NORMATIVE CONSIDERATIONS IN THE AFTERMATH OF GUN VIOLENCE IN SCHOOLS

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ABSTRACT. Gun violence in American and Canadian schools is an ongoing tragedy that goes substantially beyond its roots in the interlocking emotional and behavioral issues of mental health and bullying. In light of the need for effective policy development, Dianne T. Gereluk, J. Kent Donlevy, and Merlin B. Thompson examine gun violence in schools from several relevant perspectives in this article. The authors consider the principle of *standard of care* as it relates to parents, teachers, and community members in a particular school's context. They posit that normative principles may provide a procedural mechanism appropriate for policymakers and practitioners when contemplating and implementing heightened security measures. Finally, they propose Rawlsian reasonableness as an effective and deliberative democratic process that reduces emotional, reactive responses to school shootings. Through these overlapping concepts, the authors advocate for purposeful discussions regarding gun violence in schools based on the unique pragmatic, educational, social, political, and contextual circumstances of individual schools and their surrounding communities.

Gun violence in American and Canadian schools is an ongoing tragedy that goes substantially beyond its roots in the interlocking emotional and behavioral issues of mental health and bullying. American and Canadian school officials have responded to instances of gun violence by implementing various policies. Yet conversations about how schools ought to respond to the possibility of gun violence may falter in two ways: (1) by schools adopting rigid and uniform policies and practices, and (2) by schools struggling with unproductive shouting matches between ideologically opposed camps. We suggest a third type of conversation is needed wherein school communities engage in reflective public discussions about what policies would best suit their particular school.

In light of the need for effective policy development, we examine gun violence in schools from several relevant perspectives without losing sight of what is ethically justifiable to expect from school security measures. We consider the principle of *standard of care* as it relates to parents, teachers, and community members in a particular school's context. We posit that normative principles may provide a deliberative process appropriate for policymakers and practitioners when contemplating and implementing heightened security measures. Finally, we propose Rawlsian reasonableness as an effective and deliberative democratic process that reduces emotional, reactive responses to gun violence in schools.

Gun Violence in Schools

Instances of gun violence in American and Canadian schools span nearly three decades and include such incidents as École Polytechnique (Montreal, Quebec,

1989),[1] Dawson College (Montreal, Quebec, 2006),[2] W. R. Myers High School (Taber, Alberta, 1999),[3] and Luther College High School (Regina, Saskatchewan, 2008)[4] in Canada, as well as Columbine High School (Columbine, Colorado, 1999),[5] Virginia Tech (Blacksburg, Virginia, 2007),[6] and Sandy Hook (Newtown, Connecticut, 2012)[7] in the United States. Media responses in the aftermath of school shootings such as these have emphasized various dimensions.[8] On the one hand, the event itself is examined in terms of the mindset of the perpetrator, the victims, and the resulting emotional trauma. From another perspective, however, there has been a push for examining the causes of school shootings, for exploring how the lack of community support may have contributed to these instances of gun violence, for rebuilding the ethos of the school community, and for the need to consider

1. On December 6, 1989, fourteen women were killed and twelve people wounded by Marc Lépine at the École Polytechnique in Montreal, Quebec.

2. A lone gunman entered Dawson College in Montreal, Quebec, and began a shooting rampage that killed one person and wounded nineteen others.

3. On April 28, 1999, a 14-year-old male entered the high school in Taber, Alberta, and shot three students in the hallways, killing one student and wounding another.

4. On September 23, 2008, an armed male youth entered the Luther College High School in Regina, Saskatchewan, during an assembly and held 420 students and 30 staff hostage for forty-five minutes in the school gymnasium.

5. The Columbine massacre took place April 20, 1999, when two senior students killed twelve students and one teacher. A further twenty-four students were injured, three other of them as they were attempting to escape, before the two assailants committed suicide.

6. Twenty-seven students and five faculty members at Virginia Polytechnic Institute and State University were shot and killed on April 17, 2007, by a student who then killed himself.

7. Twenty first-grade students and six educators were killed on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut, before the perpetrator turned the gun on himself.

8. See, for example, Jaclyn Schildkraut and Glenn W. Muschert, "Media Salience and the Framing of Mass Murder in Schools: A Comparison of the Columbine and Sandy Hook Massacres," *Homicide Studies* 18, no. 1 (2014): 24; and Ralph W. Larkin, *Comprehending Columbine* (Philadelphia: Temple University Press, 2007).

