

School boards must carefully draft regulations that balance the individual's freedom of expression with the public's interest in quality education.

School Safety

UPDATE

Restricting gang clothing in the public schools

With the increase in violence, school boards and administrators throughout the country are struggling with ways to curb gang activity. Efforts have included increased surveillance by police, locking doors during school hours, installing metal detectors at school entrances, cancelling after-school activities and athletics, and imposing restrictions on gang-related clothing and hairstyles. Many of these remedies require considerable expense and, in a time of declining revenues for schools, most of these efforts are thereby impractical or impossible. From a purely economic standpoint, attempting to limit the growth of gang activity via restrictions placed on gang clothing is a viable option.

From a legal perspective, two issues are pending: first, whether schools *can* or *should* restrict gang clothing, and second, how to restrict gang clothing without infringing upon the constitutional rights of the students.

First Amendment

The rights protected by the First Amendment are broadly encompassed in the term, "freedom of expression." This term is something of a misnomer because the protection is not limited to an individual's freedom to speak or the press' freedom to print. It is generally held that freedom of expression includes freedom of speech, of the press, of assembly, of petition, and the implicit freedom of association derived from an individual's rights of speech and assembly.

Although infringements on freedom of expression are generally subject to strict scrutiny, over time government abridgement or "interference" with freedom of speech has

fallen into two broad categories for analysis. In the first category, the governmental body is restricting or limiting the speech because of the ideas or information contained therein. In the second category, the government actions are aimed at non-communicative impact which nonetheless has an adverse effect on communication.¹ The Supreme Court has implicitly recognized that the dangers posed by governmental action for the first category are different and generally more severe than those posed by the second category.

Speech plus conduct

In *United States v. O'Brien*, Chief Justice Warren writing for the majority said, "[w]e cannot accept the view that an apparently limitless variety of conduct can be labelled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."² In subsequent cases, the Court has reiterated this limitation on expression and has articulated a two-part test to determine "whether particular conduct possesses sufficient communicative elements to bring the First Amendment into play."³ First, there must be "an intent to convey a particularized message." Second, the likelihood must be great that within the surrounding circumstances the message will be understood by those who viewed it.⁴

It is clear that intentionally wearing gang clothing conveys a message. If the message is simply, "I am a member of such-and-such gang," then it may be argued that the message is particularized. In the school setting, it is likely that fellow gang members recognize the item of clothing as symbolic of their gang affiliation. Under this rudimentary analysis, wearing gang clothing meets the initial *O'Brien* two-step test and is sufficiently communicative to bring the First Amendment into consideration. However, it may be argued that wearing gang clothing also conveys a variety of other messages including threat, fear, intimidation, and challenge to rival gangs and that consequently the message is not particularized. It is as likely as not that the wearer's intended message may be misunderstood by those who receive the message. Reports by teachers and students indicate that gang clothing conveys fear, intimidation, and threat. Students are likely to respond to the gang regalia as

indicative of potential violence from a gang, rather than to simply identify a particular gang by its [member's] symbolic attire. School officials may argue that the real issue is the message received by third parties — students who are not involved in gang activity per se but are affected by the intimidating effect of the gang clothing message. Gang attire will probably meet the first prong of this test, the particularized message, but it is debatable whether the second prong, understanding/comprehension, can be met.

If a court were to hold that gang regalia is expressive conduct and is thereby protected by the First Amendment, the next issue would be what level of scrutiny the court should invoke against the regulations. In *United States v. O'Brien*, the court spelled out four criteria that a government regulation must meet if it limits expressive conduct.

[A] government regulation is sufficiently justified:

- if it is within the constitutional power of the government;
- if it furthers an important or substantial governmental interest;
- if the governmental interest is unrelated to the suppression of free expression; and
- if the incidental restriction on alleged First Amendment freedom is no greater than is essential to the furtherance of that interest.⁵

Generally, the responsibility for education has been delegated to the states. State laws authorize school boards to take reasonable steps to ensure a positive learning environment for school-age citizens. With the general exception of school segregation cases, courts usually defer to a school board's expertise when cases involve conclusions about school pedagogy. It therefore seems probable that a school board is not overreaching its authority and would thus meet the first prong of the *O'Brien* test when it adopts a dress code for the purpose of maintaining the board's interest in providing safe and secure classrooms to facilitate effective learning.

