



**Supplement to Testimony Before the Texas  
Senate Committee on Education  
Fred Hink, Co-Director of Texas Zero Tolerance  
September 20, 2006**



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## Texas Zero Tolerance

***When our children in Texas' public schools can be accused, found guilty, ticketed, often times arrested and removed from school before parents are notified, there is something intrinsically wrong with a system that claims to work in partnership with parents for the education and well being of their children.***

We are a group of Texan parents concerned about the erosion of our parental rights in school districts in the state and the blatant disregard of due process for our children when administrators deem punishment is necessary. We understand the need for discipline in schools and support the concept of zero tolerance laws. But any law that suppresses due process is a crime unto itself.

Current discipline policies in Texas schools fail to use the disciplinary system as a means to correct behavior, rather offering a one-size fits all punishment that ultimately can serve to alienate and destroy the lives of our children and parents.

Many of us have seen our children receive tickets from police for such activities as defending themselves when maliciously attacked or bringing a harmless item that is considered a deadly weapon. Throwing children into the juvenile justice system without due process only serves to clog courts and destroy families.

We are not professional lobbyists nor do we accept contributions to further our cause. We have only two goals:

- To regain parental rights over our children while they attend Texas' public schools.
- To insure a transparent and just appeals system to prevent the future abuse of laws and local district policies and assure due process for our children. An appeals board that would make recommendations to the Board of Trustees of ISD's would put the power back into the hands of proper oversight.

Texas Zero Tolerance was originally known as Katy Zero Tolerance. The group was formed in October 2003 as the result of two individual cases in KISD that exposed the draconian measures of a discipline system gone wild. Since, hundreds of parents throughout the state have joined our cause and we have received hundreds of individual stories from children and parents abused by a system that seems to have been enacted for legal protection of districts without our children's best interest at heart.



**Frederick B. Hink**  
***Co-Director, Texas Zero Tolerance***

Writer, 43 years old, married for 17 years with two children, 16 and 14.

- 20 + years as: editorial researcher, natural gas analyst, Sr. Natural Gas Analyst, Project Manager, Sr. Consultant, Executive Director - Business Strategy Solutions
- Actively involved in defending parental rights for children in Texas public schools by organizing Katy Zero Tolerance and Texas Zero Tolerance
- A leader in Katy Citizen Watchdog\$, a group that supports fiscal responsibility and accountability in Katy ISD

**Community Accomplishments:**

- Delegate to the Texas State Republican Convention
- Fort Bend Republican Party Precinct Chair
- Leader to defeat the May 2006 Katy ISD Bond Referendum
- Two-time candidate for Katy ISD Board of Trustees
- Executive Leadership Council, Katy Citizen Watchdog\$
- Co-Director, Texas Zero Tolerance – statewide parental rights group
- Former president, Katy Zero Tolerance – parental rights group



# **Cases of Disciplinary Code Abuse In Texas Public Schools After Enactment of HB603**

***Texas Zero Tolerance***



## Reported Incidents: No Difference in Disciplinary Practices

The attached cases are examples of actual incidents reported to Texas Zero Tolerance. All of these reported cases have occurred **after HB603** was signed into law. The intent of HB603 was to change school policies in two ways:

- First, districts have to disclose whether they do or do not take into consideration: self-defense; intent; student's disciplinary history; and, a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
- Secondly, an implied impact on disciplinary practices at the school level: that despite what district superintendents argue, they have always had discretion in punishing children for disciplinary code infractions. The ambiguity of HB603 also left open discretion on mandatory expulsions.

The cases presented here depict an atmosphere that has not changed despite the unanimous vote by both Houses of the Legislature for HB603.

We have no doubt that you are aware of accounts of disciplinary code abuse by administrators in our public schools. We have found that the cases we are receiving since HB603 are no different in nature or outcome to the hundreds of cases we received prior to HB603.

It is obvious that, as well intentioned as HB603 was, it does not go far enough in protecting children from receiving harsh punishment for minor offenses – or no offenses at all. Common sense cannot be legislated nor is there any system imaginable that can safeguard everyone. But the time to begin designing a system that insures due process and provides a check and balance to the dictatorial powers of superintendents is now, before thousands of other children suffer the consequences of those in this section.

These stories speak not only to problems with policy but also alleged inappropriate actions by school administrators.

The cases are presented in chronological order, from most recent back to August 2005. Most are in the parents' and or students' own words. Names of all involved have been deleted to provide privacy for children, parents, and school administrators.



## Clear Creek ISD

### **INCIDENT:**

August 2006: Our daughter is a Special Education student and has been accused of consuming alcohol on campus. She is claiming innocence.

### **CCISD RESPONSE:**

Her psychologist has recommended to the assistant superintendent that AEP would be detrimental to her educationally and emotionally, but they have still assigned her to AEP. In addition, racial discrimination has come into play. 15 children were involved. 13 were reported. 9 were assigned AEP. The 4 not assigned were black as was the principal and officer involved. 1 child was publicly advised by the officer to admit to nothing. Only 1 black student was reassigned to AEP two days after school started even though she received a phone call the day before school started telling her to go to her regular classes by the principal.

### **COMMENTS:**

As you can see, we are in a real fix. Our daughter has been removed from the school and is currently in a private school. We will not change her placement during the school year at the advice of her psychologist, but if she wants to return to public school, she will be required to serve the AEP in the future. We have been searching for an attorney to help secure her due process rights.



## **Klein ISD**

### **INCIDENT:**

March 2006: My daughter made a report of assault by contact against a boy and was told that because she pushed him away from her after he had pushed her so hard ("body-slam") that she lost her balance that she would be punished equally. There was more to the incident but the body slam was the initial PHYSICAL contact. The boy initiated aggressively hostile behavior toward my daughter and it escalated to the body slam.

### **KISD RESPONSE:**

When I spoke to one of the Principals about the situation he told me I should drop it or it would be worse for my daughter. All I had asked for was a report stating what had occurred and what the school was doing about it. When he made it clear he would go after my daughter we made a police report and the school has acted in a maliciously retaliatory manner. They filed a complaint against my daughter for contact by assault for pushing the boy away.