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greater security measures in schools to protect students' well-being.[9] For instance, following the Sandy Hook tragedy, several movements gained momentum in pushing for legislation. In January 2013, the State of New York enacted the Secure Ammunition and Firearms Enforcement (SAFE) Act.[10] In April 2013, Connecticut and Maryland both enacted restrictions to existing firearms laws.[11] Not all legislative efforts during this period supported greater regulation, though: ten other states moved in the opposite direction, passing laws that "loosen" rather than restrict firearm possession.[12]

Legislation, Policies, and Procedures Aimed at Reducing Gun Violence in Schools

At first glance, there are no clear patterns or trends of behavior discernible in the contextual circumstances leading up to or following school shootings. Given the spectrum of circumstances and factors that give rise to these shootings, legislators and school officials have responded differently in the enactment of legislation and implementation of various policies aimed at reducing instances of gun violence in schools. In Canada, strengthened gun control laws restrict use of firearms and impose registration requirements for owning a firearm. In the United States, two federal laws have been enacted to reduce the occurrence of firearms in schools.

In 1990, the Gun-Free School Zones Act prohibited any person from knowingly possessing a firearm in a school zone.[13] A few years later, the Gun-Free Schools Act of 1994 (GFSA) required that school districts adopt a gun-free policy in order to receive federal funds for their schools.[14] The GFSA was amended in 2002 to require local educational authorities to adopt the policy of imposing a mandatory one-year expulsion on any student bringing a firearm to school or possessing a firearm at school.[15] Following these two laws, the Centers for Disease Control and Prevention reported a decrease of about 4 percent in homicidal youth

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9. Mark Anderson and Rod Dolmage, "Making Meaning of a School Community's Traumatic Experience: The Sacred and the Profane," *Education and Law Journal* 19, no. 1 (2009): 1–33.

10. Casey Seiler, "New Gun Law Offers Reply to Mass Killings: State Becomes the First in the Nation to Act after Horror of Newtown, Conn.," *Times Union* [Albany, New York], January 16, 2013, http://www.timesunion.com/local/article/New-gun-law-offers-reply-to-mass-killings-4195504.php.

11. Associated Press, "Connecticut Governor Signs Gun Measures," *New York Times*, April 5, 2013, http://www.nytimes.com/2013/04/05/nyregion/connecticut-lawmakers-pass-gun-limits.html?_r=0; and Alex Jackson, "Maryland Lawmakers Send Landmark Gun Control Bill to O'Malley's Desk," *Capital Gazette* [Annapolis, Maryland], April 5, 2013, http://www.capitalgazette.com/cg2-arc-0b697063-acf8-508e-adf9-b07ea4fb6c8d-20130405-story.html.

12. Margaret Hartmann, "Post-Newtown, States Passed More Gun-Rights Laws, Not Restrictions," *New York Magazine,* April 4, 2013, http://nymag.com/daily/intelligencer/2013/04/post-newtown-states-loosen-gun-restrictions.html.

13. Gun-Free School Zones Act (1990), 18 U.S.C. § 921(a)(25).

14. Gun-Free School Act of 1994 (1994), 20 U.S. Code § 7151.

15. Gun-Free School Act (2002), 37.20 U.S.C. § 7151(b)(1).

deaths by firearms in schools.[16] The emphasis of the GFSA law is on those students who bring firearms to schools; it does not address individuals who are not part of the school community but simply walk into the school to commit the crime. Moreover, the incidence of gun violence in American schools is still pervasive.

The 2007 *Indicators of School Crime and Safety Report* noted that public schools draw from a number of practices and procedures implemented to increase the safety of students and staff:[17]

1. Identification of visitors who enter and leave the building

2. Picture identification of staff members

3. Limited access points for entry into and exit from the building

4. Lockdown procedures for schools

5. Volunteers must undergo a prior police check

6. Limited to no access of visitors to the school

7. Increased security measures for students (locker checks, metal detectors, security cameras, random sweeps for contraband)

8. Security guards or assigned police officers on school ground

While all of these practices are meant to reduce the potential for gun violence and aim to create safer educational environments, there are various underlying explicit and implicit messages associated with each procedure. For instance, identification of visitors may indicate that individuals are welcome to join the school community so long as they are identified and known to the community, while identification of all persons may create the sense that general monitoring is required and that it is necessary to cast a fearful eye in deciding who is allowed in and who is excluded from schools. At another level, scrutiny concerned with ensuring that access to schools is limited suggests that minimizing interruptions may permit schools to maintain focus on their educational function and avoid possible endangerment. Conversely, limited visitor access might promote erosion of the school as a community, admitting only those who have been "approved" or "checked" by school administrators. Prior police checks of school volunteers, used to verify that individuals have no adverse history, increase the formality of the process and extend the degree of scrutiny to which visitors are subject beyond the school. Individuals who do not undergo such formal processes are simply not deemed safe for entering the schools. Lockdown

16. Centers for Disease Control and Prevention, "School-Associated Student Homicides—United States, 1992–2006." *MMWR: Morbidity and Mortality Weekly Report* 57, no. 2 (2008): 33–36., http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm. The rates decreased from 0.07 per 100,000 students to 0.03 per 100,000 students.

