Therapeutic and Preventive Approaches to School Safety: Applications of a Family Systems Model

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Susan L. Brooks

I would like to thank the organizers of this conference and the other presenters. The presenters who have gone before me have succeeded in contextualizing these issues differently than those who write for the popular media. Another theme for my comments would be "Let's stop talking about school violence." Rather, we need to reframe this issue and begin focusing on providing better support to children and families in our communities. My goal in the next twenty to twenty-five minutes is, accordingly, to make a convincing case for talking about therapeutic and preventive approaches to school safety.

I will begin by sharing with you a couple of actual stories from the lives of children I have represented.¹ These stories expose what I believe are typical situations of children experiencing the consequences of policies focused solely on school violence. Keith was a nine-year-old African-American child who lived with his single mom and his older brother. His older brother had always been Keith's hero. Keith's brother was a star football player who, in his senior year, suddenly had a psychotic episode, and ended up being placed in a psychiatric hospital. His mother was distracted trying to deal with Keith's brother, and Keith was spending a lot of time with his grandmother. Meanwhile, Keith was having behavioral problems in school and had actually failed the first two grades.

One day, Keith was waiting at the bus stop and he allegedly chased some little girls his age with a sharp object. The principal called Keith into his office. The girls, who happened to be Keith's neighbors and

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¹ The stories are authentic. I have changed the children's names to protect their privacy.
playmates, were not present. The principal stated something to the effect that Keith had indeed chased the girls with a knife. Keith tried to deny these allegations, but the principal saw no choice but to refer the matter to the school disciplinary authorities under a newly-implemented "zero-tolerance" policy. Nine-year-old Keith was immediately expelled from the public school and his mother was told that Keith should take the public bus across town and attend an alternative school. Keith's mother, who questioned the principal's conduct and the wisdom of forcing a nine-year-old child to take a public bus alone, contacted a social worker, who in turn called me to enlist my assistance. After lengthy negotiations with the school system, Keith's expulsion happily was set aside, and he was able to attend a different school that could better meet his special educational needs. Notably, Keith had never been evaluated for special education services, despite failing two grades, and no one ever found a sharp object at the bus stop.

Lewis was a ten-year-old child living in a foster home. His mother's parental rights had been terminated a year earlier, despite my efforts to the contrary, and he only visited with his sister sporadically because she lived somewhere else. Lewis had been certified as needing special education services and he had been deemed, using the school's rubric, "severely emotionally disturbed." He sometimes had outbursts and had run away from school at times when he was very upset. His individualized education plan stated specifically that the library was a helpful place for Lewis and that he should be encouraged to spend time there. Lewis was using a computer in the library to test himself on books, and was reading relatively easy books so that he would do well on these tests. His teacher was frustrated because Lewis had finessed her system for rewarding her students. She decided to punish Lewis by prohibiting him from going to the library on a particular day. Lewis, who was left in the classroom with the teacher's aide, announced that he was going to climb out of the window, and over the roof, so that he could go to the library.

The teacher's aide responded by going out into the hallway and calling the police, despite the presence of a social worker and a psychiatrist in the building that day. Meanwhile, Lewis went to the window, opened it, and climbed out onto a car, causing a disruption in the hall. One of the staff people at the school went to the window and easily coaxed Lewis to re-enter the school. Lewis was sitting in the hallway when the police arrived. The police officer asked to speak to Lewis, and the teacher, who was now present, thoughtlessly agreed. The police officer spoke to Lewis, who was still slightly agitated, and Lewis responded by saying something "smart" to the police officer. Next, the officer gave Lewis the choice between calming down or being handcuffed and taken to the juvenile detention center. Lewis, who probably felt provoked, made another smart comment
to the officer, and instantly he was handcuffed and brought to the detention center. I then received a call from the teacher, who was giggling as she recalled that when the officer handcuffed ten-year-old Lewis, both of Lewis’ hands would only fit in one side of the handcuffs. This incident convinced me that Lewis would fare better at a different school, and, again, fortunately, his situation had a happy ending.

These real life examples obviously are not as sensational as school shoot-outs. They are more indicative, however, of how our most vulnerable children experience school today, and how our schools are responding to concerns about “school violence.” This actual harm to children demonstrates the critical need for reframing this issue. Several theoretical approaches support shifting our focus toward more therapeutic and preventive strategies. The remainder of my comments will outline these approaches and will offer specific examples to demonstrate how we might effectively provide better support for children and families in our communities.

The first approach is a relatively new movement in the legal field. It started in legal scholarship, but has captured the interest of many practicing lawyers and judges as well. This interdisciplinary movement is known as therapeutic jurisprudence. Legal and mental health scholars founded this movement to explore the impact of our law and policies on the psychological and physical well-being of the people affected by them. The therapeutic jurisprudence movement has attracted an international following of scholars and professionals from many disciplines. The strength of this movement indicates growing interest in shaping laws and policies to serve more therapeutic purposes for the people who become entangled in our legal system.