The genuine purpose of a school's dress code becomes the threshold determination as to constitutionality under *O'Brien*. If it can be shown that the purpose of the dress code or clothing restriction is to protect the right to an education or to maintain an effective learning environment, the regulation is likely to pass the second prong of the *O'Brien* test. On the other hand, if the intent of the dress code is to suppress a gang message, it is likely to fail the third phase of the *O'Brien* test. In essence, the second and third *O'Brien* prongs balance a school board's interest in maintaining a safe, orderly environment while protecting other students and their right to an education against a gang's interest (as well as the interests of individual gang members) in freedom of expression.

“Unprotected speech”

In its overall context, freedom of expression connotes a broad freedom to communicate a message, either spoken, written, or by expressive action. However, courts have not allowed this freedom to go completely unbridled. Instead, the United States Supreme Court has pointed out in a number of cases that the First Amendment does not “afford the same kind of freedom” to communicative conduct as to that which it extends to pure speech. In addition, the Court has defined certain established categories of speech which are not deemed to be protected by the First Amendment. These categories include, but are not limited to, obscenity,⁶ advocacy of imminent lawlessness,⁷ and fighting words.⁸

Assuming that wearing gang clothing is symbolic speech, it may be argued that this speech falls into two of the above mentioned unprotected speech categories: fighting words and advocacy of imminent lawlessness. In *Chaplinsky v. New Hampshire*, a unanimous Court affirmed the conviction of a defendant who violated a state statute which [prohibited] any person from addressing “any offensive, derisive, or annoying word to any other person who is lawfully in any street or other public place.”⁹ The state court interpreted the statute to ban “such words, as ordinary men know, are likely to cause a fight,” and to prohibit “the face-to-face words plainly likely to cause a breach of peace by addressee.”¹⁰ Justice Murphy stated:

There are certain well defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought to raise any Constitutional problem. These include the lewd, and obscene, the profane, the libelous, and the insulting or ‘fighting words’ — those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.¹¹

By this definition, it is possible to argue that gang clothing would fall within the rubric of unprotected “fighting words.” According to personal accounts by gang members, third-party (non-gang member) students, and school personnel, violence often results when a rival gang member simply appears on school grounds wearing his gang regalia or symbol. This is an obvious breach of the peace. The message has slight social value, and others are injured (or at least intimidated) by the message symbolized by the clothing or regalia.

Similarly, if the wearer of the gang clothing intends to arouse violence, such clothing may be categorized and ana-

lyzed as “speech that advocates imminent lawlessness.” According to the United States Supreme Court in *Brandenburg*, this type of speech can only be restricted if two conditions are met: first, the advocacy is “directed to inciting or producing imminent lawless action;” and second, the advocacy is also “likely to incite or produce such action.”¹² Modern cases have also taken into consideration the factors of actual incitement and the immanency of the harm.¹³ Therefore, in considering gang clothing, if the intent of the wearer is to arouse rival gang members to the point of physical confrontation, the imminent lawlessness argument is fairly strong. There are numerous accounts of fights breaking out in schools when gang members view other students’ attire as either a personal challenge or as a threat to their gang’s territory or turf. This would present a situation where a court would need to know the specific facts of a case before determining the immanency question.

Pure speech

If wearing gang clothing is found to be pure speech and is thus not classified within one of the unprotected speech categories, precedent dictates that a strict scrutiny standard will be invoked to determine the constitutionality of a dress code regulation. Under this standard, a court looks at the regulation/restriction in terms of time, place and manner. A regulation is not valid unless it satisfies three specific requirements. First, the regulation must be content-neutral. In other words, the government may not prefer certain ideas or subject matter over others.¹⁴ Second, the regulation must be “narrowly tailored” to serve a “significant governmental interest.”¹⁵ Third, the regulation must leave open “alternative channels for communication of the information.”¹⁶ This analysis is usually applied to regulations on speech in public forum settings such as public parks and streets. Until fairly recently, gang activity was most prevalent in the streets; however, the problem has now moved into the public schools.

