



Hamilton Fish, the late U.S. Congressman from N.Y., was dedicated to youth issues. Our work is a memorial to his efforts.

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The Bulletin

The Newsletter of the Hamilton Fish Institute

Use of Student Records

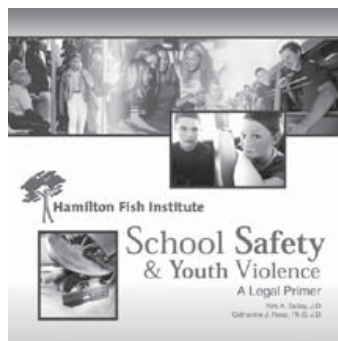
by Kirk Bailey, J.D. and Catherine J. Ross, Ph.D., J.D.

Part Four of a Four Part Series

Creating a safe school environment requires extensive communications among schools, law enforcement and social service agencies. Such cooperation involves significant record-keeping about disciplinary and counseling matters. The records that might be shared by various agencies include school records of student disciplinary problems released for law enforcement or counseling services, or law enforcement records used by a school to identify problem students or as evidence in a school hearing. The appropriate use of these records is essential for schools and the educational process.

Family Educational Rights and Privacy Act (FERPA)

The confidentiality of student records (educational, medical and disciplinary) has long been regarded as a compelling state interest, requiring courts, state agencies and school districts to take reasonable steps to ensure that confidentiality is maintained. The leading legal framework on the appropriate use of student records is the Family Educational Rights and Privacy Act (FERPA). Generally, FERPA allows schools to collect information concerning disciplinary action taken



The Legal Primer is available as a downloadable PDF file on HFI's Web site at hamfish.org/resources/record/99.

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Good Starts: Tips for a Safe & Successful New School Year

Each new school year holds the potential of being the best year of learning for each child and the most rewarding year for each educator. While there are no guarantees, there are some things that can be done to make the year more successful for everyone. Here are just a few:

For Administrators

- (1) Post expectations of behavior in common areas throughout the building (ie., hallways, cafeteria, auditorium). Make it clear that students have a right to a safe environment where each person is valued and respected.
- (2) Conduct a physical assessment of the

school's grounds and try to improve safety in potentially unsafe areas such as dark stairwells and unsupervised hallways.

- (3) Deal with issues of violence consistently and appropriately, whether the perpetrator is a student or teacher.
- (4) Conduct an assessment of your school's emotional climate. If not through a formal survey, talk to students. Ask them where they feel afraid in school, if anywhere (ie., the hallways, bathrooms, cafeteria or locker rooms).
- (5) Make regular observations of your teaching staff with their classes.

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Institute Researchers Discuss Research Results and Needs of the Future

The Hamilton Fish Institute (HFI) held its annual meeting with investigation teams from its nine research partnership sites May 7–9 in Washington, D.C. Each team presented findings from their past

six years of school violence prevention research, as well as their plans for testing a new round of interventions in the coming year.

Attended the first two days by HFI staff, research partners and a representative from the Office of Juvenile Justice

and Delinquency Prevention, the meetings yielded important information regarding promising programs designed to reduce violence in America's schools. One such program identified the importance of setting a safe tone for the students' school day by training school bus drivers in positive discipline strategies (Eastern Kentucky University). An element of another site's successful intervention created a strong partnership between law enforcement and school officials (University of Wisconsin-Milwaukee). Many sites also tested successful violence prevention programs within alternative school settings.

The last day of the three-day session was an invitational meeting at the National Press Club for policymakers, practitioners and researchers that addressed linking research about "what works" to practice and establishing clear communication channels so that researchers and practitioners meet each other's needs. As HFI's research partners described their work to the guests, ideas were exchanged about how specific programs had been tested in urban, rural and suburban schools across the country and which had been proven effective to reduce violence.

William Modzeleski, Associate Deputy Undersecretary of the U.S. Department of Education's Office of Safe and Drug-Free Schools, discussed the history of school violence prevention in terms of B.C. and A.C. (Before Columbine and After Columbine) and the expected trajectory for future prevention research. He said the A.C. period began on September 11, 2001, and predicts that focus will now turn to terrorism and bio-terrorism prevention.

"We are now giving money to schools to develop school safety plans," Modzeleski said. "This started with Columbine and now, after 9/11, we are asking schools to address school security/safety plans."

What hasn't changed since the earliest days of school violence prevention, Modzeleski said, is an emphasis on school accountability and the use of research-based programs. He added, however, that there is still much confusion about what research-based programming means and, he said, efforts are needed that set standards for these definitions.

