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ALASKA STATE HOUSE OF REPRESENTATIVES

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Room 102

REPRESENTATIVE JOHN COGHILL

Date: March 6, 2001

To: Representative Con Bunde, Chair
House Special Committee on Education

From: Representative John Coghill, Sponsor HB 85

Re: Hearing for HB 85

A handwritten signature in black ink, appearing to read "JCO", with a long horizontal line extending from the top of the signature.

I am requesting HB 85 "An Act relating to conduct directed at a school employee as an aggravating factor for criminal sentencing purposes" be heard by the House Special Committee on Education at your earliest convenience.

I have attached relevant information for the back up packet. Thank you for your assistance.



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Position Paper April 11, 2001

HB 85 – School Employee Aggravating Factor Representative John Coghill

NEA-Alaska commends Representative John Coghill for introducing HB 85 that makes directing violent conduct to a school employee an aggravating factor for criminal sentencing. The aggravating factor applies to a school employee who is performing school-related teaching and work.

In 1996, the Delegate Assembly of NEA-Alaska went on record requesting legislation be passed making the consequences of an assault of an educational employee the same consequences as though the assault were to occur on a police officer.

Safe schools and classrooms are absolutely essential for student success. During the past few years schools have worked hard to maintain a positive school environment. Despite that, threats and instances of violent behavior toward teachers and school employees have increased. We commend the legislature for taking steps to make schools safer. For example in 2000, passage of HB 253 by Representative Fred Dyson requiring school disciplinary and safety programs provided a means for some communities to focus attention on student discipline and safety.

We now call on the legislature to take an additional step to make our schools and classrooms as free of violence as possible by passing this bill. HB 85 may deter persons from assaulting a school employee while the employee is engaged in school related responsibilities.

This aggravating factor is not automatic but may be considered by the court in adjusting a sentence. By enacting HB 85, the legislature serves notice to anyone disturbing the peace in schools that the people of Alaska take safety in our schools and the safety of Alaska's school employees as a serious matter.

NEA-Alaska has committed greater levels of its budget and staff time to make our schools safer. Passage of HB 85 is a step in the direction to make our schools safer. We request that the House Special Committee on Education pass HB 85.

Bill Analysis
HB 85
Hearing April 11, 2001

Bill Title: "An Act relating to conduct directed at a school employee as an aggravating factor for criminal sentencing purposes."

Sponsor: Representative John Coghill

This bill gives judges the ability to increase the imprisonment of a person who assaults a school employee during or because the employee is doing their job. It is the belief of the sponsor that this bill will instill in the children (and parents) respect for others, especially the employees of the schools they attend.

Information and Possible Questions:

- 1) We want consequences for the behavior of individuals assaulting school employees, but will we run into issues from federal restrictions?
- 2) Some alternative suggestions for the problems in taming youth violence have been anger-management classes and violence prevention programs, family therapy or parent training. Does the sponsor believe that extended jail time will truly affect the number of violence related actions occurring within our school system?
- 3) **FYI:** Bob Buttane, of Health and Social Service, said that this bill would not impact the juvenile court system. Youths are not sentenced, however they can be charged with a crime and have a maximum delinquency institutional order that cannot exceed 2 years. The bill would not then have much of an impact on a youth that assaults a school employee. Unless the assault resulted in a serious injury or death, at which time if the offender is 16 or 17, they can, under statute 47.12.030 be charged as an adult. Bob said that this bill would affect the criminal system if the offender is an adult (18 years of age or older). Juvenile waivers can be issued at any age so that the youth can go through different programs (therapy, community service, probation) to repair the harm to the victim or community affected. Therefore this bill really only impacts adults and the criminal justice system in regards to sentencing.

Available to Testify:

Representative John Coghill

~~Vernon Marshall~~, Executive Director, National Educational Association of Alaska
Rich Kronberg

Teleconference Sites: Anchorage and Fairbanks – Listen Only

Fiscal Note: The bill will have no fiscal impact on the Department of Law or the Department of Corrections



OCTOBER 28, 1998

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To Combat School Violence, Adopt Proven, Not Political Fixes

By Raymond Bell

Commentary

Violence was very much on the minds of educators as they began the new school year. The memory of 1997-98's school shootings in Oregon, Arkansas, Kentucky, Mississippi, and Pennsylvania was brought back vividly in the waning days of summer by the sentencing of the two boys who killed four students and a teacher in Jonesboro, Ark. And this month's White House conference on school violence continued an escalating national dialogue on the subject.

("President Seeks To Boost Federal Role in School Safety," Oct. 21, 1998.)

To appear responsive, elected officials and educational leaders have begun to act all too quickly to school violence.

National, state, and local initiatives are being promulgated to address the public expectation that something be done. The Clinton administration has weighed in with a report prepared by an impressive team of psychologists and criminal-justice professionals.

Politicians everywhere are conducting hearings to entertain ideas and allow spleens to be vented. In my hometown recently, the school board continued its "zero tolerance" policy by expelling two students who threatened the lives of teachers over the Internet.

Alternative schools and programs for violent and disruptive students are rapidly being introduced in many districts. Security is being beefed up, too. New York City's schools chancellor, backed by an editorial in *The New York Times*, has called for uniformed police to patrol the schools' halls, and metal detectors are a fixture at the schoolhouse gate.

How much of this is necessary? Are we overreacting? What is the scope of the problem? Are we talking about school violence or community violence that spills over into the schools?

School shootings attract media attention because they are so tragic and rare. Indeed, only 1 percent of recent juvenile homicides have taken place in schools. Yet the nation's attention has been focused on the schools rather than the communities. As one teacher commented to me recently, "Another pile of *merde* dumped on our doorstep!"

To appear responsive, elected officials and educational leaders have begun to act all too quickly. They would be advised to look beyond short-term, partisan interests and take a closer look at what does work and what doesn't work in the fight against violence in schools. The National Institute of Justice recently commissioned a study led by a University of Maryland professor, Lawrence Sherman, and his team this past summer published the most rigorous analysis of research on the prevention of crime to date. The report shows that most of the crime-prevention programs that school boards and politicians are attracted to for philosophical or political reasons just don't work.

maybe
longer sentences
would help?

Gun-buyback programs have not taken sophisticated handguns out of circulation. Peer counseling in schools has not reduced student drug and alcohol use or delinquency. The original DARE curriculum has failed to reduce drug abuse, and fear and emotional appeals seem to have no significant impact either. Supervised homework, self-esteem exercises, summer-job programs, arrests for minor crimes, boot camps to reduce repeat offenders, and "scared straight" programs in prisons--all have failed to reduce crime in schools or communities.

What does work?

No mention of longer sentencing?

I cannot argue against taking preventive measures to save lives and reduce the terror many children feel. But effective solutions to the problem of school and community violence, according to the Justice Department analysis, are those that I'd classify as nurturing, not punitive.

Armies of nurses and teachers need to be deployed to homes, an effort proven effective in preventing child abuse, poor parenting, and accidental injury and in reducing juvenile arrests. Family therapy and parent training work well in combating aggression and hyperactivity, both prime factors in delinquency and violent behavior.

Teams of faculty and parents who intervene with bullies and gangs can have an impact on crime. So can incorporating and consistently enforcing conduct codes. We can also do a better job of teaching kids stress management, problem-solving, self-control, and decisionmaking skills.

Also, breaking larger schools up into several administrative units can make schools more personal and manageable, and can help deal with violence because these units are able to step in more quickly than centralized administrations.

Structured after-school recreation programs and intensive pre- and post-release programs for delinquents also work.

One might say, fine, but when do we teach? Well, I guarantee that with armed police roaming New York's schools this fall, some violence may be curbed, but a lot less learning will take place as well. If we can learn the

lessons from solid research and apply them energetically, perhaps in a few years schools in New York City and elsewhere will not need to create armed camps at places of learning.

Raymond Bell is a professor of education and human services at Lehigh University in Bethlehem, Pa. He studies juvenile justice and school violence and has directed two national research studies for the U.S. Department of Justice.

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Violence and Safety

Installing metal detectors, assigning police forces, performing hostage drills, and conducting anger-management training sound like procedures that belong in detention centers, not at local schools.

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From the Archives

Glossary

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Glossary

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But those are exactly the measures that many schools find themselves considering in the wake of recent school violence around the country.

Last year the country riveted its attention on school violence as two students shot 12 of their classmates and a teacher at Columbine High School, the bloodiest school crime in history. And the small, formerly anonymous communities of West Paducah, Ky.; Jonesboro, Ark.; and Springfield, Ore.; were thrown into the spotlight when school shootings occurred in each town. The suspects involved are all juveniles. Such violence has called into question schools' ability to guarantee children's safety and has led to the public perception that deadly youth violence is on the rise. In fact, since the Columbine High School incident, the FBI has begun an effort to develop a profile of school shooters--similar to profiles of terrorists and serial killers.