### **COMMENTS:**

To my knowledge, they took no action against the boy. We go to court Thursday, March 16, 2006 at which time we will plead not guilty. We cannot afford a lawyer and will pursue this as best we can. Along with my concern for my family, I am greatly concerned for other students who feel they cannot seek assistance from the people who are responsible for protecting them and maintaining a safe environment in the school system.



## Katy ISD

### **INCIDENT:**

February 2006: My 12-year-old son was goofing around with a tennis ball with a friend in the hallways of his junior high. He soft tossed it into the air and missed his friend. The trajectory brought it down and it brushed a female student's nose. This was witnessed by a teacher who then questioned the girl. She repeatedly appealed to the girl to go to the nurse's office despite the fact that the incident startled the girl but did not cause any pain. Finally, the girl acquiesced and went to the nurse's office.

The teacher then took my son to the principal's office.

### **KISD RESPONSE:**

KISD police were called though I never was. He was charged by the principal with a Level IV disciplinary infraction and was then given a ticket by the KISD police for assault with bodily injury.

Additionally, my son was remanded to DAEP until August 10, 2006.

### **COMMENTS:**

My son has had no other disciplinary actions taken against him except talking in class. I am stunned...and it seems we had no recourse, as the "Appeals Hearing" seemed to be a joke and does not address the big question of how this got to this level...



## Spring ISD

### **INCIDENT:**

January 2006: Zero-Tolerance continues to be destructive tool in our school system. My 13-year-old granddaughter was involved in an altercation at this school. She was in a gym class and was playing basketball following all of the rules as set down by the instructor, when the person she was guarding all of a sudden told her if she put her hands on her she would slap her, my granddaughter proceeded to play the game as instructed, and the other student slapped her hard across the face, the teacher standing there hearing the other student make the threat, let it happen. My granddaughter pushed back in defense with no harm caused the other girl.

### **SISD RESPONSE:**

My granddaughter was handcuffed in front of the school, taken to the off campus police department, and now has a criminal record that will follow her the rest of her life for defending herself. The altercation lasted all but (1) minute, the girl had been friends in the past, and are friends again now. The mother was not called until after the handcuffing. The mother was not notified of this policy.

### **COMMENTS:**

My granddaughter had just transferred to this district and came to them from a Magnate school where she made straight "A's" and had never had "ANY" disciplinary problem, have never incited an incident in her life, and is not that type of student to do that. This was her first incident and the other student started this with the teacher witnessing it and telling the school officials that my granddaughter did not start it.

They gave no considerations to my granddaughter's past history, or anything else.

My granddaughter was the first incident they used Zero Tolerance on, and the reason they gave was it had just been implemented in November 2005. All cases before this not punished.

We are very upset over this incident and have contacted an attorney.



## Friendswood ISD

### INCIDENT:

January 2006. Before Christmas, an upper classman brought an alarm clock and put it in the ceiling tiles of the Spanish classroom. The alarm clock went off during class and everyone, including the teacher, got a laugh. She thanked whoever did it for the early Christmas present and went back to teaching. Unfortunately, my son thought it would be funny to do the same thing in his math class. He thought she would think it was the phone ringing or something. When the clock went off, the teacher reacted by clearing the classroom.

### FISD RESPONSE:

My son admitted to his assistant principal that he had done it as a prank and only thought it would be a joke because it had been before. The assistant principal proceeded to call my son a terrorist, accused him of trying to blow up the school, and kept walking around him while he sat in a chair scared to death. The principal then grabbed a picture of his children and shoved it in my son's face and said, "Look at these kids - they could have been without a father."

My son **NEVER** said anything about a bomb or wrote a note or made a threat.

An FISD police officer said he couldn't do anything legally but to write him a ticket for disorderly conduct. Even the assistant principal said he couldn't find anything right away in the student code of conduct but would review it over the weekend. The following Monday, my wife and I were called to come to school. They then told me he was going to be sent to alternative school for 9 weeks. It was considered Class 2 offense to commit harm to himself or another student.

### COMMENTS:

Our son has **NEVER** been in trouble before. He is working on Eagle Scout and an excellent student. Another vice principal said she didn't believe he would do something like that, as she had him in 7th grade. The associate principal said he did not buy that he thought my son would think it was the bell or phone, and proceeded to tell his thoughts concerning our son's **INTENT** was without ever talking to our son.



## North East ISD

### **INCIDENT:**

January 2006: I have been currently expelled from Madison High School of NEISD of San Antonio TX, for unknowingly possessing a small martial arts star in the vehicle I was driving that particular day. I do not match the criteria of a criminal and have been ostracized by this ordeal. I've had no previous problems in the last 3 and a half years of high school that involved violence, gangs, or drugs. I am currently a senior with one last semester to complete before my graduation with good grades and eager to attend college at UTSA.

### **NEISD RESPONSE:**

I am waiting for a certified letter from NEISD to submit my appeal.

(Name deleted) from Pupil Assistance was in charge of directing my expulsion and is imposing that I attend JJA (Juvenile Justice Academy) and meet her on Tuesday morning at 8:30 am (1-17-06) at NEISD building on Tesoro Dr. off of Broadway in San Antonio TX, to instruct my transfer to JJA.

### **APPEAL:**

This student's appeal was denied.



## **Marble Falls ISD**

### **INCIDENT:**

December 2005: My son David, age 15 uttered a curse word under his breath to a teacher who refused to answer his request for assistance. The teacher had developed a pattern of refusing to answer his questions, and he had reported the problem to a principal two weeks before his misconduct.

### **MFISD RESPONSE:**

Upon overhearing this bad word, the teacher took my son to the Assistant Principal's office whereupon he was immediately suspended for 1½ days. Thereafter, he was placed in an alternative learning center for three weeks. The principal advised that my son's punishment was lenient and considered the fact that my son had an absolutely clean disciplinary record, is an A/B student, was sincerely remorseful that he lost his temper, and did not mean the word to be overheard. The principal advised that the normal punishment for cursing is placement in an alternative education center for nine weeks.