Therapeutic jurisprudence would suggest that we focus on whether our current policies and practices for dealing with concerns about school violence promote the well-being of the children and families who are subjected to them. At the outset, it strikes me that focusing on school violence per se is antitherapeutic, as are the policies and practices that stem from framing the issue in that manner. The two case examples I have already described reveal the dangers of the liberal use of school expulsions and police officers in the halls of our public schools. Other antitherapeutic responses include the installation of metal detectors, random locker searches, and the requirement that children carry see-through book bags, all of which are reactive measures taken by many school boards around the country. These responses are antitherapeutic because they create an

atmosphere of fear and distrust, rather than an atmosphere in which children feel supported and connected within their school community.

A second approach that has become closely aligned with therapeutic jurisprudence is "preventive law." Preventive law promotes taking affirmative steps to avoid legal situations that lead to adversarial litigation. It supports lawyers being pro-active. Preventive law scholars have borrowed ideas from the field of preventive medicine, such as legal "check-ups." Legal checkups allow lawyers to communicate with clients on a regular basis to help clients develop healthy responses to situations before they escalate into adversarial litigation. Preventive law would support focusing on positive strategies to promote school safety rather than the punitive strategies driven by concerns about school violence, such as the liberal use of expulsions or police involvement.

The third approach refers back to what Dr. Greenwald was talking about in terms of ecological approaches. It is an approach known as family systems theory. Family systems theory focuses on the child in the context of the family. Yet, our entire legal system is built upon a foundation of individual rights and individual responsibilities. This orientation toward the individual does not fit with the way that people live their lives, because people do not live in a vacuum. Most people, including most children, are part of families and neighborhoods and communities. By understanding family systems theory, we can begin thinking about how to create a better fit between the legal system and the way the children experience their lives.

Perhaps the most dramatic example of this problem is in the case of an adolescent. We especially forget that adolescents have families. The legal system often treats them as though they are miniature adults. This failure to recognize the importance of the adolescent's family harms adolescents who encounter the legal system, and leads to interventions that are not only antitherapeutic, but are also simply ineffective. Because adolescents are part of families, if we fail to involve the family our interventions will not succeed.

4. Id. at 17.
5. Family systems theory is not a monolithic approach, but rather is used to describe a body of diverse scholarship that shares certain basic principles.
6. "Family" must be defined broadly to accomplish this purpose. My preference is to define family as persons who share bonds of intimacy, which could include biological parents, foster parents, stepparents, extended family, neighbors, and friends. See Susan L. Brooks, A Family Systems Paradigm for Legal Decision Making Affecting Child Custody, 6 CORNELL J. L. & PUB. POL'Y 1, 4 (1996).
We need to start thinking about how we work with children in the context of their families, neighborhoods, and schools. A friend of mine referred to this as “expanding our reach from the schoolyard to the backyard.” It is important that we reach out in a supportive way, rather than in the sense of blame and punishment. This attitude refers back to Anthony DeMarco’s earlier remarks about our society’s emphasis on blame and punishment. A striking, yet painful, illustration of this preoccupation with blame and punishment was the cover story of the most recent New York Times Magazine.\(^7\) The article described a lawsuit filed by the parents of Isaiah Shoels, a child tragically killed in the Columbine High School incident, against the parents of the children who tragically committed these acts.\(^8\) While I certainly empathize with these parents’ attempt to cope with their grief and to find closure, I cannot condone their punitive approach.

In contrast, family systems theory emphasizes a non-judgmental posture. This is one of several important features of family systems theory, which is unfamiliar to most lawyers. It is also important to understand that, with respect to the family, the whole is greater than the sum of its parts. The family as an entity operates with a unique dynamic that cannot be explained simply by examining its members as individuals. Two important themes reflect this family dynamic. One is the notion of mutual interaction of family members, and the other is the notion of shared responsibility. These themes capture the idea that everything that occurs in a family, including an individual family member’s behavior, is in some way a product of the family system. Notably, mutual interaction and shared responsibility do not mean blaming the parents for what a child has done. When properly understood, these concepts reflect that to intervene effectively with a child, a professional must consider the family situation, and treat the family, not just the child.

Another important theme of the family systems approach is the focus on strengths. One of the panelists spoke earlier about providing children with successes at school. All families have strengths. Rather than blaming and punishing, professionals who want to ensure the safety of our schools and communities should identify children’s and families’ strengths, and try to build on those strengths. Additionally, family systems thinking concentrates on the present rather than the past. This emphasis on the present does not suggest ignoring past trauma, but rather relates to approaching the family with a non-judgmental posture, and working with the family’s strengths to help the family function more effectively.

