Action Network <http://rtinetwork.org>

Legal Rights: Before or During an Incident

Unquestionably, the demands on educators have increased over the years. School personnel not only provide academic enrichment but also counsel students and parents, maintain order in the classroom, and ensure that students are fed and clothed adequately. But does being assaulted by a student also ‘come with the territory?’ Absolutely not. Every teacher has the right to work in a safe environment, free from physical assaults at the hands of students. The next section offers suggestions on how educators can protect themselves before and after an assault occurs.

Violence and Educators

Violent incidents against educators may include a range of behaviors, such as bullying or intimidation, verbal or gestural threats, theft, property damage or physical assaults. According to the 2007-08, School Survey on Crime and Safety conducted by the U.S. Department of Education, the rate of violent incidents during the 2007-08 school year was higher in middle schools (41 incidents per 1000 students) than in elementary schools (26 incidents) or high schools (22 incidents). Forty-eight percent (48%) of schools reported at least one student threat of physical attack without a weapon, and 9% of schools reported at least one physical attack with a weapon. Approximately 9% of all teachers were threatened with injury by a student, and 4% were physically attacked by a student during the 1999-2000 school year.¹⁶

Many states have specific laws that allow the use of reasonable physical force to the extent necessary to protect oneself or others from immediate physical injury. States also have regulations that govern the use of restraints, removal of students from the instructional setting and time-outs. Educators need to be aware of these rules so

¹⁶ National Youth Violence Prevention Resource Center
<http://www.safeyouth.org/scripts/index.asp>

that they can react appropriately in an emergency or potentially violent situation.

School districts are responsible for ensuring a safe learning environment for students and a safe working environment for school staff. Educators' concerns over their safety and the safety of their students should not be discounted. In fact, it is irresponsible to disregard or ignore these safety issues.

School Safety Rules Apply to All Students

Too often, educators are misinformed that discipline or behavioral expectations do not apply to certain students because they have Individualized Education Programs (IEPs). This myth is potentially harmful to staff and students alike. In 2005, a federal appeals court (*Lillbask v. State of Connecticut*, 42 IDELR 230, 2nd Cir.) established that educational entities, such as school districts, must address safety issues for students with disabilities. In this case, the court determined that special education hearing officers have jurisdiction to consider and address safety concerns in connection with a proposed IEP.

In addition, the Individuals with Disabilities Education Act (IDEA) states that students with disabilities who break school rules can be disciplined in the same way as students without disabilities. They must be provided with a 'free appropriate public education' (FAPE) and their due process rights must not be violated. If a student with an IEP is involved in violent behavior, specific procedures must be followed, but changes in the student's program and placement can be made if deemed appropriate. For example, the student can be suspended or removed to an alternative educational program.

Before an Incident Occurs

Be vigilant. Educators need to look for warning signs of a precursor to violence and document unusual and/or escalating behaviors and threats. Documentation should include the date and time of day of the incident, the location of the incident, the adult(s) supervising at the time of the incident, events leading up to the incident, and action(s) staff took to prevent physical injury. This documentation also can be helpful in deciding on effective behavioral interventions and to determine if a referral for a special education evaluation is appropriate.

Review the school's safety plan. Educators should obtain and review a copy of the school's safety plan and/or any policy for responding to physically dangerous behavior, including threats of violence. Any provision of the policy that is vague or outdated should be clarified. Professional development and specialized training necessary to implement the policy should be provided. Educators should be able to make a threat assessment. They should know when to call for help and when to clear a room.

Be familiar with behavior intervention plans (BIPs). Some students with and without disabilities have individualized or personalized intervention plans focused on improving their behavior. All educators who can impact a student's behavior should be familiar with the BIP. If the BIP is inappropriate or in need of modification, a teacher or education support professional should make a written request for a team meeting to review it. If there is reason to believe that this student has the potential to cause harm to himself or other students and staff, this information should be indicated in the team meeting request. At a minimum, the school administration should be made aware of these concerns. Educators who notify administrators of their concerns about potentially violent behavior have greater protection against liability if the student later causes an injury.

Request support and training. School administrators should be notified if teachers or education support professionals deem that additional support or training is necessary as part of implementing a BIP or a student's IEP. This can include training in classroom management strategies, de-escalation or conflict mediation techniques, or a request for additional classroom support from a paraprofessional or school mental health professional, such as a school psychologist, social worker or school counselor.

Improve collective bargaining and employment policies. In collective bargaining states, local associations should consider negotiating contract language aimed at improving staff safety. In non-bargaining states, similar safety provisions should be considered for local policies and/or state guidance documents. Examples of topics to consider are 1) providing educators with the right to be notified whenever a student with a known history of violent behavior is assigned to his/her classroom and 2) ensuring the right to training upon request of any staff member.