17. Rachel Dinkes, Emily Forrest Cataldi, Wendy Lin-Kelly, and Thomas D. Snyder, *Indicators of School Crime and Safety: 2007* (Washington, DC: U.S. Departments of Education and Justice, 2007).

procedures may be perceived as a safety precaution similar to fire drills and may prevent individuals from entering or leaving the building during times of emergency. Yet, the term "lockdowns," as used historically, harks back to the procedure used by prisons to "lock down" inmates in response to threats of riot or escape. Limited to no access may be necessary in specific circumstances when schools must be vigilant because people from communities outside the school's boundaries may pose a threat to school safety. When such practices are implemented and enforced routinely as security measures, there is an overarching assumption that school communities are inherently unsafe places that require constant internal monitoring, surveillance, and vigilance against physical threats or assaults on the school.

Obviously, implementing school policy to reduce gun violence is a complex undertaking that involves many variables. Under such circumstances, how can schools and educators proceed? What principles might guide the development of reasonable steps to ensure the safety and well-being of all students? To shed light on effective policy development regarding gun violence in schools, we begin by considering the notion of *standard of care.*

Standard of Care

Because victims and their families often use the tort of negligence to seek redress in the aftermath of school tragedies,[18] the notion of a *standard of care* has relevance to our examination of policy related to gun violence in schools. Moreover, elements of negligence frame the standard of care required by public schools in protecting students.[19]

Educators commonly refer to the fundamental principle arising from the relationship between teachers and students as a *duty of care.* In common law and statute law, duty of care deals with the relationship of teacher to student. Standard of care is distinguished from duty of care by the *variable* level of care required in particular circumstances. Before we can fully understand standard of care, it is necessary to differentiate it from duty of care.

In tort law, common law duty of care derives from *Donoghue v. Stevenson* wherein the plaintiff drank a bottle of ginger beer purchased for her by a friend in

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18. It is important to note that breach of a statutory duty can ground a claim in negligence, and as most jurisdictions have laws dealing with occupiers' liability, this is a possible route to establish a claim for recompense for injuries suffered in schools.

19. A court may hold a teacher liable for a student's injury if he or she "could foresee in a general way the sort of thing that happened. The extent of the damage and its manner of incidence need not be foreseeable if physical damage of the kind which in fact ensues is foreseeable": see Assiniboine South School Division No. 3 v. Greater Winnipeg Gas Co., (1971) 4 W.W.R. 746 (Man. C.A.), p. 752. In general, when applying the standard of care to a scenario, the courts use the concept of "reasonably foreseeable risk," which a reasonable and prudent parent (in the school context) would avoid. See Gloster v. Toronto Electric Light Co. (1906), 38 S.C.R. 27; Amos v. New Brunswick Electric Power Commission (1976), [1977] 1 S.C.R. 500. For two cases where the risk was not foreseeable, see Shilson v. Northern Ontario Light and Power Co. (1919), 59 S.C.R. 443; and Moule v. New Brunswick Electric Power Commission (1960), 24 D.L.R. (2d) 305.

a restaurant.[20] The beer contained the remains of a snail. Although no breach of contract could be claimed, as the plaintiff had not purchased the beer, damages were filed claiming negligence of the manufacturer. The House of Lords held that a duty of care did exist between the plaintiff and the manufacturer, the substance of which was to take reasonable care to prevent defects in its products that might cause damage to persons or property. In response to this product liability case, Lord Atkin stated the principle at issue:

> The rule that you are to love your neighbour becomes in law, you must not injure your neighbour; and the lawyer's question, Who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be — persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.[21]

This is the common law duty of care in tort;[22] in the case of schools, there is also a further duty derived from the principle of *in loco parentis*, which school boards have to their students.[23] Of course, every public school jurisdiction has provincial or state statutes that explicitly or implicitly articulate the order and safety of schools as the responsibility of school administrators and that teachers carry some of the responsibility to act so as to foster safety for students.[24] In this way, the concept of duty of care — in common law generally, in common law specifically through *in loco parentis*, and in statutory law — grounds the responsibility of school boards to guard against gun violence.

However, the issue is not whether schools have a duty of care — that is very clear. Rather, the issue is that school boards must meet their common law and statutory duty to provide a safe environment for students — that is a *standard of care*. Schools have a responsibility to provide a standard of care based upon the reasonableness principle that is simply not subjective. It is not a matter of what

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20. M'Alister (or Donoghue) v. Stevenson (1932), A.C. 562 (H.L.). The standard of care to be exercised by school authorities is that of a careful or prudent parent: Myers v. Peel (County) Board of Education (1981), 2 S.C.R. 21 (S.C.C.); McKay v. Board of Govan School Unit No. 29, 68 D.L.R. (2d) 519 (S.C.C.). That standard may be adjusted based on the riskiness of an activity (Dziwenka et al. v. R. et al., [1972] S.C.R. 419).