### **APPEAL:**

In appealing the discipline to the Principal and Superintendent, I asked that a policy be established that required school staff to notify parents immediately if a student reports having problems with a teacher. The Principal said they had hundreds of kids in school and were "too busy" to call parents. The Superintendent wrote, "I am not inclined to recommend a board policy or implement an administrative procedure that removes the exercise of principals' legitimate administrative decision for managing their campuses."

All I wanted was assurance that I would be notified immediately of any future problems so that I can get involved early before the situation deteriorates. How can a school be too busy for that?



## Katy ISD

### INCIDENT:

November 2005: A student had brought a rum bottle to the bus stop and drank the bottle on the bus. An 8<sup>th</sup> grade girl liked the look of the bottle and asked him not to throw it away because she wanted the bottle. She placed it in her backpack but then thought better of the situation and gave it to another girl who threw it on the ground outside, breaking it. The Principal last week said that there would be no punishment for her, but there is for the boy who brought it and drank it.

### KISD RESPONSE:

The next week, she is called to the principal's office at 11:00, where she sat and ate lunch there until 2:30 when it is time to go home. **NEVER** once was a call made to the parents until after school. They are then informed that she is on 3 days suspension and A-school (DAEP) for 20 days. This was the exact same punishment as the kid who did drink the rum.

### COMMENTS:

She is a good kid. We've had some problems with the principal (the one who decided to enforce punishment) because some boys had been harassing her at school. We had asked them do something about it but they hadn't. A-school is the last place she needs to go. We agree that 3 days suspension would be good enough but not A-school. What else can they do? How do you fight the big giant on your kid's behalf?



## Fort Bend ISD

### INCIDENT:

High school senior and model student-athlete Pavlos Karnezis was filing into his first-period physics class one morning last November 4, 2005 when a friend approached with a pressing physics problem of his own: how to keep his pants up. Figuring he could cut string from the morning's lab project for a makeshift belt, the saggy-bottomed boy asked to borrow Pavlos's nifty little buck knife. A minute or so passed, and the physics teacher, wondered aloud if anyone had scissors to lend to cut the string. Pavlos's friend then presented the knife he had borrowed from Pavlos to the teacher. The teacher snatched away the knife, walked it to the front of the room and finished the class, then escorted the boys to the principal's office. Pavlos tried to explain that he hadn't threaten anybody, that he would never threaten anybody, but it didn't matter. The physics teacher confirmed this assertion in a written statement to the principal: "The students had no intention of using the knife other than the intended use of cutting the string."

### FBISD RESPONSE:

Pavlos Karnezis was arrested and taken to the Fort Bend County jail where he was held for 25 hours while being housed with inmates charged with drug dealing and attempted murder. Pavlos's parents were not notified of their son's arrest until he was already on his way to jail. The principal expelled Pavlos and sentenced him to the Fort Bend County Juvenile Boot Camp for the rest of his senior year.

### APPEAL:

Pavlos's mom, Kathy Karnezis, appealed the expulsion. A panel of three assistant principals from other schools in the district was called upon to decide Pavlos's fate. The panel upheld the expulsion but modified the sentence. Instead of boot camp, Pavlos could instead attend an alternative education program within the district, where he'd receive coursework from Hightower. Pavlos's fight against the school district wasn't over. The process allowed for one final option: He could appeal again, this time to the district's board of trustees. On February 27, 2006 Pavlos appealed his case before the board. Each side had 15 minutes to present its argument. The five-member board deliberated in a closed session for seven minutes, then returned with a unanimous ruling: Remove the expulsion from Pavlos's record and let him return to Hightower. This was the first time in at least five years that the Fort Bend ISD's board of trustees had overturned a principal's decision to expel a student. On March 6, 2006 Pavlos Karnezis returned to his school.

(FBISD – continued)

**Impact of the incident on the student and his family:**

An honors student with no prior disciplinary problems was arrested, removed from his school for 4 months, and was required to attend a boot camp. The student's parents eventually withdrew their son from the boot camp and sent him to private school until he won his appeal with the school board allowing him to return to school. The student's mom lost 20 lbs during the ordeal due to the mental anguish that was inflicted on her and her son. The parents spent \$6,000 on attorney fees and \$2,700 for private school even though the school board eventually exonerated their son.



## **Katy ISD**

### **INCIDENT:**

October 2005: My son is a junior at Mayde Creek. He and another boy made the (poor) decision to walk across the street during lunch. Apparently, the school police K9 unit was sniffing cars in the parking lot. The officer says he radioed the AP's office to notify seeing the boy walking across the football field. At that point the officer says he began to yell at the boys to stop, but they did not respond. (Keep in mind the officer is in the student parking lot. The boys are on the football field.) There is an entire bus barn between those 2 points. How could the boys have possibly heard the officer?

### **KISD RESPONSE:**

About this time the AP showed up on the football field driving a golf cart and chasing after the boys. The boys began to run. Now I will admit that it was very stupid to run from the AP but it's not against the law. When the boys got across the street they were cut off by the police and arrested for evading detention. Because the boys did not hear the policemen they did not know he was involved until they were cut-off. At which point the stopped immediately (that's not evasion). They spent nearly 24 hours in jail and are now facing a series of court appearances.

### **COMMENTS:**

Why couldn't they have been escorted to the AP's office and disciplined. In school suspension, Saturday detention or what ever is standard action for leaving campus for lunch.



## Cypress Fairbanks ISD

### **INCIDENT:**

October 2005: John Tverbakk's 13- year-old daughter who was an honor roll student at the time was caught holding a 1-ounce test tube of beer. Another student brought the beer to school and Mr. Tverbakk's daughter thought the other student was joking when she told her it was a Corona. Mr. Tverbakk's daughter pretended to drink the beer and then handed the beer back to the student that brought the beer.