About 10 percent of the nation's public schools reported at least one serious violent crime in the 1996-97 school year, and most of those incidents were concentrated in large, urban districts, according to the "Annual Report on School Safety," released in October 1998.

There are no clear answers to why young people resort to such violence. Some experts, such as Kevin P. Dwyer, the president of the National Association for School Psychologists, blame a culture that supports violence along with easily accessible weapons.

"Media, video games, and music all tell kids that the way to solve interpersonal problems is through violence," Mr. Dwyer said in an interview with *Education Week*. He cited a recent California study that showed that in 86

From the Archives

"Gunmen in School Attacks Sought Revenge, Revealed Plans," Oct. 25, 2000.

"Report Claims Guns More Plentiful at Schools," Sept. 27, 2000.

"All Threats Aren't Equal, FBI Cautions," Sept. 13, 2000.

"Loophole Seen Allowing Guns in Schools," August 2, 2000.

"Vt. To Punish Bomb Scare by Taking Driver's Licenses," May 31, 2000.

"Colorado District Copes Amid Grief, Fear," May 5, 1999.

"A Colo. Community Looks for Answers After Deadly Attack," April 28, 1999.

"Author Says Fear of Youth Crime Outstrips the Facts," March 3, 1999.

Related Organizations

[Center for the Prevention of School Violence](#)
[National School Safety Center](#)
[U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention](#)
[Partners Against Violence Network](#)
[Safe and Drug-Free Schools Program](#)
[Safe Schools Coalition Inc.](#)

percent of television movies, the characters resorted to force to solve disputes. "In the '70s, kids used to fight with their fists; now, when kids have arguments, one of them gets home and gets his Uzi," he said.

There are plenty of suggested solutions for taming youth violence, ranging from standardized assessment tools to predict violence, to anger-management classes, to violence-prevention programs.

Don't
Seem
to
WK

School safety experts say at least part of the answer is to make deadly weapons less accessible. Yet in July 1998 the Senate vetoed a measure that would have required the sale of a child lock with every handgun purchase. Also killed was legislation that would have held adult gun owners accountable if their weapon was used by a child to shoot someone. Several of the students accused in the school shootings used firearms belonging to relatives, according to news reports.

Some schools look to increased community involvement as a means of preventing violence. When a rash of shootings around Chicago's Mary C. Terrell Elementary School prompted parents to keep their children home from schools in January 1997, the district and the community hired parents to patrol the areas students walked through. Chicago's Housing Authority and police also beefed up their presence. The approach seems to have worked. Attendance is up and parents are more involved in their children's schools than ever before, principals say.

Recognizing the need for a national forum on the issue, President Clinton convened the first-ever White House Conference on School Safety in Fall 1998.

"We should simply invest in prevention because the police officers tell us it works, because the teachers tell us it works, because the social workers tell us it works, because the religious leaders tell us it works, because the children themselves tell us it works," the president said.

Mr. Clinton said the federal government must play a greater role in making schools safer and he announced plans to create a federal crisis-intervention team to respond to violent incidents at schools. The president also announced the creation of a special fund to increase the ranks of school police nationwide.

But conservative members of Congress have consistently voted against increasing spending for youth violence-prevention programs.

The National Rifle Association, long an opponent of more restrictive gun laws, responds to critics by stressing the need to teach children gun safety. Their program, Eddie Eagle, warns children to "Stop! Don't Touch. Leave the Area. Tell an Adult." Posters and videos for the safety campaign have been distributed to thousands of elementary schools.

Even though a gun control bill was defeated in Congress last year,

interest in the bill has revived. In his final State of the State Address given in January 2000, President Clinton called on Congress to pass gun-control measures.

On the Web

The Office of Juvenile Justice and Delinquency Prevention maintains a valuable list of School Violence Resources including facts and figures, and research.

North Carolina Crime Control and Public Safety examined youth violence in the report titled "Perceptions of Youth Crime and Youth Gangs: A Statewide Systemic Investigation".

Read the report, "School Safety: Working together to keep schools safe" from Keep Schools Safe. In response to the 1998 and 1999 school shootings, the FBI pulled together over 100 educators, law enforcement officials, victim assistance advocates and mental health professionals for an in-depth discussion of school violence.

The "Annual Report on School Safety October 1999," describes the efforts made by the Department of Education and the Justice Department over the previous year to make schools safer. (Requires Adobe's Acrobat Reader.)

The American Psychological Association and MTV have co-produced "Warning Signs of Teen Violence," a guide designed to help young people recognize when classmates or friends might be potential dangers to themselves or others.

The Virginia Youth Violence Project, an initiative of the Curry school of education at the University of Virginia in Charlottesville, identifies effective methods and policies for youth-violence prevention and response, especially in schools.

"Keep Schools Safe," from the National Association of Attorneys General and the National School Boards Association, provides up-to-date information on successful programs and ideas to help communities work toward safer schools.

"Early Warning, Timely Response: A Guide to Safe Schools," from the U.S. departments of Education and Justice, offers a summary of the research on violence prevention, intervention, and crisis response in schools.

"Checklist of Characteristics of Youth Who Have Caused School-Associated Violent Deaths," from the National School Safety Center. NSSC has identified several behaviors which could indicate a youth's potential for violence. While there is no foolproof system for identifying potentially dangerous students, this checklist is a start.

"Annual Report on School Safety," from the U.S. Departments of Education and Justice, October 1998.

"Preventing Crime: What Works, What Doesn't, What's Promising," a

1996 report to the U.S. Congress, by the National Institute of Justice, takes a hard look at prevention programs. The report, not surprisingly, finds "that some prevention programs work, some do not, some are promising, and some have not been tested adequately."

The U.S. Department of Justice's page for teachers includes: "Gang Suppression and Intervention Program: Technical Assistance Manual," from the National Criminal Justice Information Center at the University of Chicago;
"Preventing Youth Hate Crime: A Manual for Schools and Communities," (requires Adobe's Acrobat Reader.

The National Rifle Association sponsors safety and education public awareness programs.

"Gaining Control of Violence in the Schools: A View From the Field," 1994, from the ERIC Clearinghouse on Urban Education, summarizes a discussion among urban educators with first-hand experience about the causes of school violence and how to alleviate them.

Read the "Students' Report of School Crime: 1989 and 1995" from the U.S. Department of Justice, Bureau of Justice Statistics, for school crime statistics.

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MARCH 3, 1999

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Author Says Fear of Youth Crime Outstrips the Facts

By Jessica Portner

Across the Nation

Criminologists have warned of an impending tidal wave of youth crime, and over the past five years, many politicians have responded with tougher penalties for juvenile offenders. Some school leaders, jolted by a chilling string of recent shootings by students, have fortified campuses in preparation for more trouble.

Read our
Commentary, "To
Combat School
Violence, Adopt
Proven, Not
Political Fixes,"
Oct. 28, 1998.

But this much-heralded "juvenile crime storm" is only a mirage, a California law professor contends.



Franklin E.
Zimring

Franklin E. Zimring, who teaches at the University of California, Berkeley, argues that widely reported predictions about adolescent crime are based on flawed statistics that have fueled public policy based more on fear than fact.

The alarming spike in the rate of violent juvenile crime that began a decade ago was directly linked to greater use of handguns and more aggressive reporting by police, not to a transformation in children's natures, he says in a recently released book based on an earlier study.

"The coming storm of juvenile violence is more science fiction than social science," Mr. Zimring says in *American Youth Violence*, published in December by Oxford University Press.

Mr. Zimring takes issue with widely reported studies done in 1995 and 1996 that signaled an increase in juvenile crime. The homicide-arrest rate for 14- to 17-year-olds had just tripled: from 10 per 100,000 youths in 1985 to 30 per 100,000 in 1993.

In the 1995 study, some crime researchers calculated that if the rate at which juveniles committed violent crimes continued to increase and the adolescent population swelled by 22 percent as expected, the number of teenagers arrested in connection with violent crimes would nearly double to 261,000 by 2010.

In a separate 1996 study, James Alan Fox, the dean of the college of criminal justice at Northeastern University in Boston, predicted that the

"President Seeks
To Boost Federal
Role in School
Safety," Oct. 21,
1998.

"Nationwide,
School
Safety a Familiar
Campaign Theme,"
Oct. 7, 1998.

"Clinton Releases
School Safety
Report," Sept. 9,
1998.

number of killings by teenagers could increase from 4,000 in 1994 to almost 5,000 in 2005, a jump of 25 percent in one decade.

Both those predictions were built on the assumption that a larger pool of teenagers would lead to more violent crime--essentially, that a baby boomlet would produce a huge number of remorseless murderers or "superpredators."

"Youth Curfews No
Cure for Crime,
Study Says," June
17, 1998.