Beginning with *Tinker v. Des Moines Independent Community School District*,¹⁷ courts have applied a constitutional analysis specifically tailored to regulation of speech in the public schools. In an often quoted statement Justice Fortas claimed, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”¹⁸

The Court did not leave the schoolhouse gate wide open, however. It stated, “In order for the state in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”¹⁹ In the years since the *Tinker* deci-

sion, it can be argued that the most significant point of the Court’s opinion was the acknowledgment of the importance of uninterrupted school work and discipline. “But conduct by the student, in class or out of it, which for any reason — whether it stems from time, place, or type of behavior — materially disrupts class work or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech.”²⁰

If it can be shown that gang-related clothing causes a disruption or interferes with the rights of other students, it is very likely that its prohibition or reasonable restriction will be upheld. The *Tinker* decision supports dress code limitations on gang regalia where there are provable facts of disruptive behavior rather than just theoretical speculation.

Overbreadth and vagueness

Opponents of dress codes raise two additional protections of freedom of expression: overbreadth and vagueness. A regulation or rule may be voidable by a court if it can be shown that, as a result of the rule or regulation, people are compelled into not using speech or expression that is otherwise protected. The intent of the rule may be valid, but the rule or regulation itself has a chilling effect and is thus over-broad.

A rule is also overbroad if it is vulnerable to selective enforcement. For example, Margaret Russell, an attorney for the American Civil Liberties Union, charged that an Oakland, California dress code was overbroad because it would have a “disproportionate impact on young males of color who often fit so called ‘gang profiles’ even when they are not gang members.”²¹ Similarly, in Cheyenne, Wyoming, parents threatened suit when school officials proposed a dress policy that advised students against wearing clothing with professional sports team logos because of its suggested gang affiliation. (Note, all professional team logos were included so as to prevent a discriminatory effect.) The parents claimed the rule unfairly restricted students who were not involved in gangs from freedom of choice of apparel, a form of freedom of expression.

In this regard, the 1973 United States Supreme Court case of *Broadrick v. Oklahoma* is somewhat analogous. In *Broadrick*, an Oklahoma Merit System Act prohibited civil servants from engaging in certain political activities. Claiming the statute was overbroad, Broadrick challenged the application of the statute to the wearing of political buttons and displaying of bumper stickers. The Court held that where statutes govern conduct that has an expressive element, “the overbreadth of a statute must not only be real, but substantial as well when judged in relation to the statute’s plainly legitimate sweep.”²² Had a team clothing

regulation been adopted in Cheyenne and a suit followed, it is possible that under *Broadrick*, a court would have stricken the regulation if it was found to be substantially overbroad in comparison to its legitimate purpose of restricting gang clothing.

A regulation that is unduly vague can also be voided by judicial action. The chilling effect of a vague regulation is very similar to overbreadth; however, with a vague regulation a person does not know if his/her speech or conduct will be constitutionally protected and thus he/she refrains from speaking or acting. It seems that the key to avoiding overbreadth and vagueness is the careful wording of the regulation or rule. Although some persons may arguably be chilled from wearing clothing that has known gang connections, a court will probably weigh that burden against the legitimate government interest in maintaining an effective learning environment uninterrupted by gang violence or intimidation.

Resolving the problem

Violence in the public schools is on a steady rise. The number of identifiable gangs has increased and is no longer confined to the major population centers. Membership in gangs has broadened to include both older and younger members as well as females. Accompanying the growing numbers is a growing fear of gangs. In some communities fear of gangs has become so pervasive that it threatens students' ability and opportunity to learn.

In order to resolve the problem, school boards and administrators must first be aware of increasing gang activity. Secondly, they must substantiate that there is a problem within their jurisdiction. Third, they must take measures to reduce the power of the gangs and to redirect focus on learning through well-written policies. In their zeal to accomplish this difficult goal, school boards and administrators must be aware of the potential interference with an individual's freedom of expression. Generally speaking, if a board can show that the "message" of gang attire substantially interferes with the learning environment, then restrictions on attire will probably be upheld.