When an Incident Occurs

Avoid responding physically. Physical intervention should be a last resort. To avoid possible claims of undue use of force or inappropriate physical contact, staff should always attempt to summon assistance from another staff member first. But clearly, at times this is not possible. If compelled to respond physically to avoid immediate harm to the student or others, educators are expected to act in a reasonable and prudent manner. In general, the determination of what is reasonable and prudent will depend on several factors such as the size and age of the student involved, the degree of violence occurring, the presence of any weapons or potential weapons, and the amount of training the staff member received in appropriate restraint methods.

Record all pertinent facts in writing. What time did it happen? What witnesses were present? If appropriate, see the school nurse immediately for an assessment of any injury. Staff should take photographs of the injury as soon as possible. Identify and record the names of all individuals involved in the incident, the time of the incident, and any other relevant facts.

Notify and file reports. Once the situation at hand is stabilized, staff members need to notify critical representatives.

- **The principal.** A report of a physical assault should be filed with the principal. The assaulted staff member should keep a copy of the report and have the principal sign that he/she received it. If there have been previous warnings to the school administration of safety concerns relative to this student, a copy of that prior letter should also be attached. Placing this notice in the record enhances educators' protection against liability (professional or legal) charges should the student cause another injury in the future.
- **The school nurse.** The school nurse should receive a copy of the report of the assault. The assaulted staff member should seek medical attention from the school nurse or obtain permission to leave the building to go to his/her own doctor or to the hospital, if necessary.
- **The association representative.** The building representative or local association president should be contacted immediately so that he/she is aware of the assault and can take whatever steps are appropriate to protect the rights of the assaulted

staff member as an employee, including measures that should be taken to provide a safer workplace.

- **The police.** Educators usually have the right to contact the police directly to report the assault and/or request that the district do so. In many cases, police involvement will attest to the seriousness of the assault as well as the educator's right to work in a safe environment. Moreover, under IDEA, districts are permitted to report instances of violence or assaults involving students with disabilities to law enforcement and judicial authorities.

Request an IEP Team Meeting. If the student has an IEP, the IEP Team should consider if the child's program is inappropriate or has not been implemented properly. A manifestation determination review (MDR) also may occur at this meeting. As stipulated in IDEA, the purpose of the MDR is to determine if the behavior was the direct result of the student's disability. If a change of student's placement does not occur due to a dispute with the parents, and the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the district may request an expedited due process hearing. If such a request does not occur, the local association should make a written request that the district file for an expedited hearing.

Request removal if the student is dangerous. If the student has inflicted serious bodily harm (i.e., it involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty), the school district can exercise its right under IDEA to remove the student to an Interim Alternative Educational Placement for up to 45 days.

File a workers' compensation claim. Even if the assaulted staff member does not show any apparent injuries, the initial filing of a workers' compensation claim is necessary in the event a latent injury resulting from this incident surfaces at a later time. The local association representative can assist with the necessary paperwork to initiate the workers' compensation process if the school administration does not.

Make no statements. If the incident could result in charges (disciplinary or criminal), it's usually best if the assaulted staff member makes no statements to anyone until he/she has consulted with the union representative.

Consider filing a written complaint. The assaulted staff member and/or the local association should consider filing a written complaint with the state Department of Education. This complaint would assert that the incident could have been avoided if the district had heeded previous concerns and warnings from staff and/or that the district has a pattern of violating procedural requirements relative to the special education process.

Look into liability coverage. The local association representative should check to see if the assaulted staff member is covered by the school district or other liability coverage.

Clearly, every situation is different. Educators need to use their best judgment about which steps are appropriate and how your rights are best enforced. However, assaults of educators by students should not be minimized and are never acceptable.

Summary

In today's classrooms, we must use a positive approach to discipline and behavior management. Effective educators use proactive strategies to prevent incidents, and they intervene early and quickly when problems arise. Effective schools adopt a comprehensive approach that includes prevention, intervention, and response. If an incident occurs, prudent educators react in a reasonable and responsible manner to keep all students and staff safe.

Some final words. Implementing an effective positive behavioral support and intervention system will require 1) school leadership and support, 2) technical assistance and appropriate professional development, 3) a collaborative, school-wide or district-wide approach, and 4) meaningful engagement of all stakeholders, including educators, parents, community members and students.

Be patient but persistent. Things take time. Consider:

- One school at a time.
- One classroom at a time.
- One student at a time.
- One behavior at a time.
- One intervention or strategy at a time.