21. M'Alister (or Donoghue) v. Stevenson, p. 580.

22. We have not addressed the matter of fiduciary duty, as that duty, although it applies in the school context, has its origin in equity rather than in common law and we have chosen to use the common law duty in the tort of negligence, which is normally framed as that of a prudent parent.

23. See, for example, Eric M. Roher and Simon A. Wormwell, *An Educator's Guide to the Role of the Principal*, 2nd ed. (Aurora, Ontario: Canada Law Book, 2008): "School authorities acting *in loco parentis* owe a common duty of care over students on or off school premises during official school hours and at times when they voluntarily assume responsibility for students," 51.

24. On this topic generally, see Richards v. State of Victoria, (1969) V.R. 136 at 138–39; Laura C. Hamson Hoyano, "The Prudent Parent: The Elusive Standard of Care," *University of British Columbia Law Review* 18, no. 1 (1984); and J. Barnes, "Tort Liability of School Boards to Pupils," in *Studies in Canadian Tort Law*, ed. Lewis N. Klar (Toronto: Butterworths, 1977), chap. 7.

the individual thinks is reasonable. Standard of care is based on what, within a balance of probabilities, a reasonable person would do or not do.[25]

A person can act honestly, in good faith, and to the best of one's judgment, but still breach the standard of care in a case of negligence, as the individual characteristics and beliefs of the defendant are not relevant to liability. Who or what is the "reasonable person" in law? The designation "reasonable person" is a legal construct used to establish a benchmark by the court to determine conduct in society based upon what a hypothetical person ought to do in the opinion of the court. In idiosyncratic circumstances, that hypothetical person may well be more aware of risks and dangers than the average person, and more careful than the average person.

Educators and their institutions are held to a commonly accepted standard of care articulated in terms of ensuring the protection and safety of students and staff in schools. Usually, the standard is articulated in school board policy manuals and school documents that address how staffs are to react to an emergency in the school. In Canada, the courts have determined that the primary test for standard of care is what a "careful" or "prudent" parent would do in the circumstances.[26]

Regarding gun violence in schools, the extent to which the standard of care is or ought to be required provokes emotional and thorny debates involving both resourcing and political issues. As a resourcing issue, standard of care requires a debate about the financial and resourcing costs to ensure safety in schools and whether it can be provided and sustained over time. As a political question, standard of care must consider the rights of individuals in a free society to own guns balanced against the safety of those vulnerable in society. These debates necessarily draw upon broader social, political, and philosophical questions that are beyond the scope of this article. Just as the legal obligations of schools to keep children safe are based on the idea of a "reasonable parent," which is neither strictly defined nor uselessly vacuous, so it is ethically justifiable to expect school security measures to reflect what a reasonable set of parents, teachers, and other community members could agree to as reasonable protocol in a particular school's context.

To balance the political–philosophical interests in society on the issue of an appropriate standard of care and provide some practical ways to formulate school policies related to gun violence, we continue our investigation with the development of reasonable policy within the context of Rawlsian analysis.

REASONABLENESS AS A PRINCIPLE FOR POLICY DEVELOPMENT

One possible solution to the challenges regarding policy development appropriate to gun violence in schools may be found in the notion of public

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25. Vaughan v. Menlove (1837), 3 Bing. N.C. 468, 132 E.R. 490 (C.P.).

26. Williams v. Eady (1893), 10 T.L.R. 41 (C.A.). Note that in some circumstances a supra parental standard of care may be required: MacCabe v. Westlock Roman Catholic Separate School District No. 110 (1998), [1999] 8 W.W.R. 1 (Alta. Q.B.), reversed (2001) 2002 CarswellAlta 1627 (C.A.).

reasonableness — a deliberative process that draws from both the conception of justice and the reasonableness of individuals living within the constraints of any society.[27] Procedures, policies, and legislation are justified through this deliberative process that "properly seeks principles and arguments that can be widely seen to be reasonable."[28]

The purpose of a deliberative process such as public reasonableness is to guide and regulate the application of effective yet prudent procedures for resolving disagreements. The difficulty with public reasonableness is that it relies on the premise that individuals have the capacity to willingly adhere to its demands.[29] Rawls explains public reasonableness in terms of people who seek "a social world in which they, as free and equal, can cooperate with others on terms all can accept."[30] Reasonableness requires an understanding of how disagreements emerge, as Rawls describes:

> (a) The evidence — empirical and scientific — bearing on a case may be conflicting and complex, and thus hard to assess and evaluate.
>
> (b) Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgments.
>
> (c) To some degree all our concepts, and not only our moral and political concepts, are vague and subject to hard cases. …
>
> (d) The way we assess evidence and weigh moral and political values is shaped … by our total experience, our whole course of life up to now; and our total experiences surely differ. …
>
> (e) Often there are different kinds of normative considerations of different force on both sides of a question and it is difficult to make an overall assessment.[31]

Considering public reasonableness in relation to gun violence in schools, the juxtaposition of social justice and individual autonomy may generate opposing arguments. There may be general disagreement about "agreed-upon" considerations. Clearly, the issues associated with school shootings are extremely complex: across events there are no consistent patterns with respect to causation or perpetrator profile. This complexity makes it difficult to resolve such cases, which is why a deliberative process, aimed at helping participants navigate their disagreements and identify terms all can accept and support, holds promise. Critics

27. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996); and Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000).

28. Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Oxford University Press, 1991), 51.

29. Shaun P. Young, "Rawlsian Reasonableness: A Problematic Presumption?," *Canadian Journal of Political Science* 39, no. 1 (2006): 159–190.

30. Rawls, *Political Liberalism*, 50.

31. John Rawls, *Justice as Fairness: A Restatement,* ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 35–36.

may argue such a process is unrealistic. As noted previously, however, public reasonableness relies on the premise that individuals are able to willingly support such a conception and adhere to its demands.[32]

Although we are sympathetic to the challenges involved in applying the notion of reasonableness to the emotive and visceral issue of gun violence in schools, we propose that this deliberative process offers the best solution to this less than ideal situation. Critics who counter our proposal may need to consider the following: What are the alternatives to a deliberative approach that invites or incorporates reasonableness? Is it prudent for an unreasonable stance to prevail? While there may be competing reasonable stances, the deliberative process changes the nature of the debate in a manner that is reflective of public reason. In Rawls's words, people may support the demand that best reflects the "most reasonable understanding of the public conception and its political values of justice and public reason."[33] Such a deliberative approach may be helpful in defining the parameters for regulating and adjudicating disputes central to the stability of its citizenry and a public conception of justice.

What seems important here is that support for the notion of reasonableness requires a particular kind of public deliberation. It requires reflection that emphasizes consideration of viable, possible, and reasonable doctrines; discussion that weighs each argument carefully; and debate that arrives at a decision, knowing that such decisions may be amended as evidence indicates. Moreover, this type of deliberative process acknowledges that competing modes of reasonableness are neither unwelcome nor without principles. Rather, competing deliberations may serve as interruptions that heighten awareness of privileged voices (commonly established by the media through its reporting of these events) and the value in considering multiple perspectives, especially those of educators and policymakers who will ultimately be held responsible for the safety of their students. Remarkably, the interruptive nature of deliberative procedures may reduce the magnetic pull toward identifying a single cause — a magic bullet — and therein resist the inclination to knee-jerk responses. In this way, public reasonableness calls forth a purposeful and deliberative process within the broader political conceptions of that particular society. It is this deliberative process that is so valuable and should not be forgotten.

Public reasonableness is clearly a matter of debate, particularly in the high-stakes situation of considering the repercussions of policies that attempt to mitigate gun violence in schools. Charles Larmore suggested that reasonableness entails a "thinking and conversing in good faith and applying, as best as one can, the general capacities of reason which belong to every domain of inquiry."[34] Joshua Cohen built upon this notion, stating that "an

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32. Young, "Rawlsian Reasonableness," 160.

33. Rawls, *Political Liberalism*, 236.

34. Charles Larmore, "Political Liberalism," *Political Theory* 18, no. 3 (1990): 340.

understanding of value is fully reasonable … just in case its adherents are stably disposed to affirm it as they acquire new information and subject it to critical reflection."[35] On this view, there is an assumption that individuals will consider the issue from multiple and competing perspectives, and can to the best of their abilities in the given circumstance reach a reasonable agreement, knowing that their decision might be revised or amended as new information or perspectives emerge. In contrast, an irrational reasonable belief might be a stance that an individual holds onto even after reflecting and seeing strong evidence to the contrary. An unreasonable stance may involve implementation of a principle, procedure, or policy with little thought about the information available, or a determination regarding how one might proceed without any purposeful reflection or deliberation.[36]

By taking into consideration the meaning of a standard of care, the responsibility schools have to protect students from harm and attend to their welfare rights, and the implications of safety measures for other competing values, reasonable deliberative procedures may effectively respond to the tragedy of gun violence in schools. In this way, application of Rawls's notion of reasonableness interrupts the privileging of particular or exclusive discourses, calling for a more deliberative, invitational, and inclusive decision-making process — one that provides "the most reasonable basis of political and social unity available to citizens of a democratic society."[37]