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8. See id.
The following programmatic examples demonstrate how therapeutic jurisprudence, preventive law, and family systems approaches can be realized. These examples represent a range of ideas from a relatively simple grass roots effort to a more complex professional program. In offering these examples, I am not suggesting that there is a solitary model or blueprint that should be replicated everywhere. Many wonderful programs and ideas consistent with the approaches described earlier are being implemented in communities throughout this country. Schools, neighborhoods, and communities need to identify their own strengths and develop programs around their available resources. I offer the following stories merely to illustrate how therapeutic, preventive, and systems thinking can be put into practice.

One example was shared with me by a woman who runs a program in Memphis, Tennessee. Her name is Ms. Theresa Bell, and she works in a public school setting through a program called the Family Resource Center. These centers exist in various communities throughout the country and are federally funded. Unfortunately, there are not enough of them. Ms. Bell created a program that is a parents' exchange program, in which she works with parents to develop exchanges of services with other parents. One parent might need help with child-care, and another parent might identify that she simply cannot cook. So, the two work out an exchange where one parent will teach the other parent to cook and the other will take care of her children. This is simple, but focuses on strengths and creates a supportive connection among parents.

The other example I want to share has actually received considerable national attention. It is a program initiated by a high school principal in Indianapolis, Indiana, named Dr. Jackie Greenwood. The program is called "Security Dads." Dr. Greenwood and others were concerned about the safety of their high school. They feared that gangs might be forming in the school. Dr. Greenwood met with a group of parents, and together they developed the idea of having some of the students' fathers volunteer to spend time at school. The fathers now wear T-shirts that say, "Security Dad," and they constitute a presence in the halls of the school. Students know they can talk with these men when they have concerns, and the men tutor and mentor some of the students. The Security Dads also started a scholarship program. Dr. Greenwood states that when the school instituted this program, the safety concerns subsided. On the positive side, the men became male role-models for the students, many of whom were growing up in single-parent households without fathers. Again, this is a relatively simple idea, but captures the idea of building on strengths and using available resources.

Yet another idea, which has proven helpful in many communities, is simply to keep schools open in the afternoon and offer programming after
school hours. It has been shown that twenty-two percent of violent crime by children occurs in the afternoon hours, rather than at night.\(^9\)

The last program I want to highlight, which ties in well with family systems theory, is called "multi-systemic therapy" or "MST." MST was developed as a program focused on youth with serious anti-social behaviors and their families.\(^10\) Initially, many families expressed reluctance to participate in this program. They wanted the juvenile justice system to take their children away and deal with them elsewhere.\(^11\) The MST response was first to inform the families that no one was simply going to take their children away. The professionals then made it clear that the parents had a responsibility to parent the children. But, perhaps more importantly, they also reassured the parents that the professionals would work with them to teach them how to parent their children more appropriately. In today's blaming, punishing environment, this is perhaps a radical idea — actually providing support and helping parents by teaching them how to parent their children more effectively. Indeed, researchers have conducted fairly extensive evaluations of this program, and have found that children and families who have experienced this treatment fare better than children who are in the traditional juvenile justice system, and also fare better than children who have been treated with individual counseling.\(^12\) Other outcomes are that the families have more cohesion, and experience less stress.\(^13\) These successes are indicative of the positive results of providing supportive services to families in a non-judgmental framework.

It should be emphasized that all of these programmatic examples are consistent with notions of therapeutic jurisprudence and preventive law. Working with children and families using supportive, strengths-based approaches is consistent with therapeutic jurisprudence in that it will enhance the psychological and physical well-being of the families involved. These more therapeutic approaches are also preventive in nature. They offer a pro-active strategy toward prevention and avoidance of further involvement with the juvenile justice and adult criminal justice systems.

Finally, I would be remiss not to mention two factors that should not be

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12. See id.
13. See id.
ignored if we are going to spend a day talking about violence. The first one is guns. In terms of the incidence and concern about violence, we cannot responsibly talk about guns if we do not talk about controlling guns. The State Justice Institute, in a 1996 report, said that approximately the same proportion of youth are committing serious violent offenses today as in 1980, and their frequency of offending is the same. What has changed over the decade and resulted in a quadrupling of homicides is the lethality of the violent acts. That is explained almost entirely by the increased use of handguns in these violent exchanges. So, violence is certainly an issue that we must confront with respect to gun control, even though it may not be politically popular.

The second issue, which again, is not easy to tackle, is poverty. Even though several high profile incidents of school violence have occurred in middle class suburban communities, statistically speaking, violence is more likely in impoverished inner city communities. For the most part, violence affects vulnerable children and families, who experience serious hardship and trauma as a direct outgrowth of poverty.

In our effort to achieve safe schools, we must ultimately face the challenges of poverty and the proliferation of handguns. Along with the therapeutic, preventive, and systems approaches I have described, these are crucial factors that greatly impact whether children and families feel supported and connected. Thank you.

14. *See* DOBBIN & GATOWSKI, supra note 9, at 14.
15. *See id.*
16. *See id.*
17. *See id.* at 27 (citations omitted).