### **Cy-Fair ISD RESPONSE:**

Mr. Tverbakk's daughter was sent to an alternative school for 6 weeks. The girl that brought the beer to school received the same punishment

### **COMMENTS:**

#### **HB 603 Effect/Lack of Effect on this Incident:**

Mr. Tverbakk felt that his daughter was punished excessively. Mr. Tverbakk believes that the new law should have compelled school officials to consider the facts of the case instead of a mandatory punishment. Following are Mr. Tverbakk comments about Cypress Fairbanks ISD punishment of his daughter: *Did they simply not read the new law or are they so desperate to avoid responsibility that they are doing the equivalent of children jamming fingers in their ears and yelling "I can't hear you! I can't hear you!"*

*Conversely Cypress Fairbanks school officials contend that state law compels the school to punish alcohol possession with a mandatory six to nine weeks of placement in an alternative education program, and the only discretion HB 603 would allow in such a case is in respect to the length of the placement. School officials from Katy ISD and Houston ISD also agreed with Cypress Fairbanks ISD school officials on how HB 603 would affect this type of case.*



## **New Deal ISD**

### **INCIDENT:**

August 2005: My son was accused of saying a sexual remark to a girl. The police was called and he was interrogated without the presence of my wife or I. We were called but were too late to take part. I had to drive 20 minutes to get there. Three grown men, the principal, assistant principal, and policeman, intimidated him and got him to admit he had pulled his drawers down and exposed his buttocks purposely. They said there was no intimidation.

How would you feel if you were 13 and three men kept hammering at you to admit you had done it? My son is a freshman at New Deal High School.

After talking with him away from the school he told us he was not the one that made the remark. We went back and told the principal. We presumed there was follow up since the sexual harassment was removed from the paper work. He was still accused of pulling his drawers down and being a liar.

The written statements from the other kids only said they saw him pull up his pants, that he was wearing baggy pants and said they kept falling down.

### **NDISD RESPONSE:**

He was sent to DEAP for 30 days.

### **COMMENTS:**

I don't see how the sentence fit the offense. It has become a show of power with the administration. They will not admit they were wrong and I will not back down that they were. They say due process was served. I say it wasn't since my son had no legal counsel or his parent with him during the interrogation. Criminals have more rights.



## **Katy ISD**

### **INCIDENT:**

August 2005: I have read some stories of the wrongly accused or the over punished but what about the victims?

My daughter is an eighth grader at KISD and for a solid week now she has either been trapped in the bathroom by several girls pushing her, holding her against her will or violently pushed in the hallways just because she is friends with a girl they don't like.

Why is it that the aggressors have yet to be punished? Why is it that I am being told by the assistant principal that he has to wait for her to actually take a punch, bite, or hair pulling before he can do anything about it? They have already put their hands on my daughter.

### **KISD RESPONSE:**

The Assistant Principal told me he is very hesitant to help my daughter because there is a group of advocates that protest determent. What is that about? Obviously, their child has not been a victim of an aggressor. She has come home three times crying and telling me she does not want to go back to school. She has always loved school and is in the National Junior Honor Society. My child is a good child who has never seen the likes of this before. I do not tolerate physical punishment nor by a stranger. When is enough, enough? How can people actually be advocates for something that I may have to bury my daughter over? It is said that the girl who has put her hands on my daughter has older brothers that run with a violent gang. What's next, next week?

### **COMMENTS:**

If you ask me, every punishment should be individualized. The first incident should have warranted the parents but did not. They will be getting their first phone call tonight only because my daughter's father is now taking it through the judicial system. How sad is that?

**Please see additional comments on next page.**

**Relationship between Katy ISD and Katy Zero Tolerance (KZT)**  
***Fred Hink, Co-Director, Texas Zero Tolerance (formerly KZT)***

In October 2003, Katy Zero Tolerance was formed to advocate for changes in the Katy ISD Code of Conduct. The group tried very hard to meet with Board members and the Superintendent. To our official requests, no comments were ever returned.

Below this, my testimony reflects only my observations. I have no knowledge of official School Board or KISD policy concerning these matters.

For the past three years, I have been involved with several “battles” with the School Board and administration of KISD. It has been my observation that both entities refuse to speak publicly about any controversy. Privately, I have met only once with Dr. Leonard Merrell, Superintendent of KISD. While I will not share with you the conversation, Dr. Merrell’s tone was confrontational at several junctures during this meeting.

Katy ISD, like every other organization, has the so-called “rumor mill.” During school board elections, disparaging comments are made about any challenger to incumbent Board members. This was exposed in the May 2005 Board race when emails were uncovered through open records requests.

It has been an observed practice that any opponent to KISD policies is met with the same rumor mill and inaccuracies about opponents become “fact” among KISD staff and administration officials. The previous presented case illustrates this point. KZT is the identified “*group of advocates that protest determent.*”

As you read through this documentation and listen to my prepared testimony, you will understand, as has the general public, that KZT/Texas Zero Tolerance is for deterrents to and punishment of bullies.



## **Efforts to Enforce HB603**



## **Forcing Alvin ISD to Comply with HB603 Successful** Kurt Lane, Co-Director, Texas Zero Tolerance

### **PROBLEM**

HB603 was signed 6-17-2005 effective immediately, while the Alvin ISD School Board approved the 2005-2006 Student Code of Conduct June 21, 2005.

In the AISD 2005-2006 Handbook/Student Code of Conduct the word “*Intent*” as specified by HB603 was nowhere to be found in its 63 pages.

As a matter of fact, the AISD Student Code of Conduct has not included the word “*Self-Defense*” which has been a requirement of Chapter 37 (HB1314 2003) for several years prior to HB603.

### **ACTION**

I notified AISD that they were not in compliance with HB603 and was told by the Alvin ISD Administrative Services Director:

*“We do not directly address HB 603 in the handbook, but our employees are familiar with its mandates and we practice these throughout our district.”*

After this response it took repeated e-mails to Alvin ISD administrators at every level including the Superintendent and School Board from November 2005 until January 2006, it required phone calls and e-mails to several Texas Senate and House members, articles in local papers, calls and e-mails to the Texas Education Agency (TEA) and the Texas Association of School Boards (TASB). Finally, on January 20, 2006, an e-mail from the Alvin ISD Superintendent stated that he has directed his staff to do the following:

1. Post HB 603 statement from Rep. Eissler on the AISD website as a Student Code Update beginning the week of Jan. 23-27.
2. Send home the statement as part of an amendment to the Code of Conduct with the student's report card or next general mail out.