Normative Considerations

To guide the discussion of reasonableness regarding procedures to mitigate gun violence in schools, the following overarching question may provide an interruptive yet purposeful frame: How should educators and policymakers weigh security protocols against their educational effects? As a crucial starting point, the aim of such a question is to generate procedures from the perspective of what a "reasonable educator" *in loco parentis* might consider with the goal of reducing gun violence in schools. For example, returning to the eight safety measures specified in the 2007 *Indicators of School Crime and Safety Report*, one might argue that all of the procedures may effectively create a sense of security. Conversely, these measures may also create an environment that negates students' sense of belonging to a school community. Restricting parents and visitors may reduce the school's potential for connecting with the broader community. Similarly, invasive security measures may produce a police-like state that changes the nature of the school as a public space.

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35. Joshua Cohen, "Moral Pluralism and Political Consensus," in *The Idea of Democracy*, ed. David Copp, Jean Hampton, and John Roemer (Cambridge: Cambridge University Press, 1993), 281–82.

36. Gerald Gaus, "The Rational, the Reasonable, and Justification," *Journal of Political Philosophy* 3, no. 3 (1995): 234–58.

37. Rawls, *Justice as Fairness*, 32.

When we consider not only the safety procedures put in place, but also how those measures influence other educational effects, we may develop a more nuanced response. For instance, in examining the eight safety procedures listed previously, it is apparent that some measures may be less cumbersome, labor-intensive, and invasive than others. While the first three safety procedures require some time and effort, the impositions they create may not overtly impact the nature of the school environment. Limited entry points and locked doors provide school administrators with knowledge of individuals entering and exiting the building. This is akin to common practices in homes: parents may limit entry to the house by keeping most doors locked while leaving one back door open as an access point when children are playing outside; furthermore, we would expect parents to know the visitors entering their homes at all times. In addition, requiring police checks for any person who wishes to volunteer is an easy way for schools to acquire background information to identify individuals who may pose a risk to the school community.

The fourth procedure, that of lockdowns, may be parallel to scheduled fire alarm drills. For instance, the Toronto School District requires that all schools rehearse two lockdown drills per year.[38] In this case, the purpose is to ensure that students and staff have the knowledge and ability to put appropriate safety protocols into place and thereby reduce panic and confusion should a crisis emerge. Staged lockdowns may also provide administrators with an opportunity to assess gaps in the safety protocols (for example, to identify places in the school where the intercom or other communications are not heard well) and to ensure that all staff, students, and visitors in the school are familiar with such processes. And finally, a rehearsed lockdown would be prudent in a school setting, akin to parents following the recommendation to rehearse fire drills in their own homes. If we consider what a reasonable parent might do in a similar situation, we might suggest that these are prudent measures to take.

The context and demographics of schools should serve as the foundation for implementing specific security measures. In this sense, certain school settings might warrant particular types of security measures more than others. To avoid a comprehensive set of procedures for all schools, it may be prudent to conduct school risk assessments. For instance, prolonged prevalence of gang culture in a particular school might warrant heightened security measures in addition to security guards or police counselors on site. Some high schools with a few thousand students might warrant a police counselor given that the population size is about that of a small town. Furthermore, when any student, staff member, or school has been targeted by a threat, a practical standard of care would be to introduce immediate security enforcement or surveillance during the threat. In some cases, the standard of care may require additional measures, depending on the context of the situation or the potential threat. A reasonable stance suggests that the

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38. Roher and Wormwell, *An Educator's Guide to the Role of the Principal*, 98.

increased security precautions ought to be proportional to the imminent threat posed.[39] Furthermore, when the security threat subsides, the heightened security measures should also be minimized.[40]

Looking at the recommendations in the 2007 *Indicators of School Crime and Safety Report* as applicable to most school settings, we suggest that reasonable measures of the standard of care have been put in place, particularly in the case of the first four recommendations. Schools cannot mitigate *all* risk, just as no person is able to foresee all potential threats, but it is possible to apply reasonable measures. The challenge of introducing safety procedures has to do with ensuring that the standard of care put into place is based on a purposeful rationale and an attitude of reasonableness, especially given the lack of clear patterns of intent related to gun violence in schools. As Bryan Warnick, Sang Hyun Kim, and Shannon Robinson observe, "The only factors that initially seem to draw these events together are (1) easy access to powerful firearms, and (2) a troubled student who interprets a school as an appropriate place use them."[41] Most notably, we emphasize that it would be unreasonable simply to implement all eight measures without attentiveness to the particular school context. Because some of these measures (invasive security measures and restricted visitor access, for example) may have serious negative effects on educational values and the school environment, such policies should not be implemented reflexively. A debate that followed the Sandy Hook shootings provides an even more extreme example of this sort of problem:[42] it was proposed that all teachers be required to protect students by carrying firearms. This is not only an irrational stance for a reasonable standard of care, but arguably could be interpreted as completely unreasonable and negligent in applying the principles of a standard of care. It is quite likely that teachers' lack of firearm training may create additional risk and cause unintentional harm to the students and school community.