In *Olesen v. Board of Education*, a high school senior challenged an Illinois school district's rule forbidding gang activities, including the wearing of gang symbols, jewelry, and emblems. The district court reasoned that there was no violation of First Amendment free expression because a message of individuality was not within the protected scope of the Constitution. The school district had a *clear and reasonable basis* for their policy curtailing gang activities in the school setting. The student failed to demonstrate that his rights should outweigh the public interest in uninterrupted education.²³ A student's right of expression can con-

stitutionally be limited if it interferes with another student's right to learn.

By contrast, if a board can *not* prove that a gang problem exists, justification for gang clothing restriction is considerably weaker. School districts must have a clear and reasonable basis for their policy. A policy that stresses the importance of reducing distractions that inhibit learning is more likely to succeed than a dress code or policy that stresses restricting gang communication via limitations on attire. If the message being conveyed to students is one of intimidation, fear, or a threat of violence, dress regulations should be addressed as an attempt to control the learning environment and not as a freedom of expression issue.

If the present trend continues, nearly all school districts will be forced to address the gang problem at some point in the future. Although courts often defer to school board expertise, it will be critical that boards carefully draft regulations that balance the individual's freedom of expression with the public interest in quality education.

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Endnotes

1. *Cohen v. California*, 403 U.S. 15, 18, 91 S.Ct. 1780, 1784, 29 L.Ed.2d 284 (1971).
2. 391 U.S. 367, 376, 88 S.Ct. 1673, 1678, 20 L.Ed.2d 672 (1968).
3. *Id.*
4. *Spence v. Washington*, 418 U.S. 405, 410, 94 S.Ct. 2727, 2730, 41 L.Ed.2d 842 (1974).
5. 391 U.S. at 376, 88 S.Ct. at 1678.
6. *Roth v. U.S.*, 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957).
7. *Herndon v. Lowry*, 301 U.S. 242, 57 S.Ct. 732, 81 L.Ed. 1066 (1937).
8. *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572, 573, 62 S.Ct. 766, 769, 770, 86 L.Ed. 1031 (1942).
9. *Chaplinsky* at 569, 62 S.Ct. at 768.
10. *Id.*
11. *Id.* at 571-572, 62 S.Ct. at 769.
12. *Brandenburg v. Ohio*, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969).
13. *Herndon v. Lowry*, 301 U.S. 242, 253, 57 S.Ct. 732, 737, 81 L.Ed. 1066 (1937).
14. *Cohen v. California*, 403 U.S. 15, 19, 91 S.Ct. 1780, 1785, 29 L.Ed.2d 284 (1971).
15. *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 2065, 2069, 82 L.Ed.2d 221 (1984).
16. *Id.*
17. 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969).
18. *Id.* at 506, 89 S.Ct. at 736.
19. *Id.* at 509, 89 S.Ct. at 738.
20. *Id.* at 513, 89 S.Ct. at 740.
21. Pearl Stewart, "Oakland Postpones Dress Code Vote," *San Francisco Chronicle*, August 19, 1991, p. news, A19.
22. 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d 830 (1973).
23. *Olesen v. Board of Education*, 676 F.Supp. 820 [44 Ed.Law Rep. [205]] (N.D. Ill. 1987).

Programs and partnerships to curb youth violence

Students required to wear uniforms

In an effort to curb gang-related violence, the school board of the Long Beach (California) Unified School District recently approved a policy that will require all of its 57,500 students in elementary and middle schools to wear uniforms beginning next school year. Many districts across the nation have implemented bans on certain gang-style clothing or introduced voluntary uniform policies, but Long Beach is among the first to issue a districtwide policy requiring uniforms.

L.A. programs address at-risk youth

To help youth avoid gang involvement, the district attorney's office and the county fire department of Los Angeles formed a partnership program called **RESCUE** to provide mentoring and adult friendship to young people ages 12 to 14. These relationships are provided by firefighter volunteers who give individualized attention to the students on a regular basis.