3. I conducted a meeting with campus principals 1/19/06 to insure that consideration of the points listed in HB 603 were being adhered to.
4. This email and HB 603 will also be shared with the Board of Trustees and Rep. Dawson.

He then apologized for not meeting my needs, it was not my needs...it is the **LAW**.

The statement about HB603 is 6 little lines at the very end of the 12th page of the 12 page AISD Student Code of Conduct, this only took **217 days** past when it became law requiring immediate inclusion, to be stuck at the very end as if abiding by State law is an inconvenience.

## HOW DISTRICTS ARE NOTIFIED OF CHANGES

1. TASB sends school districts a *Model Student Code of Conduct* each year to help districts include new laws. Page 13 of the 2005 MSCOC covers HB 603. When questioned about HB603 a representative from the TASB stated:

*"...the law requires school districts to say whether they will consider self defense, intent, discipline history or disability with respect to a student who is expelled for an offense that would otherwise have resulted in a DAEP placement, etc. The model forces district to pick and choose among these considerations, but the district cannot remain silent on the matter."*

2. The TEA sends out the Legislative Briefing Book to keep districts informed of changes.

### **SOLUTION: Accountability**

Districts have no accountability to the State in this matter.

- There are no checks performed to insure that districts' Student Code of Conduct include all required changes to reflect current law.
- There are no repercussions if they do not comply. In many cases the districts actively choose to ignore state law, something no good citizen would even consider – *and these are the people in charge of our children's safety and education.*

The districts pass judgment on our children, all the while knowingly and intentionally violating state law. **Chapter 37 needs teeth.**



## **Forcing Conroe ISD to Comply with HB603 Unsuccessful Eddie Evans, Co-Director, Texas Zero Tolerance**

### **PROBLEM**

HB 603 was signed 6-17-2005 and became effective immediately. The Conroe ISD School Board approved the 2005-2006 Student Code of Conduct on July 19, 2005.

**In the CISD 2005-2006 Student Code of Conduct the word “Intent” as specified by HB 603 was nowhere to be found.**

HB 603

In addition to establishing standards for student conduct, the student code of conduct **must:**

**4) specify whether consideration is given, [~~to self-defense~~] as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion, to:**

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

### **ACTION**

I contacted CISD Superintendent Dr. Don Stockton on Sept. 7, 2005 and notified him that CISD was not in compliance with HB 603. Dr. Stockton did not respond to my e-mail but had CISD Assistant Superintendent for Secondary Education Chris Hines respond for him on Sept. 8. Mr. Hines e-mailed the following reply:

*“In reviewing the law, I believe we are in full compliance.”*

I followed this correspondence up with a phone call to Mr. Hines. Mr. Hines said that some administrators felt that some times they could determine intent and some times they could not so that was why they left out whether they do or do not consider intent in the student code of conduct. In my opinion state law does not give CISD this option. The law says that the student code of conduct must specify if consideration is given to intent or lack of intent at the time the student engaged in the conduct.

After CISD's response I contacted Billy Jacobs with TEA and following are his comments on HB 603 and what I was told by CISD:

*"If they say nothing about self defense, intent, and so on they have not implemented the law. I also want to call him because they must say that they **do or do not consider these things** in the code of conduct."*

No changes were made to the 2005-2006 CISD student code of conduct. In the December 7<sup>th</sup>, 2005 Conroe Courier Article - *Law Not Followed 'Zero Tolerance' modification resisted* CISD officials state that intent was left out of the code of conduct because special training would be needed to determine intent. CISD spokeswoman Kay Galindo also was quoted in this article: "Our legal counsel does not interpret HB 603 to require the use of the word 'intent' specifically." Ms. Galindo also stated in the article that HB 603 really had little impact on the district's code of conduct other than the district must now specifically list the criteria it uses in making disciplinary decisions. TEA does not agree with Conroe ISD on whether they have the option to leave the word 'intent' out of the code of conduct. TEA spokeswoman DeEtta Culbertson was quoted in this article: "They are required to say whether or not they will consider intent." Ms. Culbertson also stated that TEA has no way to sanction districts that do not include the wording. State Representative Rob Eissler was also quoted in this article about this issue, "Districts such as CISD that failed to include 'intent' as a consideration stopped short of what they were required to do by HB 603. If I'm a parent affected by it and my child is punished, I would certainly challenge the punishment. If a district is running contrary to law they could be affected by lawsuits. That would probably be sanction enough." The CISD student code of conduct remained unchanged for the rest of the 2005-2006 school year.

Before the 2006-2007 school year began I contacted each member of the Conroe ISD school board. On June 19, 2006 I reminded the board members that state law requires that school districts **must** specify whether they do or do not consider a child's intent in the disciplinary process. 3 of 7 school board members acknowledged the receipt of my e-mail. None of the school board members addressed my concerns. When the 2006-2007 CISD student code of conduct came out 'intent' was once again left out.

HB 603 has been **STATE LAW** for over a year now and CISD still refuses to state whether they do or do not consider a child's intent in the code of conduct.

## **SOLUTIONS**

### **Request an opinion from the Texas Attorney General on HB 603**

- 1.) The opinion should address whether Texas school districts must include HB 603's specific wording in their codes of conduct.
- 2.) The opinion should also address if HB 603 requires the specific wording to be included for all suspensions, DAEP removals, and expulsions whether they are discretionary or mandatory.

### **Accountability**

Texas parents should not have to sue their school district to get them to follow state law. Texas school districts should be required to follow state law like all other Texas citizens have to.

Unfortunately districts have no accountability to the state in this matter, there are no checks performed to insure that districts Student Codes of Conducts include all required changes to reflect current law. There are no repercussions if they do not comply. In many cases the districts actively choose to ignore state law, something no good citizen would even consider, and these are the people in charge of our children's safety and education. It is the Districts that pass judgment on our children, all the while knowingly and intentionally violating state law.