"Demographics do not have to be destiny," Mr. Fox said in a recent interview. "But we need to think about the future and prepare for it now, or else we could be blindsided by another increase in youth crime that will make us some day look back at the '90s and say those were the good old days."

With that concern in mind, state leaders in the past decade have imposed sweeping changes in juvenile-crime laws. Forty states have revamped their juvenile codes to impose mandatory minimum sentences, try minors as adults, and strip confidentiality protections that had been conferred on minors for more than a century.

"Legislators Tackle
Youth Crime Via
New
Juvenile-Justice
Routes," April 15,
1998.

Changes in statehouses are now being echoed in schoolhouses. A succession of multiple shootings last school year at campuses from West Paducah, Ky., to Springfield, Ore., shocked many districts into retooling their security plans. Though a report last summer by the Justice Policy Institute, a think tank in Washington, showed that school-related violent deaths had declined from 55 fatalities in 1992-93 to 40 in 1997-98, the tender ages of the student assailants in last year's incidents and the high casualty rate per incident made swift action seem more urgent.

Guns and Police

But Mr. Zimring argues that this "sense of a national youth-violence emergency" is unwarranted.

The jump in killings by teenagers in the late 1980s is directly attributable to an increase in the availability of handguns during the high point of the crack-cocaine epidemic, Mr. Zimring writes in his book. Since municipal police departments began an aggressive confiscation of handguns and the crack market declined in the mid-1990s, the homicide rate among 14- to 17-year-olds plunged from 30 per 100,000 in 1993 to 16 per 100,000 in 1997, according to statistics from the U.S. Department of Justice. Homicides by juveniles committed with weapons other than guns remained constant during that period. Crime experts say the rate of killings by adults also fell during that period for the same reasons.

Furthermore, Mr. Zimring says, though the rate of aggravated assaults by teenagers doubled between 1984 and 1992, the increase was not the result of a skyrocketing number of assaults by teenagers, but rather a change in the way police report and classify arrests.

Starting in the early 1980s, law-enforcement officers made more discretionary arrests for assaults, he says. And at the same time, many police departments began adopting policies to upgrade some simple assaults to aggravated assaults.

Those shifting standards were reflected in laws passed in the 1980s. New legislation, for example, obligated police to aggressively investigate domestic-violence incidents, said Howard Snyder, the director of systems research for the Pittsburgh-based National Center for Juvenile Justice.

"People are misattributing changes to the offenders and not the system's changing response to the offenders," Mr. Snyder argued. "You should applaud the police and not blame the kids," he said.

Nothing's Certain

Mr. Zimring questions whether it's possible to predict the criminal behavior of an entire generation at all.

"The only thing we can say with any certainty about the number of young people age 18 and under is how many of them there will be," he said in an interview. The purported adolescent criminals of 2010 are still preschoolers, he said, "so what are we saying, that these kids are desperadoes in diapers?"

That bleak view seemed to be reflected in what Republicans and Democrats in the U.S. Senate said last month when they unveiled juvenile-crime bills that had a tone of crisis. "Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response," says a summary of the Republican bill, titled the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. The Democratic bill uses similar language.

Mr. Snyder of the NCJJ maintains that political leaders, faced with the public's apprehension about crime, whether well-founded or not, have a powerful incentive to foresee the worst.

"If you predict bad, and it's bad, you are right. If you predict bad, and it ends up being good, then you are the savior because you forewarned this problem," he said.

Gene Heinle, the principal at Springfield High School in Oregon, just 6 miles from the school where 15-year-old Kipland P. Kinkel is accused of fatally shooting two classmates, hopes that people won't give up on students. ("Two Students Die, 22 Injured in Ore. Rampage," May 27, 1998.)

"The shooting was strictly an aberration and not part of a trend," Mr.

Heinle said. "Sometimes, unusual things happen."

But even if shooting deaths at school are uncommon, Ronald D. Stephens, the executive director of the National School Safety Center in Westlake Village, Calif., cautions school leaders not to put their heads in the sand.

Mr. Stephens pointed to recent school crime statistics that show that relatively minor incidents such as theft, some assaults, and drug possession are still disturbingly high. Lesser crimes are often good indicators of more serious crimes to come, he said.

"It is nice to know violent juvenile crime is down, but I'm still not going to leave my doors unlocked or keep my keys in the ignition," he said.

On the Web

"Runaway Juvenile Crime? The Context of Juvenile Arrests in America," from the Justice Policy Institute. Includes some myths and facts about juvenile crime. This group also published a critical analysis of the Violent and Repeat Juvenile Offender Act of 1997.

"Preventing Crime: What Works, What Doesn't, What's Promising," a report to the United States Congress that provides an evaluation of the effectiveness of Department of Justice grants to assist law enforcement and communities in preventing crime. Also from the National Criminal Justice Reference Service, "Violence Among Middle School and High School Students: Analysis and Implications for Prevention," October 1997, discusses violent incidents among at-risk middle school and high school students.

"Violence and the Public Schools" includes facts and statistics about school violence, from the University of Virginia's Curry School of Education. Most of the data are from 1991-1993.

Fact sheets on youth violence, including sheets on "Ethnicity, Race, Class, and Adolescent Violence," and "Gangs and Youth Violence," from the Colorado Center for the Study and Prevention of Violence.

Read the full text of Diverting Children From a Life of Crime: Measuring Costs and Benefits, published in 1998 by RAND. All of the chapters are in PDF format, requiring the free Adobe Acrobat Reader.

"Early Warning, Timely Response: A Guide to Safe Schools," a program from the U.S. Department of Education designed to help school officials detect early warning signs of violent behavior and develop intervention and response plans.

State attorneys general and school boards across the country have created "Keep Schools Safe," a clearinghouse for information on preventing and reducing violence.

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Chapter 6

Juvenile courts and juvenile crime

Law enforcement agencies refer approximately two-thirds of all youth arrested to a court with juvenile jurisdiction for further processing. As with law enforcement, the court may decide to divert some juveniles away from the formal justice system to other agencies for service. Prosecutors may file some juvenile cases directly in criminal (adult) court. The net result is that juvenile courts formally process over 1 million delinquency and status offense cases annually. Juvenile courts adjudicate these cases and may order probation or residential placement, or they may waive jurisdiction and transfer certain cases from juvenile court to criminal court. While their cases are being processed, juveniles may be held in secure detention.

This chapter quantifies the flow of cases through the juvenile court system. It documents the nature of, and trends in, cases received and the court's response, and examines

race and gender differences. The chapter also presents data from the Bureau of Justice Statistics (BJS) quantifying and describing juvenile involvement with State criminal courts, including offense, disposition, and sentencing characteristics. The chapter also describes studies funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that explore the characteristics and outcomes of cases transferred to criminal court in Florida, Pennsylvania, South Carolina, and Utah.

The case processing information presented in this chapter is drawn from the National Juvenile Court Data Archive's primary publication *Juvenile Court Statistics*, which is funded by OJJDP. Data on cases involving juveniles transferred to criminal court are from BJS's State Court Processing Statistics, National Judicial Reporting Program, and National Survey of Prosecutors.

What the Juvenile Court Statistics series can tell us about the activities of juvenile courts in the U.S.

Juvenile courts have contributed data to a national reporting program since the late 1920's

The *Juvenile Court Statistics* series is the primary source of information on the activities of the Nation's juvenile courts. The first *Juvenile Court Statistics* report, published in 1929 by the Children's Bureau of the U.S. Department of Labor, described cases handled in 1927 by 42 courts. In the 1950's, the U.S. Department of Health, Education and Welfare took over the work, and in 1974, the newly established Office of Juvenile Justice and Delinquency Prevention (OJJDP) took on the project. Since 1975, the National Center for Juvenile Justice (NCJJ) has been responsible for this OJJDP project.

Throughout its history, the *Juvenile Court Statistics* series has depended on the voluntary support of courts with juvenile jurisdiction. Courts contribute data originally compiled to meet their own information needs. The data received are not uniform, but reflect the natural variation that exists across court information systems. To develop the national estimates, NCJJ restructures compatible data into a common reporting format. In 1996, juvenile courts with jurisdiction over 96% of the U.S. juvenile population contributed data to the national reporting program. Because not all contributed data can support the national reporting requirements, the national estimates for 1996 were based on data from more than 1,770 jurisdictions containing 67% of the Nation's juvenile population (i.e., youth age 10 through the upper age of original juvenile court jurisdiction in each State).

The Juvenile Court Statistics series documents the number of cases handled by courts

Just as the FBI's Uniform Crime Reporting Program counts each arrest made by law enforcement (i.e., a workload measure, not a crime measure), the *Juvenile Court Statistics* series counts delinquency and status offense cases handled by courts with juvenile jurisdiction during the year. Each case represents a new referral to juvenile court for one or more offenses. A youth may be involved in more than one case in a year. Therefore, the *Juvenile Court Statistics* series does not provide a count of individual juveniles brought before juvenile courts.