The volunteer students participating in **RESCUE** have exhibited at-risk behavior and are susceptible to frequent absenteeism, truancy and tardiness. These students may have the potential to drop out of school because of financial need, dislike of school, lack of basic skills, disciplinary problems, low self-esteem, emotional or physical problems, and feelings of alienation. Students also may have had minimal association with gang members.

In addition to the benefits of interaction with firefighters, student receive instruction in knot tying, fire safety and prevention, earthquake preparedness, first aid and CPR, crisis drills, and use of 911 for emergencies. The firefighters coordinate meeting with students at designated fire stations near the students' homes.

Based on the premise of stopping young offenders and making them aware of where their actions can lead before they become hardened criminals, **Project Shortstop** is a high-impact diversion program for first-time, nonviolent offenders. Much like a drug diversion program, the youthful offender may chose to complete the program to avoid

prosecution.

Developed in conjunction with the district attorney's office and other Los Angeles county and community agencies, **Project Shortstop** provides legal education to young offenders and their parents, informing them of the ramifications of illegal activities. Classes are held in courtrooms and holding cells and are taught by attorneys, probation officers, law enforcement officers and wards of the California Youth Authority. **Shortstop** is intended to teach at-risk youth the importance of good decision making, the consequences of criminal behavior, legal rights and responsibilities, and how to plan for the future.

For information on either of these programs, call 213/974-7401 or write: District Attorney Gil Garcetti, 18000 Criminal Courts Building, 210 West Temple Street, Los Angeles, CA 90012.

Judged by a jury of their peers

Founded by a six-member task force composed of representatives from local juvenile justice departments, the district attorney's office, the school district, and a medical center, **Silver City (New Mexico) Teen Court** is based on the concept that teens judged by a jury of their peers are less likely to become repeat offenders. Since the program's inception in November 1992, 136 cases have been heard, with a recidivism rate of about 10 percent.

Cases involving petty misdemeanors, alcohol and other substances, shoplifting, criminal damage, assault and first offenses of driving while intoxicated (DWI) are tried in teen court. Sentences include up to 80 hours of community service and jury service. Some community services include working at the animal shelter, library, nursing homes and many other community agencies. These agencies are excited about the program since they obtain free, conscientious labor at a time when budget cutbacks are hampering their programs. Many youngsters return to the agencies as volunteers after their sentences have been served, and many former defendants have opted to remain in the teen court system as jurors, bailiffs and attorneys.

For more information, contact Nancy Stevens, Drug Coordinator, Silver Consolidated Schools, 2810 North Swan Street, Silver City, New Mexico 88061, 505/388-1527.

Newsletter on discipline available free

The Canter Report, an eight-page, semiannual newsletter for K-12 teachers and administrators, provides practical information and resource guidance on issues of classroom discipline and school safety. The publication is available free of charge upon request. Educators may write to Lee Canter & Associates, Box 2133, Department CR, Santa Monica, CA 90407 or call toll-free 1-800-677-4791.

Regulating student appearance: a new trend

School districts may adopt reasonable rules regarding the dress and appearance of students, provided that such rules are related to the educational process and prevent disruption or promote health. Dress codes may not be based on personal preference of school officials nor be used to stifle religious or political expression.

Most rules upheld by the courts consider what cannot be worn as opposed to what must be worn. Examples of clothing that can be prohibited include shoes that damage school property, clothing which evidences membership in a gang, and apparel that is either immodest or appropriate only to the opposite sex.¹

One type of dress code proposed to help create a safer school environment is the wearing of student uniforms — either voluntary or mandated. The strategy may attempt to eliminate the wearing of gang-style clothing, or it can be an attempt to prohibit the wearing of expensive clothing which can create jealousy and cause the wearer to become a target for victimization.