## **Appendix:**

**Proposed Changes to Chapter 37 of the Texas State Education Code  
presented by the members of Texas Zero Tolerance**

**Article from the Conroe Courier: *School Districts Not Always  
Following "Zero Tolerance" Law***

**American Psychological Association (APA) August 9, 2006 Press  
Release: *Research Finds that Mandatory Discipline Can Actually  
Increase Bad Behavior and Drop Out Rates in Middle and Secondary  
Students***



## Suggested changes and additions to Chapter 37

Additions are in *bold italics*; deletions are ~~bold and struck through~~

### SUBTITLE G. SAFE SCHOOLS

#### CHAPTER 37. DISCIPLINE; LAW AND ORDER

##### SUBCHAPTER A. ALTERNATIVE SETTINGS FOR BEHAVIOR MANAGEMENT

###### *§ 37.???. Discipline Action Review Committee (DARC)*

*(a) The board of trustees of an independent school district shall oversee the formation of a volunteer Discipline Action Review Committee. The DARC members shall be selected as follows:*

*(1) a member shall be chosen from within the boundaries of the school district;  
and*

*(2) a member shall not be:*

*(A) an employee or relative of an employee of the school district; or*

*(B) a member or relative of a member of the Board of Trustees of the school district*

*(3) a member shall be selected by random draw from a pool of individuals who have notified the Board of Trustees or a representative appointed by the board of trustees of their interests in serving on the DARC.*

*(4) a member shall be prohibited from serving until he or she has received the results of a background investigation and there is no child abuse or sexual assault conviction and any negative legal history as interpreted by the local district may render the potential member ineligible,*

*(A) local districts shall adopt a policy determining whether the local school*

*district or the individual shall pay  
the cost of a criminal background check*

*(5) members shall serve staggered two year terms, and shall not serve consecutive terms unless there are an insufficient number of volunteers to fill vacancies;*

*(6) a member shall be a parent but not be required to have a child currently enrolled in school.*

*(b) The DARC shall meet regularly to review current and proposed changes to the school districts Student Code of Conduct and Discipline Management Plan.*

*(c) The DARC shall have a minimum of one member attend all public meetings of the Board of Trustees.*

*(d) The DARC shall review District Police activities and individual discipline cases as needed or at the request of a parent or guardian.*

*(e) The DARC shall report its independent findings and recommended course of actions to the Board of Trustees and forward its findings to the TEA for mandatory inclusion in Public Education Information Management System (PEIMS).*

#### **§ 37.001. Student Code of Conduct**

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee *and DARC* established under Section 11.251, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus. In addition to establishing standards for student conduct, the student code of conduct must:

(b) A teacher with knowledge that a student has *intentionally* violated the student code of conduct shall file with the school principal or the other appropriate administrator a written report, not to exceed one page, documenting the violation. The principal or the other appropriate administrator shall, not later than 24 hours after receipt of a report from a teacher, send a copy of the report to the student's parents or guardians.

#### **§ 37.006. Removal for Certain Conduct**

(a) Except as provided by Section 37.007(a)(3) or (b), a student shall be removed from class and placed in an alternative education program as provided by Section 37.008 if the student:

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(C) sells, *knowingly* gives, or delivers to another person or *knowingly* possesses or uses or is *voluntarily* under the influence of:

(D) sells, *knowingly* gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the *voluntarily* influence of alcohol, or *knowingly* possesses, uses, or is *voluntarily* under the influence of an alcoholic beverage;

**§ 37.007. Expulsion for Serious Offenses**

(a) A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

- (1) uses, exhibits, or *knowingly* possesses:
- (3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

(b) A student may be expelled if the student:

(2) while on school property or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, *knowingly* gives, or delivers to another person or *knowingly* possesses, uses, or is under the *voluntarily* influence of any amount of:

**§ 37.015. Reports to Local Law Enforcement; Liability**

(a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

(4) the use, sale, or *knowingly* possession of a

controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;

**§ 37.016. Report of Drug Offenses; Liability**

A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of *knowingly* using, passing, or selling, on school property:

**§ 37.019. Emergency Placement or Expulsion**

~~(a) — This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in the alternative program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.~~

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action *and the parent or guardian shall be contacted immediately. Within a reasonable time after the Prior to* emergency placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the term of the student's emergency placement or expulsion is subject to the requirements of 20 U.S.C. Section 1415(j) and (k).

**SUBCHAPTER C. LAW AND ORDER**

**§ 37.081. School District Peace Officers and Security Personnel**

(a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel.

(2) may enforce ~~all~~ laws *as described in subsection 37.007, including municipal ordinances, county ordinances, and state laws*; and

(3) may, in accordance with Chapter 52, Family Code,

take a juvenile into custody.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent or the superintendent's designee ***and the Discipline Action Review Committee.*** School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Commission on Law Enforcement Officer Standards and Education.

## **SUBCHAPTER D. PROTECTION OF BUILDINGS AND GROUNDS**

### **§ 37.101. Applicability of Criminal Laws**

The criminal laws of the state apply in the areas under the control and jurisdiction of the board of trustees of any school district in this state ***and are to be enforced by the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located except in instances described in subchapter 37.007 where a school district peace officer may have jurisdiction.***

### **§ 37.102. Rules; Penalty**

~~(e) A person who violates this subchapter or any rule adopted under this subchapter commits an offense. An offense under this section is a Class C misdemeanor.~~

### **§ 37.103. Enforcement of Rules**

Notwithstanding any other provision of this subchapter, the board of trustees of a school district may authorize any officer commissioned by the board to enforce rules adopted by the board. This subchapter is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives. ~~or the right of separate jurisdiction relating to the conduct of its students and personnel.~~

## **SUBCHAPTER E. PENAL PROVISIONS**

### **§ 37.122. Possession of Intoxicants on Public School Grounds**

(a) A person commits an offense if the person ***knowingly*** possesses an intoxicating beverage for consumption, sale, or distribution while:

(b) An officer of this state who sees a person *knowingly* violating this section shall immediately seize the intoxicating beverage and, within a reasonable time, deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor.