Cases involving multiple charges are categorized by their most serious offense

In a single case where a juvenile is charged with robbery, simple assault, and a weapons law violation, the case is counted as a robbery case (a classification approach paralleling the FBI Uniform Crime Reporting Program's hierarchy rule). Thus, the *Juvenile Court Statistics* series does not provide a count of the number of crimes committed by juveniles. In addition, given that only the most serious offense is reported, counts of—and trends for—less serious offenses must be interpreted cautiously.

Similarly, cases are categorized by their most severe or restrictive disposition. For example, a case in which the judge orders the youth to a training school and to pay restitution to the victim would be characterized as a case in which the juvenile was placed in a residential facility.

Juvenile Court Statistics reports the volume and characteristics of delinquency and status offense caseloads

The *Juvenile Court Statistics* series provides annual estimates of the number of delinquency and formally processed status offense cases handled by juvenile courts. The reports provide demographic profiles of the youth referred and the reasons for the referrals (offenses). The series documents the juvenile courts' petition, detention, adjudication, and disposition decisions. The series is also able to identify trends in the volume and characteristics of court activity.

The series does not provide national estimates of the number of youth referred to court, their prior court histories, or their future recidivism. The series was designed to produce national estimates of court activity, not to describe the law-violating careers of juveniles.

Nevertheless, given the diversity in the data files contributed to the *Juvenile Court Statistics* series, different subsets of contributed data can be created to study many issues, such as the court careers of juvenile offenders, racial disparity in system processing, and jurisdictional variations in case processing. Care should be exercised, however, when interpreting gender, age, or racial differences in the analysis of juvenile delinquency cases, because reported statistics do not control for the seriousness of the behavior leading to each charge or the extent of a youth's court history.

The majority of law violation cases handled in juvenile court are referred by law enforcement

Most, but not all, delinquency cases seen in the juvenile court are referred by law enforcement

Delinquency cases are referred to juvenile courts from a number of different sources, including law enforcement, social service agencies, schools, parents, probation officers, and victims. In 1996, the large majority (86%) of delinquency cases were referred to court intake by law enforcement agencies. This proportion has changed little over the past decade.

Percent of delinquency cases referred to juvenile court by law enforcement agencies in 1996:

Total delinquency	86%
Murder	96
Burglary	95
Robbery	95
Motor vehicle theft	94
Drugs	93
Shoplifting	92
Aggravated assault	91
Weapons	91
Vandalism	90
Forcible rape	90
Disorderly conduct	87
Simple assault	83
Escape	67
Obstruction of justice	36
Probation violation	13

Nonpolice sources referred nearly 2 out of 10 simple assault cases. Youth charged with escape, obstruction of justice, and probation violation are generally under the jurisdiction of the court when the offense occurs, so these matters are often brought to the court's attention by court personnel.

Status offense cases are often referred by sources other than law enforcement

In sharp contrast to delinquency cases, law enforcement agencies referred fewer than half of the formally processed status offense (non-criminal) cases in 1996. Although law enforcement agencies remain the most common referral source overall, there were substantial variations among offenses. Truancy cases most often were brought to the attention of the courts by school personnel, while a large proportion of ungovernability cases were referred by parents. Although status liquor law violations (underage drinking, illegal purchase of alcohol) are considered status offenses, they have many of the processing characteristics of delinquency offenses, including referral source.

Percent of formally processed status offense cases referred to juvenile court by law enforcement agencies in 1996:

Total status offense	48%
Running away	37
Truancy	10
Ungovernability	12
Status liquor violation	93

Juvenile criminal history records are often used by prosecutors

A juvenile's record of law enforcement and juvenile justice system contacts routinely follows the juvenile into the criminal justice system. The 1994 National Prosecutors Survey conducted by the Bureau of Justice Statistics found that 82% of prosecutor offices in the U.S. reported using juvenile delinquency or court history records in felony prosecutions.

Of these offices, 90% had used disposition records, 76% had used arrest records, and 69% had used probation reports. Prosecutors used juvenile records during pretrial negotiations (82%) and at the sentencing stage of felony prosecutions (86%). Juvenile delinquency or court history records were also used when filing charges (55%), at bail hearings (46%), and during trial (53%). Delinquency records were often used when transferring a juvenile to criminal court (80%).

Most prosecutor offices acquired the juvenile history information from their own office (72%). A high proportion also used information maintained by local police agencies (69%) and the courts (68%). Fewer offices accessed State criminal history repositories (57%) or records maintained by the FBI (42%).

Prosecutors noted difficulties in using these records. Half of the prosecutor offices using juvenile history records criticized their lack of completeness. The confidentiality restrictions often placed on a juvenile's records were viewed as a problem by 46% of offices. Lack of accuracy and timeliness were mentioned as problems by fewer offices (34% and 25%, respectively).

Juvenile courts handled 1.8 million delinquency cases in 1996—1,600 more cases each day than in 1987

U.S. juvenile courts handle 4,800 delinquency cases each day

In 1996, U.S. courts with juvenile jurisdiction handled an estimated 1.8 million cases in which the juvenile was charged with a delinquency offense—an offense for which an adult could be prosecuted in criminal court.

An individual juvenile may be involved in more than one case during the year. The annual ratio of cases to juveniles is about 3 to 2. Therefore, juvenile courts handled about 1.2 million individual juveniles charged with delinquency offenses in 1996.

Juvenile court workloads have grown and changed

Changes in the juvenile court delinquency caseload in recent years have strained the court's resources and programs. The 49% increase between 1987 and 1996 in the volume of cases handled by juvenile courts placed stress on the system. The courts were asked to respond not only to more cases, but also to a different type of caseload.

From 1987 through 1996, the juvenile courts saw a disproportionate increase in violent and other person offense, weapons, and drug offense cases. Person offenses rose from 16% to 22% of delinquency cases, aggravated assault rose from 3% to 5%, simple assault rose from 9% to 12%, and drug cases rose from 6% to 10%. Other offenses' share of the delinquency caseload declined: property crimes (60% to 50%), burglary (11% to 8%), and larceny-theft (28% to 24%). Courts have had to adapt their program resources accordingly.

Youth were charged with a property offense in half of the delinquency cases handled by juvenile courts in 1996

Most serious offense	Number of cases	Percent of total cases	Percent change 1987-1996
Total delinquency	1,757,600	100%	49%
Person offenses	381,500	22	100
Criminal homicide	2,400	<1	74
Forcible rape	6,900	<1	60
Robbery	37,300	2	67
Aggravated assault	89,900	5	135
Simple assault	216,600	12	106
Other violent sex offenses	8,900	1	39
Other person offenses	19,400	1	51
Property offenses	874,400	50	23
Burglary	141,100	8	6
Larceny-theft	421,600	24	27
Motor vehicle theft	51,600	3	7
Arson	8,900	1	49
Vandalism	119,800	7	39
Trespassing	65,000	4	18
Stolen property offenses	32,900	2	6
Other property offenses	33,400	2	57
Drug law violations	176,300	10	144
Public order offenses	325,400	19	58
Obstruction of justice	125,800	7	70
Disorderly conduct	90,200	5	95
Weapons offenses	41,200	2	109
Liquor law violations	10,300	1	-44
Nonviolent sex offenses	10,600	1	-17
Other public order offenses	47,300	3	40
Violent Crime Index*	136,600	8	106
Property Crime Index**	623,300	35	20

■ Juvenile court caseloads increased 49% between 1987 and 1996. The juvenile population increased only 11% in that time.

■ Although a substantial portion of the growth in court referrals is related to arrests, changes in juvenile court caseloads are also dependent on other forces. Between 1987 and 1996, the overall growth in juvenile court cases (49%) was greater than the growth in arrests of persons under age 18 (35%). During the same period, Violent Crime Index arrests rose 60%, arrests for Property Crime Index offenses rose 8%, and drug arrests rose 133%.

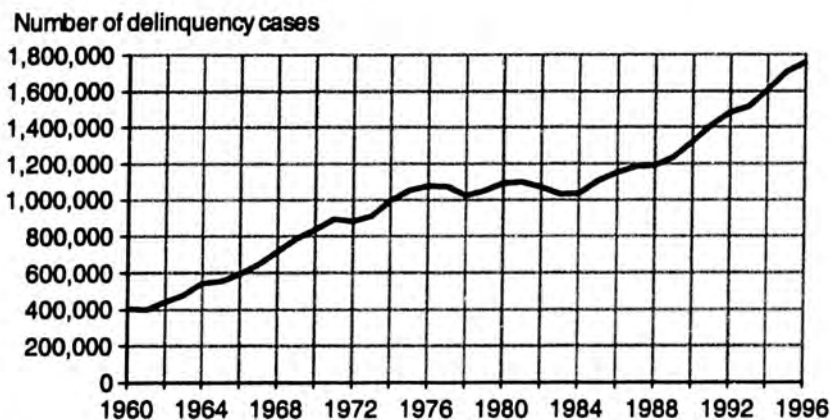
*Includes criminal homicide, forcible rape, robbery, and aggravated assault.