Although this is not a common strategy, a few states have developed laws or policies on the subject. For example, Louisiana authorizes each city or parish school board to adopt dress code rules and regulations which include the use of a uniform chosen before the beginning of the school year.² Illinois law states that if parents or officials of a school request the local school council to initiate a school uniform, the council is permitted but not required to do so.³ New York boards of education have the power and obligation to set reasonable standards concerning the dress and appearance of students while in school, but they do not have the power to compel students to wear a uniform or particular kind of dress.⁴

California Senate Bill 1269, introduced January 3, 1994, would grant California school boards the right to require uniforms as a strategy to counteract the presence of gangs at school. The only prohibition would be that the parents must receive more than six months notice of the policy. The bill gives several reasons for this proposal:

- Children are often not able to focus on learning but are

forced to focus on the threat of violence and the messages of violence contained in gang regalia.

- Uniforms take away the need to instruct teachers and administrators on the subtleties of identifying constantly changing gang paraphernalia.
- Weapons can be concealed in the typical gang clothing.
- A required uniform may protect students from being associated with any particular gang.

Establishing a schoolwide dress code is a key component of safe school planning according to California Education Code. The state recommends that school safety plans be developed by local school boards with the participation of teachers, classified employees, parents, law enforcement, school administrators and students. Section 35294.1 sets forth four possible aspects of the plan, one of which is establishing a dress code.

The dress code is to be developed pursuant to section 35183 of the Education Code in which the legislature declared that the governing school board of any school district may adopt “reasonable dress code regulations” that prohibit pupils from wearing “gang-related apparel.” Those parties participating in the development of the comprehensive school safety plan have the responsibility to define gang-related apparel. According to the statute, “[t]he definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment.”

California Education Code section 48950 prohibits school districts from enforcing any rule subjecting any high school pupil to disciplinary sanctions solely on the basis of speech or other communication that, when engaged in off campus, is protected by the First Amendment. Students have the same free speech rights on campus as they do off campus, although the law also states that the imposition of discipline for harassment, threats or intimidation may be imposed on a student, unless constitutionally protected. The question arises: Are individuals free to wear “gang-related apparel” under the First Amendment? California addresses this issue by stating that “gang-related apparel” shall not be considered a protected form of speech.

Each of these strategies is intended to help the public schools control and maintain an effective learning environment and keep the focus of the classroom on learning.

Endnotes

1. See James Rapp, *Education Law* (Matthew Bender & Co., Inc.) § 9.02[8][c].
2. La. Rev. Stat. Ann. § 416.7 (West 1993).
3. Ill. Ann. Stat. ch. 105, para. 5/34-2.3 (Smith-Hurd 1993).
4. *Matter of the Appeal of Joan C. McQuade*, 6 Educ. Dept. Rep. No. 7683 (1966).

COURAGE provides alternatives to gang membership

Project COURAGE (Community Organizations United to Reduce the Area's Gang Environment) began as an outgrowth of a 1989 gang violence suppression grant to the Riverside (California) County Office of Education. The project has continued to expand and now occupies 23 different school sites. It is both a prevention and intervention program for youth in kindergarten through twelfth grade. Project COURAGE provides:

- positive alternatives and activities to all youngsters;
- staff members who serve as positive role models;
- assistance toward academic success and exploration of realistic job opportunities;
- promotion of the development of healthy self-esteem;
- education and discussion about issues that confront students on a daily basis; and
- fun and leisure activities where children learn socialization and cooperation skills.

Project COURAGE is comprised of three components: Before School, Crossroads and After School. The Before School component addresses the problems associated with parents/guardians who commute. Riverside County has approximately 450,000 commuters, many of whom depart as early as 5:00 a.m. and arrive home after 6:00 p.m. Many parents leave their young elementary children at home and then hope that they get to school on time. Some parents call their children from work and tell them when it is time to go to school or catch the bus. Other parents take their children to neighbors, relatives or sitters, but many drop their children off at school, leaving them unsupervised and/or without breakfast. Before School deals with these issues by assigning staff to a school site as early as is needed. All enrolled students are offered tutoring and special activity programs.