## ***The Conroe Courier***

### **School districts not always following 'zero tolerance' law**

12/07/2005

By: NANCY FLAKE, HCN/Courier staff

Eddie Evans of The Woodlands had hoped that House Bill 603, which became law in September, might prevent another child from going through what happened to his son in 2003.

But HB 603, which was meant to give school administrators more latitude in determining a student's intent for some offenses, according to state Rep. Rob Eissler, R-The Woodlands, who authored the bill, has had the teeth taken out of it by school districts that did not put language required by the law into their school codes of conduct.

The Conroe Independent School District is one of those districts that left intent out of its code of conduct as a factor for consideration, and officials say it's because special training would be needed to determine intent and intent has always been considered. However, Texas Education Agency officials say the wording is required by law.

Both Evans and Eissler, a CISD trustee for 16 years, are disappointed by the disappearance of intent from school policies, and Eissler said he will introduce additional legislation in 2007 to "make more sense" of zero tolerance laws.

Evans' son, a 12-year-old seventh-grader, honor student and Boy Scout at the time, was caught up in zero tolerance laws when he put on a jacket for an unseasonably cool day in 2003 and left for school at Branch Crossing Junior High (now The Woodlands Ninth Grade Campus). Later in the school day, he felt a lump in one of the jacket's inside pockets, according to Evans, and pulled out his Boy Scout knife and whetstone.

"He didn't know what to do," Evans previously told The Courier. "When you get to school, you can't tell anyone."

Evans' son told a friend, who suggested he put the knife in his locker. Then, the other boy told a teacher. Evans' son was pulled from class, questioned by police - without either of his parents notified - and taken to juvenile detention.

While charges were never pressed, Evans' son was expelled and sent to the Montgomery County Juvenile Justice Alternative Education Program for 45 days. Eissler wrote House Bill 603 after being prompted by Evans, who said he and his family are still feeling the effects of the incident. "One phone call to a parent that day would have cleared a lot up," Evans said in an e-mail. "If my son had remotely threatened someone, I could have understood the actions that were taken.

"Unfortunately, HB 603 has helped only minimally, so intent and common sense are still forbidden in CISD if your child happens to attend a school that has a principal that doesn't care to evaluate any extenuating circumstances."

House Bill 603 requires that the district's student code of conduct specify whether

consideration is given, in making a decision to order suspension, removal to a disciplinary alternative education program (DAEP) to "self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct," according to the Texas Education Agency.

CISD's student code of conduct states that disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. "Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment and statutory requirements," the code states.

The student code of conduct was addressed and voted on during the July 19 CISD board of trustees meeting. "CISD declined to require consideration be given to intent in every case because determining intent often requires specialized training," said CISD spokeswoman Kay Galindo. "District administrators do consider a student's intent in most cases. The district did elect to require that consideration be given in every case to self-defense and prior disciplinary history. HB 603 really had little impact on the district's code of conduct other than that the district must now specifically list the criteria it uses in making disciplinary decisions.

"The district has always relied on our administrators to exercise discretion and good judgment in making disciplinary decisions."

Districts are required by law to put the wording in their codes of conduct, according to Texas Education Agency officials. "They are required to say whether or not they will consider intent," TEA spokeswoman DeEtta Culbertson said.

But the TEA has no authority to sanction districts that don't include the wording, she added.

Districts such as CISD that failed to include intent as a consideration "stopped short" of what they were required to do by HB 603, Eissler said. "If I'm a parent affected by it and my child is punished, I would certainly challenge the punishment," he said. "If a school district is running contrary to law, they could be affected by lawsuits. "That would probably be sanction enough."

CISD officials do not believe the district is exposed to litigation because the wording is not in the student code of conduct. "According to our legal counsel's interpretation," Galindo said, "we do not read it (HB 603) to require the use of the word 'intent' specifically."

Factors outlined in the code of conduct and administrative discretion played a part in how a recent situation at San Jacinto Elementary School was handled, according to Galindo. A 4-year-old pre-kindergarten student, who was getting on a school bus to go home, threw a pocketknife, which became lodged into a seat near another student. According to Galindo, the 1-inch pocketknife was confiscated and "the incident was handled appropriately by the campus administration."

Galindo would not discuss the details of how the student was disciplined or how the

district handled the incident with the student's parents, citing student privacy laws. "I think we do address intent. That ability was always there," said Chris Hines CISD's assistant superintendent for secondary education. "It's not always possible; sometimes it's not possible to know intent or intent may not be relevant. If a student brings a weapon onto campus unintentionally, that doesn't make me feel better; you still shouldn't do it."

Even if an administrator does take intent into consideration, the administrator may still have to make a tough decision, according to Hines. "Just because a student doesn't have a history doesn't mean there shouldn't be consequences," he said. "There's always other students watching to see how we react. You deal with a whole range of things. Anyone's capable of making bad decisions, and the whole point of the code of conduct is to encourage good behavior. It's about setting limits."

"We do care about our kids and we want good things for them."

Eissler said he is not happy with how HB 603 is or isn't being implemented in school districts, but he is also unhappy with how the bill was watered down once it passed the House and got into the Senate. The bill had originally stated that a student's mental state must be taken into account for using, exhibiting or possessing a weapon, and that a student must be expelled for doing so intentionally, knowingly or recklessly.

"The attorneys for the Texas Association of Secondary School Administrators (TASSA) got to the Senate," Eissler said. "Do you fight the battle between the House version and the Senate and take forever? A reason given to me was, 'You're going to have lawsuits all over the place.'"

Eissler believes Evans' son should never have been expelled. "You don't take kids like that to the cleaners," he said. "We've gotten to the point where it's ridiculous. There are totally innocent kids who get swept up in this."

Evans is now working with Fred Hink, the founder of Katy Zero Tolerance, an advocacy group for parents whose children have felt the wrath of zero tolerance laws in the Katy school district, and they, along with other parents, are in the process of forming Texas Zero Tolerance.