**Includes burglary, larceny-theft, motor vehicle theft, and arson.

Note: Detail may not add to totals because of rounding. Percent change calculations are based on unrounded numbers.

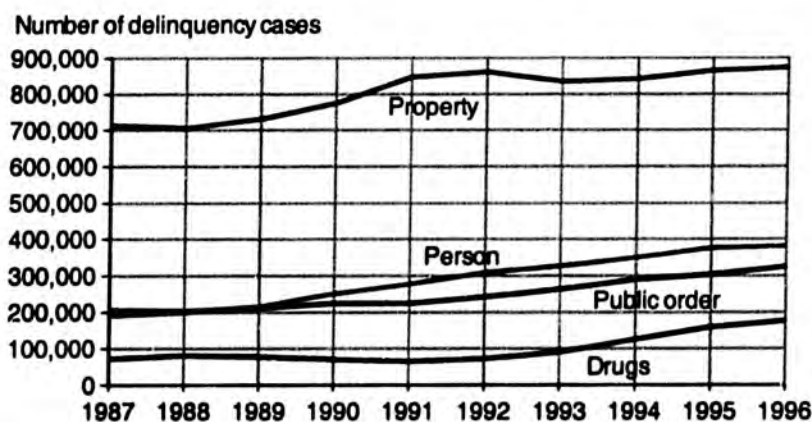
Source: Authors' adaptation of Stahl et al.'s *Juvenile court statistics 1996*.

Juvenile courts handled more than four times as many delinquency cases in 1996 as in 1960



Source: Authors' analyses of *Juvenile court statistics* for the years 1960 through 1984 and Snyder et al.'s *Easy access to juvenile courts statistics* [data presentation and analysis package] for the years 1985–1994, 1986–1995, and 1987–1996.

Caseloads steadily increased between 1987 and 1996 across all four general offense categories



Source: Authors' adaptation of Stahl et al.'s *Juvenile court statistics 1996*.

Within "aggravated assault" and "robbery," there is a range of offense seriousness

Aggravated assault—Unlawful intentional infliction of serious bodily injury or unlawful threat or attempt to inflict bodily injury or death by means of a deadly or dangerous weapon with or without actual infliction of any injury. Aggravated assault includes the following situations:

- A gang attempts to kill a rival gang member in a drive-by shooting, but he survives the attack.
- A son fights with his father, causing injuries that require treatment at a hospital.
- A student raises a chair and threatens to throw it at a teacher, but does not.

Robbery—Unlawful taking or attempted taking of property that is in the immediate possession of another person by force or threat of force. Robbery includes the following situations:

- Masked gunmen with automatic weapons demand cash from a bank.
- A gang of young men beat up a tourist and steal his wallet and valuables.
- A school bully says to another student, "Give me your lunch money, or I'll punch you."

Juveniles in all age groups contributed to increases in delinquency caseloads between 1987 and 1996

Delinquency case rates rose substantially between 1987 and 1996 for most age groups

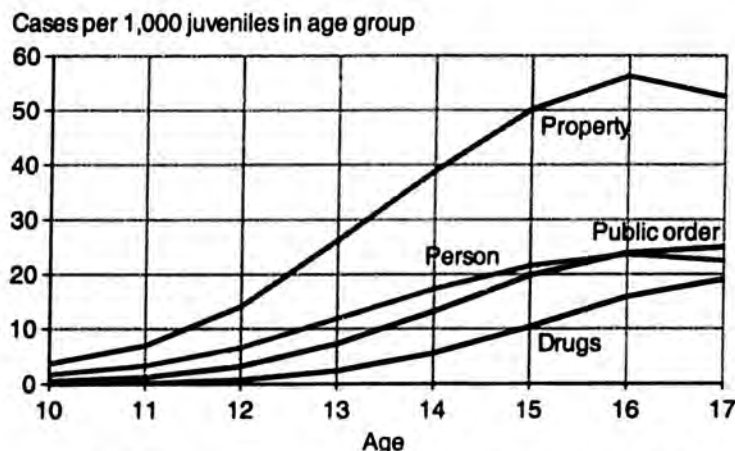
In 1996, juvenile courts handled 61.8 delinquency cases for every 1,000 juveniles (youth subject to original juvenile court jurisdiction) in the U.S. population. The 1996 delinquency case rate was 34% greater than the 1987 rate. For all but the youngest age groups, delinquency case rates showed similar increases. The greatest increase was found for 15-year-olds.

Age at referral	Delinquency cases per 1,000 juveniles in age group		Percent change
	1987	1996	
All ages	46.2	61.8	34%
10	5.7	6.0	6
11	9.7	11.6	19
12	18.0	24.8	38
13	33.9	47.8	41
14	53.7	74.8	39
15	70.4	101.9	45
16	84.0	119.8	43
17	89.1	119.0	34

Juveniles age 15 and older accounted for more than 6 in 10 delinquency cases in 1996

Juveniles age 15 and older made up 63% of the delinquency caseload in 1996. Juveniles ages 13 and 14 were involved in 27% of delinquency cases, while younger juveniles (age 12 and younger) accounted for 10%. There was some variation in age profiles across offense. Juveniles age 12 and younger accounted for greater proportions of person (13%) and property (12%) cases than of drug (2%) or public order (6%) cases. These proportions were not substantially different from those in 1987.

Across all ages in 1996, property offense case rates were highest, but drug offense case rates had the sharpest increase with age



- In general, delinquency case rates increase with age, although there are some variations across offenses.
- While case rates for 17-year-olds for person and property offenses were about one-third greater than the rates for 14-year-olds, the drug offense case rate for 17-year-olds was more than three times the rate for 14-year-olds.

Source: Authors' adaptation of Stahl et al.'s *Juvenile court statistics 1996*.

Why do juvenile courts handle more 16- than 17-year-olds?

Although comparable numbers of 17-year-olds and 16-year-olds were arrested in 1996, the number of juvenile court cases involving 17-year-olds (270,200) was lower than the number involving 16-year-olds (411,300). The explanation lies primarily in the fact that, in 13 States, 17-year-olds are excluded from the original jurisdiction of the juvenile court. In these States, all 17-year-olds are legally adults and are referred to criminal court rather than to juvenile court. Thus, far fewer 17-year-olds than 16-year-olds are

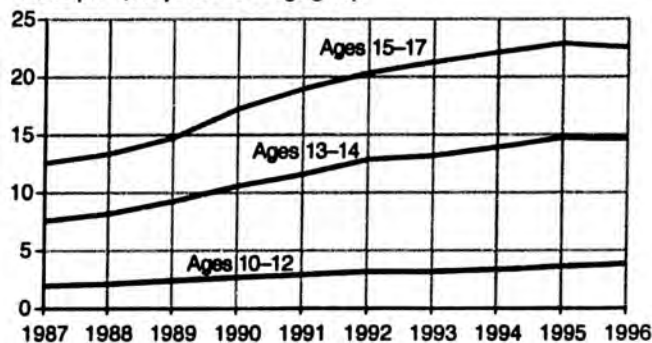
subject to original juvenile court jurisdiction in the U.S.

Even after controlling for their differential representation in the juvenile population, the case rates for 16-year-olds were still slightly greater than the rates for 17-year-olds. One reason may be State legislation that targets certain older juveniles for processing directly in criminal courts (via either statutory exclusion or concurrent jurisdiction provisions). In these situations, when a youth of juvenile age is arrested, the matter goes before a criminal court rather than before a juvenile court.

Overall, delinquency case rates increased less between 1987 and 1996 among youth ages 10–12 than among youth in older age groups, but the pattern of change varied across offenses

Person offense case rates

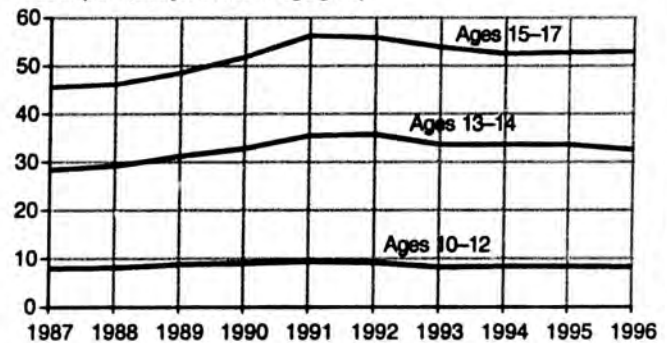
Cases per 1,000 juveniles in age group



- Person offense case rates increased steadily from 1987 through 1995 across age groups. Among youth in older age groups, the 1996 rates were slightly lower than the 1995 rates; this was not true for youth ages 10–12.