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39. Bryan R. Warnick, Benjamin A. Johnson, and Samuel Rocha, "Tragedy and the Meaning of School Shootings," *Educational Theory* 60, no. 3 (2010): 371–90.

40. Ironically, there is a thought-provoking aspect regarding incidents of gun violence in schools — namely, that the majority of such incidents have occurred predominantly in suburban middle-class areas where little threat was perceived by the school community. Pedro Noguera has pointed out that many heightened security measures have been implemented in inner-city schools where no incidents of gun violence have occurred. Pedro Noguera, "Listen First: Student Perspectives on Violence Can Be Used to Create Safer Schools," in *The Public Assault on America's Children: Poverty, Violence, and Juvenile Injustice,* ed. Valerie Polakow (New York: Teachers College Press, 2000). Noguera's observation draws attention to at least two problems. First, it demonstrates the difficulty in anticipating imminent threats given the complexity of school shootings, where intent and perpetrator profiles do not follow characteristic patterns. Second, it underscores a broader racial and social problem in that schools with heightened security measures may be perceived as dangerous, thus reinforcing the public's perception of inner-city schools as unsafe.

41. Bryan Warnick, Sang Hyun Kim, and Shannon Robinson, "Gun Violence and the Meaning of American Schools," in this issue.

42. Mark Gollom, "The Latest U.S. Debate: Should Teachers Carry Guns?" *CBC News*, December 19, 2012, http://www.cbc.ca/news/world/the-latest-u-s-debate-should-teachers-carry-guns-1.1167167.

When unique circumstances give rise to increased security measures for a period of time, regular evaluations of the situation are warranted to determine whether the need has decreased, remained the same, or increased. Bryan Warnick has noted that "ethics is about balancing possible harms and benefits to arrive at a justifiable point of moral equilibrium."[43] While increasing security measures may create a heightened sense of safety, such procedures may conflict with other competing values and serve to inhibit individual agency and collective efficacy. Warnick's analysis suggests a principle of minimal surveillance and proportionality: "Given the benefits of privacy, surveillance should only be used when there is evidence of an active threat to students' other welfare interests, developmental interests, or rights as current and future citizens and it should stop if there is no evidence of a continued threat."[44] In this way, the nature of the imminent threat is weighed against a standard of care required for schools.

For all school settings, there is a cautionary stance that warrants consideration. Any time a school increases security measures to protect students, educators must consider how competing educational values may be compromised as a result. Bryan Warnick, Benjamin Johnson, and Samuel Rocha have argued that increased surveillance cameras may foster an environment of distrust antithetical to the attitudes educators are trying to impart to their students.[45] On this view, increased security measures may be implemented under the guise of protecting students; this would align with some people's interpretation of increased security measures as an act of care for students and a stance against violence. On the other hand, increased security surveillance may compromise educators' ability to create a sense of trust and openness with students. Such increased security measures might be viewed as assuming students are untrustworthy and need to be watched. Aislinn O'Donnell extends this point, arguing that not only do increased security measures create an environment antithetical to the educational values that schools are to inculcate, but the pervasiveness of such practices creates a particular "securitization" of education. She points to specific ways that this might happen, which include

> (1) privileging discourses of control; (2) the prioritization of behavioral management strategies as a solution to perceived psychological and social problems; (3) increased readiness to suspend and expel students for minor infractions; (4) punitive responses from an early age that include the criminalization of children; (5) fortification of the site of the school; and (6) practices of risk management that can increase risk.[46]

A related concern is the degree to which educators have been charged with watching for signs that may be indicative of a potential threat or danger to others, thereby framing gun violence in schools within the boundaries of the tragic

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43. Bryan R. Warnick, "Surveillance Cameras in Schools: An Ethical Analysis," *Harvard Educational Review* 77, no. 3 (2007): 320.