"House Bill 603, while not perfect, went a long way to untying the hands of over-zealous school administrators, but as we read in the press and as stories continue to be reported to KZT, we realize that our public schools are out of control," Hink wrote in an e-mail to The Courier. "If this trend continues, Katy Zero Tolerance, which is in the process of reforming, will help the legislature to completely overhaul the state laws and, hopefully, compel school districts to stop hiding behind these laws for good."

Eissler said he is "happy" to help the group again. "I'm with them," he said. "I think HB 603 was a good step toward putting more common sense into zero tolerance and we have to make more sense of it."

"Long story short, I'm going to make it more clear next time."

## **ZERO TOLERANCE POLICIES ARE NOT AS EFFECTIVE AS THOUGHT IN REDUCING VIOLENCE AND PROMOTING LEARNING IN SCHOOL, SAYS APA TASK FORCE**

### **Research Finds that Mandatory Discipline Can Actually Increase Bad Behavior and Drop Out Rates in Middle and Secondary Students**

NEW ORLEANS – A review of the school discipline research shows that zero tolerance policies developed in the 1980s to stop drug use and curtail unruly and violent behavior in schools are not as successful as thought in creating safer environments to learn. These policies, which mandate that schools severely punish disruptive students regardless of the infraction or its rationale, can actually increase bad behavior and also lead to higher drop out rates, according to the American Psychological Association's (APA) report. Based on these results, the APA today adopted a resolution recommending ways to target discipline more effectively in order to keep schools safe while also eliminating the need for a one-size-fits-all punishment for misbehavior.

APA's governing body, the Council of Representatives, commissioned the Zero Tolerance Task Force to examine the research conducted to date on the effects zero tolerance policies have on children in schools. The task force reviewed the last 10 years of research to determine whether these policies have made schools safer without taking away students' opportunity to learn; whether they incorporated children's development as a factor in types of discipline administered; and whether educators referred juveniles to the justice system too often with costly consequences. Lastly, the review showed how families and communities are affected by these policies.

According to the report's findings, schools are not any safer or more effective in disciplining children than before these zero tolerance policies were implemented in the mid 1980s. The research also shows that while school violence is a serious issue, violence in schools is "not out-of-control."

Furthermore, the evidence suggests that zero tolerance policies do not increase the consistency of discipline in schools. According to the report, rates of suspension and expulsion in schools vary widely and can actually increase disciplinary action for those students who are temporarily withdrawn from school. The research also shows that schools with higher rates of suspensions and expulsions have a less than satisfactory rating of climate and governance and spend a disproportionate amount of time disciplining students. The evidence also shows that zero tolerance policies have not been successful at decreasing racial biases in disciplining students. The report found that a disproportionate number of students of color are still overrepresented in expulsions and suspensions, especially for African Americans but also for Latinos. "This uneven representation of discipline," said the report chair, Cecil Reynolds, PhD, professor at Texas A&M University, "may happen because neither teachers nor school

safety or security personnel are trained to evaluate or understand cultural differences that may influence behavior.”

The zero tolerance policies also do not consider children's lapses in judgment or developmental immaturity as a normal aspect of development, said Dr. Reynolds. “Many incidents that result in disciplinary action in school happen because of an adolescent's or a child's poor judgment—not due to an intention to do harm. Zero tolerance policies may exacerbate the normal challenges of adolescence and possibly punish a teenager more severely than warranted. Zero tolerance policies ignore the concept of intent even though this is a central theme in American concepts and systems of justice.” Evidence also shows that zero tolerance policies have increased referrals to the juvenile justice system for infractions once handled in the schools.

Having to go outside the school system to deal with an unruly adolescent puts more stress on families and communities who may already be involved with school personnel. According to the review, those parents and other family members with teenagers who get suspended or expelled from school end up spending more money on incarceration (\$40,000.00 a year versus \$7,000.00 for yearly education) once their children get involved with the justice system. Costs are also incurred if students drop out of school from uninsured medical expenses, welfare, and treatment for increases in mental health problems.

There are strategies, according to the report findings, that can target disciplinary actions to specific misbehaviors without giving up school safety and mandating all students to the same punishment. Three levels of intervention are offered as alternatives to the current zero tolerance policies. Primary prevention strategies could target all children. Secondary strategies could target those students who may be at-risk for violence or disruption and tertiary strategies could target those students who have already been involved in disruptive or violent behavior. Initial reports of these strategies show reduced office referrals, school suspensions and expulsions and improved ratings on measures of school climate. The APA report does not recommend abandoning Zero Tolerance Policies but rather their modification so they can actually accomplish their original intent, to make schools a safer, more secure environment for all students and teachers. Based on current research findings, the APA recommends the following changes to zero tolerance policies:

- Allow more flexibility with discipline and rely more on teachers' and administrators' expertise within their own school buildings.
- Have teachers and other professional staff be the first point of contact regarding discipline incidents.
- Use zero tolerance disciplinary removals for only the most serious and severe disruptive behaviors.
- Replace one-size-fits all discipline. Gear the discipline to the seriousness of the infraction.
- Require school police and related security officers to have training in adolescent development.
- Attempt to reconnect alienated youth or students who are at-risk for behavior problems or violence. Use threat assessment procedures to identify those at risk.

- Develop effective alternatives for learning for those students whose behavior threatens the discipline or safety of the school that result in keeping offenders in the educational system, but also keep other students and teachers safe.

**Task Force on Zero Tolerance:** Chair: Cecil R. Reynolds, PhD, Texas A&M University; Jane Conoley, EdD, University of California at Santa Barbara; Enedina Garcia-Vazquez, PhD, New Mexico State University; Sandra Graham, PhD, University of California at Los Angeles; Peter Sheras, PhD, University of Virginia; and Russell Skiba, PhD, Indiana University.

For more information/interview contact: Dr. Reynolds at 512-656-5075

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*The American Psychological Association (APA), in Washington, DC, is the largest scientific and professional organization representing psychology in the United States and is the world's largest association of psychologists. APA's membership includes more than 150,000 researchers, educators, clinicians, consultants and students. Through its divisions in 54 subfields of psychology and affiliations with 60 state, territorial and Canadian provincial associations, APA works to advance psychology as a science, as a profession and as a means of promoting health, education and human welfare.*