Other guests who participated in the discussions, included representatives from the Department of Defense Education Activity, DC Public Schools, Richmond Public Schools, the Stokes-Phelps Fund and the Office of Juvenile Justice and Delinquency Prevention.

The Hamilton Fish Institute, housed in The George Washington University Graduate School of Education and Human Development, is a national resource for the research and development of school violence prevention strategies. Its research partners include teams from Eastern Kentucky University, Florida State University, The George Washington University, Morehouse School of Medicine, Shenandoah University, Syracuse University, The Trauma Center –Boston, University of Oregon and the University of Wisconsin-Milwaukee. ■ ⓘ



From left to right, back row: Joy Renfro, EKV; Sheila Clonan, Syracuse; Jim Griffin, Morehouse; Jeff Sprague, Univ. of Oregon; Bessel van der Kolk, Trauma Center - Boston. Front row, left to right: Cassie Kiesel, Trauma Center - Boston; Beverly Glenn, HFI

ⓘ This symbol means more information is available on this story in our Web site's newsroom at: www.hamfish.org/newsroom

against a student for conduct that "poses a significant risk to the safety or well-being of that student, other students or other members of the school community." In addition, schools may disclose that information to teachers or school officials who have a "legitimate interest in the behavior of the student."

Accordingly, a school may track the type and severity of violent incidents through regular reports included in a student's education record. These records would be considered disciplinary records because they involve reports of actual incidents of behavior requiring disciplinary action. Moreover, to the extent these records are maintained by a law enforcement office within the school, they will be considered law enforcement records, similar to crime reports that include investigation reports and incident data. Neither law enforcement records nor crime reports are educational records under the statute. In contrast, education records may include psychological evaluations and the results of psychological tests used for diagnostic purposes.

Sharing Disciplinary Records

Juvenile education and medical records are generally regarded as confidential, even after being provided to other agencies in accordance with law, and may be sealed in court proceedings despite a presumption that such proceedings are open to the public and media. The delicate matter of reporting student information to an outside agency or another school or institution is addressed directly by FERPA. It is important to remember that a school is not required to disclose information related to wrongdoing by a student, but schools have the discretion to do so. FERPA governs both the request for information received by a school and the school's voluntary interest in providing information to an outside agency, such as law enforcement, social service agencies or mental health counseling services. Consequently, the following guidelines apply where a school receives a request for student information

or where the school may wish to volunteer student information.

Generally, a school that discloses a record must take three steps before releasing the record:

- (1) Make a reasonable attempt to notify the parent or the student,
- (2) Provide a copy of the record that it proposes to release and
- (3) Provide a hearing if requested.

Schools or Educational Institutions

A school may disclose information to another school or institution that the student is attending if the student is enrolled or receives services from the other institution and the preceding conditions are met. Student disciplinary records may be shared between schools attended by the student in question, with the appropriate notice to parents.

Non-School Agencies or Organizations: Law Enforcement and Social Service Agencies

FERPA generally restricts access to student records by non-school individuals or organizations. Generally, funds will be denied to any school that allows disclosure of student records without written consent from the parents with

Generally, funds will be denied to any school that allows disclosure of student records without written consent from the parents with a few exceptions.

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Teacher's Tip for Classroom Management: Activity Table

For all ages

Use the Activity Table for specific behaviors or to achieve control in disruptive classrooms.

Display reinforcing items on the table that are appropriate for the age and interests of the students (reading materials, checkers and chess sets, cards, a television or VCR and/or CD player with head phones, etc.).

Identify behaviors students are to exhibit (e.g., finishing schoolwork, getting to class on time, raising their hands, working quietly, or helping classmates with their work). Involve students in identifying the desirable behavior(s) and award points for performing the behavior(s).

Allow students to redeem points by having access to the Activity Table. Each point or check can equal five minutes at the Activity Table. Students can bank their points up to a total of 20 minutes, or spend them at the Activity Table as soon as they earn them. ■ ⓘ

Source: *Classroom Management: A California Resource Guide*

REAPing Success: A Virginia Alt Ed Program



In our previous issue, we examined work the Hamilton Fish Institute has done at a school-within-a-school in Springfield, Ore.

Over the past seven years, HFI researchers have worked closely with alternative education programs. While each of these has been tested according to scientific criteria, long before the data were collected and crunched, there were more tangible signs of how these programs have helped to change lives.