Crossroads is the intervention program of Project COURAGE. It primarily serves secondary students, and the program is tailored to accommodate the needs of individual students. The Crossroads component provides support in four areas: student discussions on topics that youth

face on a daily basis, i.e., substance use and abuse, victimization, handling personal problems; complete classroom instruction to students who are constantly being suspended or are in jeopardy of being expelled; intense individual counseling to students and their families; and positive activities in whatever form is needed.

The After School component divides the time from school dismissal until 5:00 p.m. into periods. Students in all grades go from their last classroom to the rooms designated for Project COURAGE. Tutoring is required for all students and they receive one period of tutoring each day, except Friday. Tutors use a variety of academic tools, games, and learning methods. Many of the tutors are college students.

A variety of other activities round out the rest of the afternoon: counseling, workshops, special activities, sports, and job training and placement for secondary students. The counseling program supports many students who have been exposed to or been involved with substance abuse, gangs, violence, crime, suicide, child abuse, eating disorders, or difficulties in school. Latchkey children receive the opportunity to develop a trusting relationship with an adult. Both individual and group counseling is available; situations needing further assistance are referred to other community resources.

Workshops deter negative actions by providing education on topics and issues such as self-esteem, nutrition, conflict resolution and resistance skills. Speakers may include professionals from law enforcement and the community, public officials and college professors. Special activities encourage fun and structured leisure through field trips, arts and crafts, movies, table games and drama.

Organized sports teach important concepts of teamwork and patience. Specialized sports such as karate are available at some locations. In addition, sports offer the staff informal but excellent opportunities to counsel youths whose behavior undergoes negative changes during competition.

Job training and placement are open to students 14 ½ or older. Students learn a variety of job awareness skills such as resume writing, completing applications, appropriate business dress, work ethics and successful interview practices. Upon completion of the program, students receive assistance in finding employment.

Project COURAGE is successful because of the inter-agency partnerships and cooperation among local cities, law enforcement, colleges and universities, media, recreation departments, and youth-serving organizations. For further information, contact Larry Payne, Project COURAGE Coordinator, Riverside County Office of Education, 3939 13th Street, Riverside, CA 92502, 909/369-6460.

Should public schools use uniforms to deter violence?

With gang activity and violence on the rise in schools across the nation, concerned parents, school administrators and law enforcement agencies are looking for ways to keep children safe at school. Among many strategies to reduce and prevent violence are the establishment of an anti-gang dress code or the adoption of a uniform policy to deter gang violence.

Students will dress the way we allow them to dress and behave the way we allow them to behave. Furthermore, students tend to behave the way they dress. Students who dress for excess and those who wear gang-related apparel place themselves, their teacher, fellow students and family at risk. To avoid these risks, many school districts are considering uniforms for their students. Where gang aggression is high and tempers are short, the uniform option reflects considerable merit. Consider the following:

- With uniforms, schoolchildren do not place themselves at risk by wearing the wrong color.
- Parents do not have to purchase expensive, "attractive- nuisance clothing" that may place their child in harm's way. Children have been attacked and robbed of their de-

signer clothing, high-tech sneakers and gold chains that snare a youngster into the gangster's net.

- Not many gang members would want to steal a school uniform.

But some would disagree. In the May 1993 issue of the *Price Club Journal*, Ira Glasser, executive director of the American Civil Liberties Union, wrote "... dress codes are ineffective in banning violence, and they strip students of their rights to free expression and individuality, values schools should teach, not repress." While Glasser contends that instituting dress codes to deter gang violence will not work because they do not address the root causes of gang violence, he also acknowledges that schoolchildren across the country are being robbed, sometimes killed, for their apparel.

Mandating the wearing of uniforms in public schools should be a local community decision. There is always a delicate balance between individual freedom of expression and the best interests of the larger group. Students do not shed their constitutional rights, including freedom of expression in their dress, at the schoolhouse gates. However, the courts have supported school policies that ban gang-related attire which disrupts or interferes with the educational process. (See cover story.)

For communities to be truly effective in their gang-prevention and gang-intervention strategies, a comprehensive and systematic plan should be put together. Key elements include public awareness, education, supervision and enforcement components.

The gang problem will not be solved by schools, parents or law enforcement alone, but rather it will be won through our collaborative efforts.

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