Property offense case rates

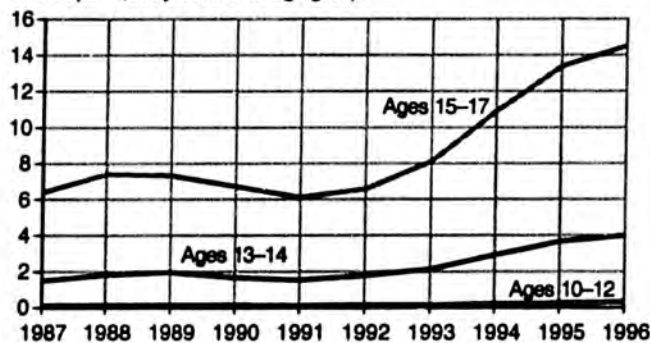
Cases per 1,000 juveniles in age group



- After increasing steadily from 1987 through the early 1990's, the property offense case rate for youth ages 15–17 declined and then leveled off. The same general pattern was found for youth in younger age groups.

Drug offense case rates

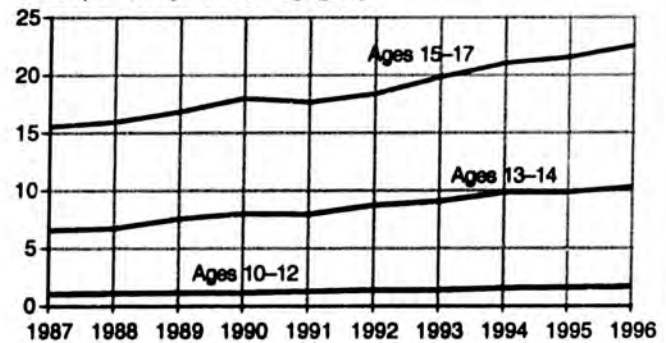
Cases per 1,000 juveniles in age group



- Between 1991 and 1996, drug offense case rates increased substantially, especially in older age groups.
- In 1996, drug case rates for youth ages 15–17 were 46 times the rate for youth ages 10–12 and 4 times the rate for youth ages 13–14.

Public order offense case rates

Cases per 1,000 juveniles in age group



- The public order offense case rate increased among all age groups between 1987 and 1996.
- Across all years the public order case rate among youth ages 15–17 was more than double the rate among youth ages 13–14 and more than 13 times the rate among youth ages 10–12.

Source: Authors' analysis of NCJJ's National Juvenile Court Data Archive: Juvenile court case records 1987–1996 [machine-readable data files].

Both male and female delinquency caseloads have increased in recent years, females more sharply

Males are involved in 8 in 10 delinquency cases each year

Although they constitute only half of the juvenile population, males were involved in about three-quarters of person, property, and public order offense cases handled by the courts in 1996 and in 86% of drug law violation cases. With the exception of drug cases, the male proportions were slightly higher in 1987.

Most serious offense	Percent of cases involving males	
	1987	1996
Delinquency	81%	77%
Person	80	75
Property	81	77
Drugs	84	86
Public order	79	77

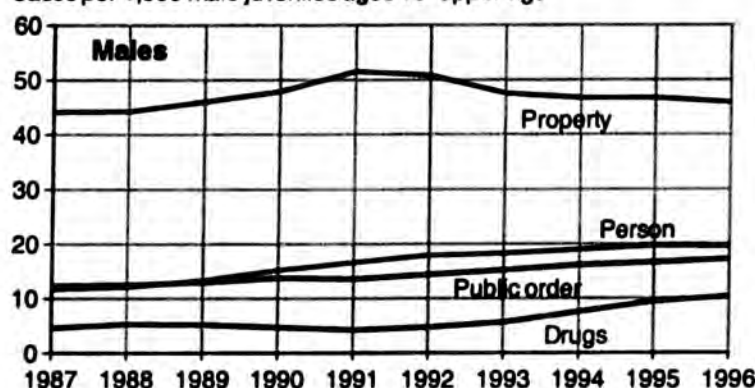
Compared with males, female delinquency caseloads grew at a faster pace

The number of delinquency cases involving females rose 76% between 1987 and 1996, compared with 42% for males. The growth in cases involving females outpaced the growth for males for all but drug offense cases.

Most serious offense	Percent change 1987-1996	
	Males	Females
Delinquency	42%	76%
Person	87	152
Property	16	52
Drugs	149	123
Public order	55	72

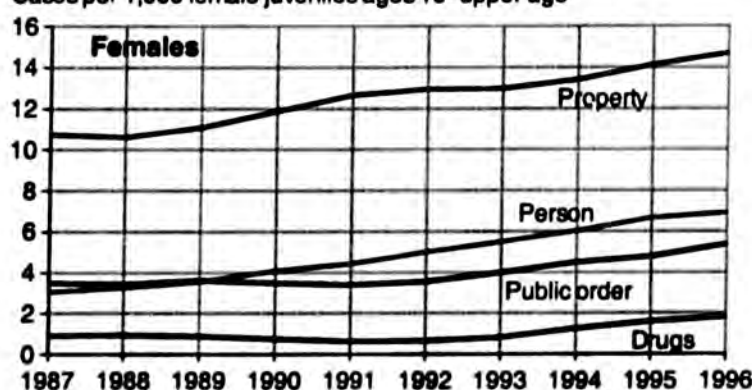
Case rates for females are much lower than those for males, but female rate increases have been sharper for all but drug cases

Cases per 1,000 male juveniles ages 10-upper age



- In 1996, for every 1,000 males between the ages of 10 and 17 (who were under juvenile court jurisdiction), the court handled 93 delinquency cases involving males. The delinquency case rate for females (29 cases per 1,000 females) was one-third the rate for males.
- Among males, drug offense case rates showed the greatest percent change between 1987 and 1996 (123%). The drug offense case rate for females rose 100%.

Cases per 1,000 female juveniles ages 10-upper age

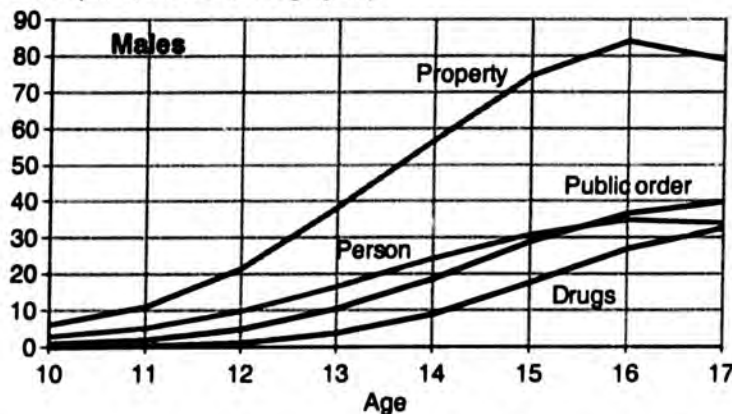


- Among females, person offense case rates showed the greatest percent change (127%). In comparison, the person offense case rate for males grew 68%.

Source: Authors' analysis of NCJJ's National Juvenile Court Data Archive: Juvenile court case records 1987-1996 (machine-readable data files).

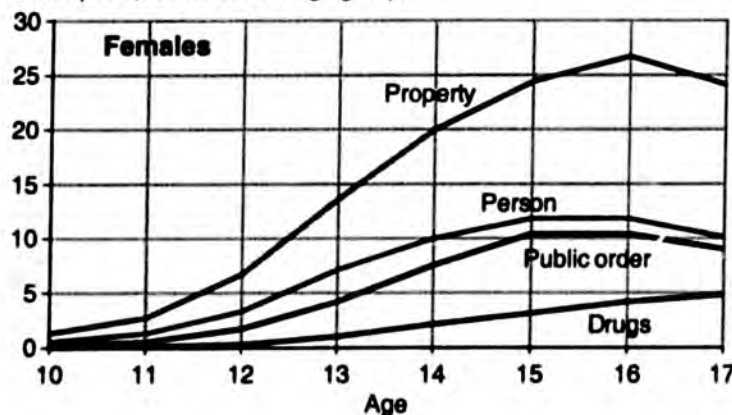
For both males and females, 1996 case rates for property offenses were higher than case rates for other offenses across all ages

Cases per 1,000 males in age group



- In 1996, age-specific case rates for males increased continuously with age through age 17 for public order and drug offenses. For property and person offense cases, rates peaked at age 16 and dropped off at age 17.
- Among males ages 16 and 17, case rates were lower for person offense cases than for public order cases. Rather than indicating a lower offending rate for person offenses, this may reflect the effect of transfer statutes that target person offense cases for direct filing in criminal court.

Cases per 1,000 females in age group



- In 1996, age-specific case rates for females dropped off at age 17 for all offense categories except drugs.

Source: Authors' adaptation of Stahl et al.'s *Juvenile court statistics 1996*.