44. Ibid., 327.

45. Warnick, Johnson, and Rocha, "Tragedy and the Meaning of School Shootings."

46. Aislinn O'Donnell, "Curriculum as Conversation: Vulnerability, Violence, and Pedagogy in Prison," in this issue.

spectacle and the remorse thereafter. Warnick, Johnson, and Rocha have warned how the role of educator could be repositioned if teachers were responsible for identifying those students who may pose a threat:

> Educators would be required to adopt the gaze of a prison guard. They become the prophets of future violence, those who are supposed to watch for the warning signs. Teachers, who usually lack a background in criminology, would now be required to view their students from a psychologically suspicious perspective. Educators would need to continually see students and their idiosyncrasies — their depressions, their humiliations, their resiliences, and their admirations — as potential threats rather than, say, as potential areas of talent to cultivate or as expressions of individuality.[47]

This is a stark warning. Their claim highlights a repositioned role of the educator that goes beyond building relationships and a sense of trust with students. The educator's task of being "watchful" and responsible for catching all potential threats is arguably an onerous one. It focuses on the micro level, with the educator having the tremendous burden of watching for potential threats that may lurk among students.

Warnick considers the unique circumstances of a school as ethically different from other public settings:

> First, school populations are largely composed of children and adolescents rather than adults. … Second, schools are distinctive in that they are public places where attendance is generally required rather than optional. … Third, schools are different from some other publicly accessible places like shopping malls in that we expect public schools, or schools that accept any sort of public funds, to be at least partially accountable to the larger democratic community. … Fourth, schools are unique in that they are supposed to be places devoted to learning and development.[48]

In posing the question of whether a particular safety measure outweighs other perceived benefits, we must adjudicate among the values at stake when determining how invasive the measure is and how imminent the threat is. Arguably, there is a risk of undermining the purpose and nature of schools. If we adopt the heightened security measures, does it necessarily change the scope of how educators can cultivate a democratic and safe space within schools? This harks back to John Dewey's democratic vision for education in that schools were to serve as the liaison connecting the private local family and community to the larger democratic society.[49] Such a value is undoubtedly compromised if the school is closed, with limited access or minimal connections to the surrounding community.

In view of an imminent threat to a school, the broader public might contend that heightened security measures to protect children inside the schools are a reasonable precaution. Yet, adopting such security measures without attending to how they may affect the multilayered function of schools is troubling. Meaningful

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47. Warnick, Johnson, and Rocha, "Tragedy and the Meaning of School Shootings," 387.

48. Warnick, "Surveillance Cameras in Schools," 318.

49. John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: Free Press, 1916).

discussions warrant a pause to reflect on the inherent educational values that may be undermined in implementing security measures. When schools are monitored, secured, and considered vulnerable sites of attack, this will certainly affect the relational nature, educational culture, and community ethos of such institutions.

For educators and policymakers who endeavor to weigh security protocols against their educational effects, such interruptive yet purposeful questioning is intended to provoke thoughtful dialogue and yield a meaningful response as to what a standard of care may look like based on context and situation. This type of questioning and deliberation invokes a blending of stances attentive to the competing values inherent in each of these theoretical positions. While this deliberative process may look different from one locale to the next, or one nation to the next, the principles applied in considering what constitutes a reasonable standard of care would be similar.

Conclusion

In public discourse the dominant response to gun violence in schools has been to call for increased security measures across all schools while giving little attention to weighing the available evidence, considering the effectiveness of the security measures, or assessing the ethical costs security measures may impose on children or the school environment. Our proposal for an attentiveness to reasonable parameters offers educators and policymakers some guidance for how to proceed in the face of the heightened emotional sensitivities associated with school shootings. An appropriate response to gun violence in schools, we suggest, is the nuanced consideration of how to apply a standard of care that takes into account both the practical application and philosophical underpinning of Rawls's notion of reasonableness. A standard of care serves as a benchmark for considering the level of care that is required for students. Combined with the deliberative procedural approach of Rawlsian reasonableness, purposeful questions may better discern the measures that a reasonable and prudent parent would put in place. Implicit in these normative considerations is a caution to avoid security measures that undermine the nature of the school environment itself as well as those so invasive that they exceed the specific needs of the community. Through these overlapping concepts, we advocate for careful and purposeful discussions based on the unique pragmatic, educational, social, political, and contextual circumstances of individual schools and their surrounding communities. We acknowledge that responding to gun violence in schools requires a continual reevaluation of the security measures currently in place and of whether such measures effectively meet a school's particular needs. Above all, those policies or procedures that rely on justifications made without evidence must be reconsidered as new information becomes available.

What seems certain in this exploration is that — along with their educational mandate and invitation to learning — schools carry a heavy responsibility to ensure the safety of all students and staff. This means that in responding to instances of gun violence, school practice and policy development cannot ignore the mul-tilayered functioning of schools. Educators, scholars, observers, and practitioners

cannot lose sight of the multiple ways schools connect children with life — not only with learning about the subjects, interests, and mechanisms of living, but also in terms of who we are and how we relate to each other. In this way, the horror of gun violence in school settings compels each of us to consider not only how we may make schools safe and secure environments for students and staff, but also how we want to live — how we will get to know our neighbors and how we will continue living together with meaningful understanding, respectful caring, and true acceptance of each of other.