REFERENCES

- Board of Educational Affairs Task Force on Violence Directed Against Classroom Teachers, personal communication, November 19, 2009.
- Burns, M. K., et al. (2007). *Response to Intervention: Research for Practice*. Alexandria, VA: National Association of State Directors of Special Education.
- Howard, K. F. (1999). Violence-prevention programs in schools: State of the science and implications for future research. *Applied and Preventive Psychology* , 197-215.
- Kochhar-Bryant, C. and Stephenson, J. (2007, April). *Exploring the relationship between state discipline policies and exclusionary education practices for adolescents*. American Educational Research Association Convention. Chicago, IL.
- National Association of School Psychologists. (2009). *Positive school climate, student wellness, and improved academic outcomes: Bringing out the best in students and schools, Key concepts*. Bethesda, MD: Author.
- National Association of School Psychologists. (n.d.). *Promoting positive school climates in tough economic times through positive behavioral supports*. Retrieved November 19, 2009 from www.nasponline.org.
- National Association of School Psychologists. (n.d.). *Social Skills: Promoting Positive Behavior, Academic Success, and School Safety* Fact Sheet. Retrieved November 19, 2009 from www.nasponline.org.
- National Education Association. (2007). *Truth in Labeling: Disproportionality in Special Education*. Washington, DC: NEA Professional Library.
- PACER Center. (n.d.). *School-wide behavior programs*. Retrieved November 19, 2009, from PACER Center: www.pacer.org
- Ralabate, P. (2002). *Meeting the Challenge: Special Education Tools that Work for All Kids*. Washington, DC: NEA Professional Library.

Sprick, R., Garrison, M., and Howard, L.M. (1998). *CHAMPS: A Proactive and Positive Approach to Classroom Management*. Bedford, MA: Cambium Learning.

Sugai, G. (n.d.). *School-wide positive behavior support: Overview for school leaders*. Retrieved November 19, 2009 from www.pbis.org.

U.S. Department of Education. (2000). *Applying positive behavioral support in schools: Twenty-second Annual Report to Congress on the implementation of the Individuals with Disabilities Act*. Washington, DC: Author.

RESOURCES

Classroom Management

American Psychological Association

<http://www.apa.org/ed/cpse/class-management.html>

Positive Environments Network of Trainers

<http://www.pent.ca.gov/>

NEA Academy – I Can Do It! Program

<http://sites.nea.org/academy/onlinecourses/icandoit.html>

NEA Professional Library

<http://www.efastcom.com/NEABookstore/control/product?categoryId=13&catCode=NEL>

Who's in Charge? Developing a Comprehensive Behavior Management System

<http://iris.peabody.vanderbilt.edu/>

Positive Behavioral Supports

Center for Behavioral Education and Research (CBER)

<http://www.cber.org>

National Dissemination Center (NICHCY)

<http://nichcy.org>

OSEP Technical Assistance Center on Positive Behavioral Interventions & Supports

<http://www.pbis.org/>

Project Achieve

<http://www.projectachieve.info/>

Response to Intervention

IDEA Partnership

<http://ideapartnership.org>

IRIS Center

<http://vanderbilt.edu/iriscenter.org>

National Center on RTI

<http://rti4success.org>

RTI Action Network

<http://rtinetwork.org>

Violence Prevention and Intervention

Center for the Prevention of School Violence

<http://www.ncdjdp.org/cpsv/index.html>

Department of Education: Threat Assessment in Schools

<http://www.ed.gov/admins/lead/safety/threatassessmentguide.pdf>

Education World: Heading Off Violence

http://www.educationworld.com/a_issues/issues/issues328.shtml

National Association of School Psychologists

http://www.nasponline.org/resources/principals/nassp_threat.pdf

NEA Health Information Network School Crisis Guide

<http://www.neahin.org/crisisguide/index.html>

National Youth Violence Prevention Resource Center

<http://www.safeyouth.org/scripts/index.asp>

School Violence Threat Risk Assessment Resource

http://www.psych-insight.com/threat_assessment.htm

The Case for Threat Assessment

<http://www.nwrel.org/nwedu/13-01/brief/>

The Virginia Model for Threat Assessment

http://www.riskinstitute.org/NR/rdonlyres/13AFE76F-0EEE-408E-9365-D99F25FAD8FE/0/Cornell_StudentThreatAssessment.pdf

University of Colorado at Boulder Institute of Behavioral Science Center for the Study and Prevention of Violence

<http://www.colorado.edu/cspv/index.html>

U.S. Department of Education, Office of Safe and Drug-Free Schools

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Virginia Youth Violence Project

<http://youthviolence.edschool.virginia.edu/>

Acknowledgments

This guide was developed as a joint project of the Education Policy and Practice Department of the National Education Association (NEA) and NEA Health Information Network (HIN) and in consultation with the National Association of School Psychologists (NASP) and the American Psychological Association (APA).

Major contributors included: NEA IDEA Resource Cadre members Ron Benner, Katherine Bishop and Abraham Jones, NASP representatives Brent Myers and June Zillich, Karen Ohmans of NEA's Department of Education Support Professional Quality and Robyn Kaplan-Cho of the Connecticut Education Association. Jamila Boddie and Nora Howley of NEA HIN provided design and publication support.

We gratefully acknowledge the expertise and assistance of Bette Simpson and Zak Kolsky of NEA HIN, Mary Beth Klotz of NASP, and Dr. Dorothy Espelage and Dr. Rena Subotnick of APA. This guide's primary editor is Dr. Patricia Kelly Ralabate.