School Safety: Working together to keep schools safe

By: Julie Underwood, Julie Lewis, Dean Pickett, and Jay Worona

This summer in mid July and early September, the Federal Bureau of Investigation pulled together an amazing group of people. It included over 100 educators, law enforcement officials, victim assistance advocates and mental health professionals for an in-depth discussion of school violence. The discussion was based on incidents of school violence that have taken place during the decade throughout our nation. The communities have become known to the American public through their tragedies.

Fort Gibson, OK (1999)
Conyers, GA (1999)
Littleton, CO (15 deaths, 1999)
Springfield, OR (2 deaths, 1998)
Fayetteville, TN (1 death, 1998)
Edinboro, PA (1 death, 1998)
Jonesboro, AR (5 deaths, 1998)
West Paducah, KY (3 deaths, 1997)
Stamps, AR (1997)
Pearl, MS (2 deaths, 1997)
Bethel, AK (2 deaths, 1997)
Moses Lake, WA (3 deaths, 1996)
Redlands, CA (1 death, 1995)
Blackville, SC (3 deaths, 1995)
Lynnville, TN (2 deaths, 1995)
Grayson, KY (2 deaths, 1993)

The purpose of this gathering was to learn from those tragedies. The participants sought to identify common behaviors and try to gain insight into the motivation of the children involved. In addition, participants worked to determine which steps can be taken in the future to reduce the likelihood of such tragedies in our nation's schools.

The following comments are not the official transcripts and notes from that group, nor are they legal advice. They represent a summary of information and insights gathered from these events. The focus here is on prevention because we believe it to be the most responsible placement of resources. Consider the public health model. There are three levels of prevention and response measures – primary, secondary and tertiary. Primary prevention stops the injury before it occurs. Secondary measures reduce the injury. Tertiary measures include rehabilitation from the injury. Tertiary measures are the most expensive and least effective. Crisis management is tertiary. Responding to an incident in progress is secondary. Primary prevention manages the threat before the incident begins. As such we need to focus on primary prevention, not crisis management, the tertiary response.

I. How can this happen?

This is the \$64,000 question. As summarized by one expert:

Who are these youngsters? What is causing this violence among "good" kids from "good" homes? Many researchers, psychologists, and other mental health practitioners believe that many factors impinge on the mental and emotional well being of today's youth. While it would be easier to believe that school violence is primarily an outcome of emotional and physical abuse, there are many contributing factors, beginning with early childhood attachment opportunities, parenting skills and mentoring by adults who play a significant role in a child's life, developmental traits, psychological and cultural factors, and contributions of the media. It has been found that when several of these factors are combined in a single child's life experiences, a potentially lethal situation may develop, with stress, and the biochemical consequences of that stress, creating "time bombs".

P. Edmister, *Jrnl. of Phillips Graduate Institute* (Summer 1999. P 19)

- Therefore if adults are punished they will see and possibly not repeat.

II. Sociology of Violence

Children are fundamentally mimics. They learn and develop by watching and imitating adult behavior. In some ways, this is good; we never have to teach them how to answer a telephone. Unfortunately, they mimic the bad as well as the mundane. We are, or have become, a violent society. We make violence a daily and nearly hourly event through our news and recreational media. We have surrounded our children in violence and then stand in amazement when they turn to violence themselves. Granted, it is not the violent nature of our society alone that creates violent individuals, but it is one element which, added to the mix, creates the opportunity for them to exist.

III. Bully-victim Dynamic

One theory of school shooters is that they are victims who have been repeatedly bullied. Their rage at this injustice erupts in a final fit of violence. Bullying is unfortunately prevalent in our school communities and often overlooked as an inevitable part of growing up.

Although it is the bully who commits the initial acts of aggression, in many cases it is the victim who carries out the final lethal acts – who seeks (and may become) the bigger bully. Once the roles of bully and victim become "fixed" and the victim cannot move from that role, the stage is set for violence carried out by the victim.

The role of the bystander in the bully cycle is often overlooked, but the bystander defines and directs the performance; the bully is seeking to have the victim show discomfort in view of the bystander. Enlisting the bystander as reporters of threats is a critical component in protection. More important is for the bystander to reject the bully. To combat bullying, a change in school culture is needed – to saturate the school with messages to everyone, especially the bystander that the highest social status is afforded to the non-bully. Attention must be focused away from the bully, rather than putting him in the limelight. Kids know which of their peers are troubled and a potential threat to their safety. What needs to change is that parents, teachers, administrators and schools need to create an atmosphere where students feel comfortable telling adults/authority figures when they feel that their safety is in jeopardy. And, it is largely up to adults to create that environment.

IV. Psychopathy

Another theory of school shooters is that they are psychopaths. We do not know what causes psychopathy,

but do know that psychopaths think and behave in abnormal ways. They hold antisocial attitudes and behavior results less from social forces than from an inherent sense of entitlement and an incapacity for emotional connection to the rest of humanity. For these individuals social rules have no constraining force, and the idea of a common good is merely a puzzling and inconvenient abstraction.

Psychopaths use charm, manipulation, intimidation, and violence to control others and satisfy their own selfish needs. Lacking in conscience and in feelings for others, they cold-bloodedly take what they want and do as they please, violating social norms and expectations without the slightest guilt or regret. Although their numbers are small - perhaps 1% of the population - psychopaths account for a large proportion of the serious crime, violence, and social distress in every society. Psychopathic depredations affect people in all races, cultures, and ethnic groups, and at all levels of income and social status. As many as 15% to 20% of prisoners are psychopaths; the disorder is common among drug dealers, spouse and child abusers, swindlers and con men, high-pressure salesmen and stock promoters, gang members, mercenaries, corrupt politicians, unethical lawyers and doctors, terrorists, cult leaders, and black marketers. Dr. Robert Hare, University of British Columbia, unpublished manuscript, 1999.

V. How do you address school violence?

A. Work together as a community to keep your children safe

As stated by Stephen Band and Joseph Harpold, organizers of the FBI event

First and foremost, all aspects of a community need to work together. School violence is not the sole responsibility of the school system. Law enforcement, local government, civic groups, corporate entities, schools, and parents must form a partnership to combat these violent acts. Schools must prepare for these attacks. Law enforcement must develop response plans for handling such incidents. And, communities must work with both to prevent such tragedies from occurring.

FBI Law Enforcement Bulletin September 1999.

We were astonished at the wall that exists between many schools and local law enforcement agencies when they knowingly, or unknowingly, don't communicate with one another. Most crimes committed within the school setting are not reported to local law enforcement. If law enforcement and schools share information about students it is easier to see problems and patterns emerge to prevent future violence. Schools and community law enforcement must share information through formal means, e.g. memoranda of understanding, or some other informal means. Schools must provide information to law enforcement about troubled children, activities in the schools and simple things like floor plans and schedules. Law enforcement must reciprocate by sharing similar information with school officials. It is easier to deal with the problem of violence together when information and responsibilities are not seen as the sole province of one agency or another. (See Appendix D, Amendment to the Family Education Rights and Privacy Act).

Educators often receive information from students in a variety of ways - conversations, reports of conversations, essay assignments, student journals, notes being passed, video assignments, and the like. Anecdotal information, such as observed threats or notes passed in class, would not constitute an "education record," that would trigger the application of FERPA. Assigned student work, such as essays or journals, however, are interpreted by the U.S. Department of Education to be "educational records," governed by the confidentiality

requirements of that law. Interestingly, before Michael Carneal gunned down three classmates in Kentucky, he wrote that he wanted to cut people's heads off and display them on a pole. Luke Woodham wrote of killing principals and teachers before he stabbed his mother to death and shot his girlfriend and her friend outside a Mississippi school. One of the Columbine shooters was asked to write a school essay before the shooting, depicting himself as an inanimate object: He chose a bullet.

There is a presumption in FERPA, subject to several exceptions, that education records of a student will not be revealed without the consent of the parents of that student, or the student himself if he is eighteen years of age or attending college. Two exceptions are especially important. First, education records may be disclosed within a school or school district "to other school officials, including teachers . . . whom the [school] has determined to have legitimate educational interests." 20 U.S.C. 1232g(b)(1)(A). Where information is being shared in order to undertake threat assessment and planned intervention, there is little doubt that this exception permitting disclosure among school officials in your own district would apply.

The second exception allows a disclosure to be made without consent "in connection with a health or safety emergency . . ." 20 U.S.C. 1232g(b)(1)(I). Such disclosure is acceptable if knowledge of the information is necessary to protect the health or safety of the student or other individuals, and may be made within the school, to school officials in other schools determined to have legitimate educational interests in the behavior of the student, and to law enforcement personnel.