The Hamilton Fish Institute implemented Regional Alternative Education Program (REAP) in Virginia in November 1999. HFI developed a comprehensive school safety plan and implemented the Positive Adolescent Choices Training (PACT) to help students with anger management.

The program has had several success stories. One of these features a young woman who became the only member of her family to ever graduate from high school. She was in the alternative school for anger issues, threats to teachers and school bus fights.

"She really turned herself around," said Debby Jennings, former director of REAP and an HFI research associate. "This was a child who was going to drop out of school. Those that drop out end up on the streets, doing drugs and getting into more trouble until they end up in jail.

"Another young lady in the program turned herself around and graduated early," Jennings said. "She now has a well-paying job and has bought herself a car. Her base school was not going to let her come back into the school but, through her success with the program, she was able to return to her base school and graduate.

"The teachers here are real role models. Students generally leave with a better feeling about school. There is a lot of one-on-one time with the kids."

With HFI's assistance, the program was able to secure Internet connections at the school so students could do their schoolwork without having to go off site. The program also provided training for the staff regarding gangs and drugs and helped install security cameras and monitors in the school. These not only have helped monitor activities within the building but provided an unexpected and effective learning tool.

"When students act up, they are taken out into the hall to continue their discussion with the staff," Jennings explained. "Then they are shown the surveillance tape and are able to see their behavior and understand just how threatening they are.

"We looked at the entire program and have been able to recommend improvements and have helped them across the board."

"We looked at the entire program," Jennings added, "and have been able to recommend improvements and have helped them across the board."

Beyond simply working to improve safety and overall conditions within the school, the program has also helped the school reach out to the community, often connecting

them to invaluable community resources. "Staff had no time to act as liaisons and to network for support emotionally and professionally," Jennings said. "We've been able to help them with that and get them more involved in advocating in the community for their needs."

Jennings reported that approximately 75 to 80 percent of the youth who attended REAP graduated—youth who may have otherwise dropped out or possibly been turned out onto the streets. ■

For more information, Debby Jennings can be contacted at debbyj@gwu.edu.

Around the Web: Resources on the Internet

Help Your Community
helpyourcommunity.org

The Annie E. Casey Foundation
aecf.org/

National Youth Violence Prevention Resource Center
safeyouth.org/home.htm

Sharing Success
sharingsuccess.org

Safe Schools/Healthy Students
mentalhealth.org/safeschools/

Free Resources

Education World Magazine
education-world.com

Campus Safety Journal
campusjournal.com
(register for free subscription online)

OJJDP
ojjdp.ncjrs.org
(numerous free resources and reports)

Speak to your staff to find out if there are areas in which the teachers might benefit from enrichment instruction. Administrative support and leadership, student behavior, school atmosphere and teacher autonomy are working conditions associated with teacher satisfaction. Ask your teachers about their satisfaction in these areas.

For Classroom Teachers

- (1) Don't assume that students know how they are to behave. Involve students in the development of classroom rules. When students are involved, they are more likely to adhere to rules, report infractions and understand the rationale for their creation.
- (2) Develop a code of behavior of between five to seven rules for ease of recall. Keep the list simple and to the point.
- (3) State rules positively, rather than negatively. For example, rather than stating, "Don't be late to class" or "Don't talk without raising your hand," say, "Be in your seat before the tardy bell rings" and "Raise your hand before asking questions."

- (4) Be courteous and respectful of students at all times. Be alert for signs that they may need special assistance and help them get it.

For Parents

- (1) Encourage your children to talk to you about their school day.
- (2) If your child refuses to go to school or has a sudden dislike for a subject, he or she may be experiencing a problem with bullying. Every child has a right to a safe learning environment, free from violence by both students and adults. If your child starts to experience problems in school, talk to your child and listen to his or her beliefs about the cause of the problem(s). If it is something you can resolve with the help of a teacher, contact the teacher(s), ask what they've observed and see if you can reach a solution together.
- (3) Be an advocate for your child's education. Learn about programs available in your area to improve your child's education. If services are needed that don't currently exist, get involved. Meet with principals and teachers to explore ways you can help. ■

HFI News Briefs

New Staff Welcomed to HFI



The Hamilton Fish Institute welcomed a new member of its research staff in July, Julia Sumner. Sumner is a recent graduate of Muhlenberg College in Allentown, Pa., where she was a double major in Psychology and Communications. Before coming to HFI, she worked as a research assistant at the Center for Media and Public Affairs.

HFI Hosts Gang Workgroup

Youth gangs are a topic of great concern nationwide. Debby Jennings has organized efforts for HFI to host a series of workgroup meetings on gang prevention. The first meeting was August 28. Representatives from the Washington D.C. mayor's office, the Metropolitan Police Department and D.C. area community groups and other stakeholders partici-

pated, as well as representatives from the Virginia Attorney General's office, Howard University and a Virginia school district. Practical information on gangs and prevention strategies were shared.

HFI Presentations

Lori McGee and Debby Jennings made a joint presentation at the Ninth National Prevention Conference, sponsored by the Comprehensive Health Education Foundation, in San Francisco, Calif. on HFI's research and evaluation activities.

Expanding HFI's Training Opportunities

In July, HFI submitted a proposal to the Centers for Disease Control and Prevention to operate a 5-year training program for violence prevention leaders and practitioners. Ruth Marshall spearheaded this effort and worked with the Institute's research partners from concept to completion of the proposal. ■

Heard in the Halls:

"I like school because it helps us learn things so that when we're older we'll have the skills to get good jobs. It teaches us life skills. My favorite subject is science. Right now we're building towers out of spaghetti. We're learning about structure and architecture."

When asked if he thinks his teachers are happy to be in school each day:

"Some of them seem like they want to be there."
— Tyler, 7th grader, Tex.

Fact: In a study published in 1997 by the National Center for Education Statistics, 34 percent of teachers surveyed indicated they were not sure they would choose teaching as a career again. Another 32 percent indicated a high level of satisfaction. The more favorable the working conditions were, the higher the satisfaction scores were. Administrative support and leadership, student behavior and school atmosphere and teacher autonomy are working conditions associated with teacher satisfaction in the survey.



Heard in the Halls:

"My favorite part about school is the sports activities and the music. I like language arts and social studies. ... I like it best when my teachers show stuff instead of just saying it. I like it when they show us how to do things."

– **Karli, 7th grader, Mich.**

Fact: Most educators agree that engaging students actively in learning is the best way for new information to lodge into memory. Yet, in the average classroom, teachers do 70 to 80 percent of the talking. And although textbooks rarely "activate curiosity, creativity, imagination and wonder," they account for 75 to 90 percent of all learning that goes on in schools.

Source: Creating Emotionally Safe Schools by Jane Bluestein, Ph.D.

a few exceptions. The statute's exceptions allow disclosure of even personally identifiable information from educational records without the consent of the student or parents when information is needed by or for the following:

- State or local juvenile justice officials,
- Organizations conducting educational studies,
- Health and safety emergencies and
- Disciplinary records.

Information on Specific Acts in Student Records

FERPA also controls the use of information regarding particular acts or issues, including violent acts, drug possession, weapons possession, destruction of property, disruptive behavior and psychological or mental health assessments of students at risk for violence ("profiles"), as described below.

Violent Acts

FERPA allows the reporting of violent acts such as homicide, rape, assault, or the imminent threat of such acts. Information regarding such actions by students may be reported voluntarily by the school or upon request by an outside agency.

Drug or Weapons Possession

FERPA allows the reporting of information related to the possession of drugs or weapons by students on school grounds, voluntarily or at the request of outside agencies.

Antisocial or Disruptive Behavior

To the extent disruptive or antisocial behavior includes the destruction of property or vandalism, it may be reported to law enforcement, voluntarily or on request. Other forms of antisocial or disruptive behavior that do not fall into any of the previously mentioned categories will require notification to and consent of the student's parents before the information can be released to a third party. This type of behavior might include yelling in class, name-calling, disrespect

for teachers or other school officials, bullying, intimidation or similar behavior that does not reach the level of destruction of property or assault of fellow students or school personnel.

Risk Factor/Behavioral/Threat Assessments: "Profiles"

FERPA does not address this area directly and does not provide an exception for this type of information in a student's record. Therefore, the release of information on student achievement, behavioral or academic history, personal interests, extracurricular activity or similar background information on a student is governed by the general provisions of FERPA, meaning the release must be accompanied by notification and consent of the student's parents or guardians. Both the U.S. Department of Education and the Federal Bureau of Investigation (U.S. Department of Justice) have expressed grave reservations about the use or misuse of profiles in schools, so extreme caution is recommended. Please contact the Department of Education at www.ed.gov/offices/OESE/SDFS or www.treas.gov/uss/; or the FBI at www.fbi.gov/library.htm for additional information.

State Law

State law also affects whether a school is required to report information regarding a student's conduct or may exercise discretion on such matters. Generally,

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federal statutes and state law require that schools report to law enforcement officials on any criminal or violent acts (assault, homicide, child abuse) or possession of weapons or drugs. Property damage, vandalism, and destruction of property may or may not come under the state reporting requirement. In addition, internal school board policies based on state or local requirements may govern these areas, and readers are urged to contact local legal authorities to determine the specific rules in their community.

Response to Release of Student Records

Schools will not be liable in a civil suit by students or parents for FERPA viola-

tions, primarily due to the exclusive remedies by the Secretary of Education provided in the federal statute. FERPA may create, however, a right actionable under civil rights statutes. American courts are split on this issue so readers are advised to contact their local school counsel for guidance in this area. It is clear, however, that administrative remedies need not be exhausted for a person to bring suit against a school under civil rights laws. ■ ⓘ

The complete text of *School Safety & Youth Violence: A Legal Primer* is available online at HFI's Web site at hamfish.org.



Heard in the Halls:

"I've come to the frightening conclusion that I am the decisive element in the classroom. It's my personal approach that creates the climate. It's my daily mood that makes the weather. As a teacher I possess a tremendous power to make a child's life miserable or joyous."

– **Hiam Ginott**

"Relationships are the foundation of a personalized school. Opening students' minds to lifelong learning requires cultivating their trust and respect. Without a positive student-teacher relationship, many students aren't even willing to try."

– **Dennis Littky and Farrell Allen**

From [Creating Emotionally Safe Classrooms](#) by Jane Bluestein, Ph.D., reviewed in *The Bulletin*, Volume 1, No. 1.

Checklist - Student Records

- ✓ Recognize that the student may always seek appropriate judicial relief.
- ✓ Schools should adopt policies and procedures consistent with the requirements of FERPA. Students, parents, and legal guardians should be informed of their rights under this act.
- ✓ Accurate student records should be maintained. Student records should include the name, title, date, description of educational interest, specific records examined and the place of examination.
- ✓ Any corrections or adjustments to student records should be dated and initialed by the person responsible, with the knowledge and approval of school officials.
- ✓ School personnel should avoid labeling children.
- ✓ Disciplinary information in student records should be specific regarding the infraction committed (time, place, and witnesses) as appropriate. The student should be informed of the information recorded and provided a copy as appropriate.
- ✓ School personnel should not discuss student records with third parties. Gossip or careless talk among school personnel may not be protected by various privileges.
- ✓ Student records should be maintained in a safe and secure place and should not be removed from school premises by school personnel without proper authorization.
- ✓ Unless prohibited by court order, the noncustodial parent should be afforded the same right to access student records as the custodial parent.
- ✓ To avoid allegations of malicious intent, transmit only the information that is requested by a prospective employer.
- ✓ Avoid releasing information by telephone, unless the requestor's identity is confirmed.
- ✓ Consult with the school's legal counsel regarding any questions, conflict or difficulty involving student records or FERPA.

OJJDP

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BOOK REVIEW

And Words Can Hurt Forever: How to Protect Adolescents from Bullying, Harassment, and Emotional Violence



And Words Can Hurt Forever offers a thorough and candid look at bullying, a problem too often trivialized as a normal part of growing up. Chapter by chapter, James Garbarino, Ph.D., author of *Lost Boys*, and Ellen deLara, Ph.D.,

have filled the book's pages with compelling evidence for dispelling the old adage that claims, "Sticks and stones may break my bones but words can never hurt me."

Statistics pale to the words of those on the front lines who have witnessed or have been victims of bullying in its many forms. As the reader learns, many victims have turned their feelings inward and have taken their own lives. In other extreme circumstances, young people have turned their despair outward.

In the words of one bullying victim, "The principal told me to just start ignoring everybody. After a while, you can't take

it anymore [the constant taunting]. I felt a sense of power with a gun. It was the only way to get rid of the anger." Evan Ramsey, the book explains, is currently serving 210 years in prison for shooting an athlete and the principal of his high school at age 16.

The message buried in stories like these is that there were adults who ignored a student's anguished cry for help. Many youth clearly feel the adults in school are out of touch with the realities that students face each day.

One of the wonderful features of the book, for those wanting to get more involved in eradicating bullying, are the practical action steps at the end of each chapter. Additional features at the end of the book include a resource guide and suggested readings. – **by Allison Seale**

And Words Can Hurt Forever
By James Garbarino, Ph.D. and Ellen deLara, Ph.D.
The Free Press
ISBN: 0-7432-2898-7

In Our Next Issue:

HFI will start a new series focusing on information learned from its research. Look for information on improving school bus safety and building partnerships to improve school safety.