The health or safety emergency provision is a common sense acknowledgement that there may be situations when the *immediate* need for information to avert or diffuse certain unusual conditions or disruptions requires the release of information. Educators determine what constitutes an "emergency" but FERPA requires that they construe the term strictly. For example, on-campus disruptions that constitute criminal acts, particularly those involving weapons and drugs, fall within the scope of the term, as do crisis situations off campus that affect school campuses or the public's health or safety. When a health or safety emergency exists, schools may share relevant information about students involved in the emergency with appropriate parties – that is, those whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs, U.S. Departments of Justice and Education (1997).

In addition, where a school or school district has designated a local law enforcement agency as the schools "law enforcement unit," additional authority exists to share information between agencies. Such an approach is advisable where the local law enforcement agency is prepared to reciprocate in the sharing of information. This approach requires a well-crafted agreement with the local law enforcement agency. 20 U.S.C. 1232g(a)(4)(B)(ii).

B. Create a visible law enforcement presence in the schools

There is no one perfect plan or program that can be implemented in every community to prevent violence. Prevention measures must vary according to community culture, needs, and resources. However, most

communities could benefit from some general prevention procedures, policies, and programs.

One recurrent theme of prevention that received unanimous endorsement and praise was the use of local law enforcement personnel, in uniform, as full time School Resource Officers. This presence will not guarantee safety, but resource officers can help to prevent tragedy and to react immediately if a crisis occurs. However, the visible presence of law enforcement on a school's campus enhances the proactive nature of the school's violence prevention efforts and can positively impact its security and safety on several levels. (See *Starting a School Outreach Program in Your Community: An Effective Practices Outline for the School Resource Officer Approach*, by the Center for the Prevention of School Violence, 1999.) This gives students an opportunity to develop trust and to talk to law enforcement in a neutral, non-threatening atmosphere. In addition, the school resource officer can serve as a conduit between the school and the community. In many of the shootings that took place around the country, the students were talking about the pending violence not only in their schools, but also in the community. Hence, the need for a strong law enforcement/school relationship is paramount. Selection of the right officer is crucial to the success of the program. Proper training of the school resource officer is equally important.

Although, in an attempt to secure greater levels of school safety, school districts may wish to secure the services of either police officers or school security officers, districts are advised to consult with their school attorneys prior to doing so. The U.S. Supreme Court has previously ruled that school districts have greater flexibility in conducting searches and seizures upon students than law enforcement officials enjoy. Specifically, school officials are required to demonstrate that they have "reasonable suspicion" to conduct a search. This standard affords greater deference to school officials than the probable cause standard upon which law enforcement officials are required to justify their searches. To the extent a search is conducted upon a student by a police officer or school security officer, a student may be able to successfully claim that the search was not justified at its inception and be able to preclude the district from proceeding against the student in either a disciplinary action or in a criminal context or indeed, utilizing any "illegally" seized contraband against the student in such proceedings. Therefore, prior to employing security officers or working with the police, districts would be wise to have full knowledge of the impact such decisions will have upon their ability to justify their searches.

C. Create a communications link to receive information from students

A school's goal must be to create a culture of mandatory reporting by all members of the school community, including students and parents. This is neither a new task nor a new assignment for already overworked educators. Violence, and threats of violence, have been confronted in the classroom and reported to the principal's office throughout the history of education. The culture of reporting warning signs that constitute a threat of school violence is no different than the expectations we all have for addressing threats or acts of any other form of violence. We, however, must feel free to share information between students, school officials and law enforcement officials.

There are a number of anonymous reporting programs currently in use – Crime Stoppers is the most widely implemented tip program in the United States. In all but one of the school shootings to date, the shooters had told other students about their intentions. But students seldom feel comfortable or safe conveying this information to school officials or law enforcement. It is generally contrary to the school community norms to "snitch" or "rat" on another student, or if they do report, adults may not have taken the student seriously at the time. Nonetheless, an anonymous tip line or similar program would facilitate the flow of information from students to law enforcement and school officials. Also, incorporating peer mentors or counselors into schools might be helpful because students could go to a peer confidante instead of an adult. A good working relationship must exist between school authorities and law enforcement to ensure that the information is reviewed and conveyed in a timely fashion.

D. Adopt a zero-tolerance policy and mentality

Schools should establish reasonable zero-tolerance policies for students who make threats of violence or bring weapons to school. Such a policy might include expulsion or suspension of students who threaten to kill or assault others and, when appropriate, quickly provide psychological evaluation or intervention for these students. When adults take threats seriously, students will realize that violence is not acceptable within the schools.

We, as the school community must recognize and convey to students that threats are a crime. They must be dealt with accordingly. Students who pose a threat must be dealt with under school policies and this information should be passed along to local law enforcement to assist in preventing violence in the community. School policies should be clear and distributed to all personnel, students, and their parents or guardians. Inviting input from the community and from parents regarding acceptable behavior might help reduce resistance to such policies. If the community has ownership in the policy, it is more likely to believe in the policy. (See Appendix E, Zero-Tolerance Policies, NSBA Statement before the U.S. Commission on Civil Rights)

VI. How do you predict?

While society can minimize the risk of violence, we can rarely, if ever, predict it because of the numerous human variables involved. We can only analyze the risk. This is often referred to as threat assessment. In assessing the level of threat, we move from the general to the more specific, examining the social context, the school dynamics and the individual. The appropriate focus for threat assessment is to identify and understand risk factors, often seen in the form of recurring behaviors, and not to try to match a student to a predetermined "profile".

VII. General Warning Signs

Children who commit violence in schools are really a small subset of vulnerable children. We should watch for these children and put into place mechanisms to refer them for screening, support, or external mental health assistance. General warning signs or personal background indicators include:

- A history of violence
- A close family member who has committed a violent act
- A history of alcohol or drug abuse
- A precipitating event, such as a failed romance or the perception of a failure
- The availability of a weapon or the means to commit violence
- A recent attempt to commit suicide or an act of violence
- A lack of coping skills or strategies to handle personal life crises with no controls to prevent anger or positive ways to release it
- No apparent emotional support system
- A lack of involvement in extracurricular activities

VIII. Descriptions of Previous Shooters

Several factors exist that may indicate that individuals have the potential to commit violence. While these indicators are by no means certain or present in every case of violence, children who exhibit these symptoms should receive additional oversight and assessment or counseling services in an effort to prevent the potential of future violent acts. These are not absolute predictors and a lot of children may possess one

or more of these traits. However, these are cries for help that may necessitate intervention. Most of the school shooters have shared the following characteristics:

- The individuals demonstrate low self-esteem. They feel disrespected by their peers and family.
- They have committed previous acts of cruelty to animals.
- They have a fascination with firearms and weapons.
- They are 'injustice collectors,' they attract and accumulate injustices – ridicule, teasing, bullying – until they reach their tipping point.
- They see violence as the only alternative left to them.

IX. How do you respond?

A. Work together

We believe communities should deal with potential violent students as a subset of troubled youth. Many of our children need more support and guidance they are currently receiving. It is impossible for families or schools to provide sufficient support and guidance alone. They must work together and in concert with the total community to assist children as they develop, mature, grow. The most troubling aspect of our conversations was realizing the barriers that we have placed between our institutions. These barriers increase costs, lessen efficiency and in the end harm our children. We must work together.

B. Share information

When law enforcement and school personnel encounter a child who may be abused or neglected, they have a state statutory duty to act. That statutory duty includes the responsibility to share information with others – child welfare, juvenile justice, schools, and law enforcement. Unfortunately because of our emphasis on student confidentiality we have paralyzed ourselves and do not respond similarly when we perceive a child who is at risk in other ways. This harboring of information inhibits us from seeing the whole picture, collaborating with others to provide assistance, and from possibly picking up on early warning signs. We must overcome this barrier. Unfortunately in many jurisdictions we will have to amend confidentiality statutes to allow for such sharing of information.

C. Develop intervention strategies

School personnel should think of a continuum of events and possible reactions in responding to warning signs; at the same time, school personnel must use sound judgment and their instincts, when serious conditions demand immediate intervention, including assistance of police to save lives.

In non-emergency situations, a procedure such as the following may be useful to adopt –

1. The first recognition of a warning sign.
2. Report to other school officials. The central person for receiving information will depend on the particulars of the school.
3. Gather information from teachers, students, parents, other school staff, law enforcement officials, juvenile justice system, and the student who is perceived as a risk.
4. A team approach should be used to assess the level of threat. Makeup of the team will vary, but would generally include the student's parents, teachers, counselors and /or

- mental health professionals, the principal and law enforcement professionals.
5. A team approach should be used to plan an intervention. This form of intervention will vary depending on many factors, including the characteristics of the student, the perceived risk of violence, and the level of perceived violence.
 6. Intervention.

It must be understood that this approach may in some circumstances have to occur extremely rapidly as an immediate priority for school and law enforcement personnel.

CONCLUSION

In short, this synthesis of the work clearly reveals that there is no universal, "one size fits all" solution or program. A successful plan for assessment and intervention must be and remain flexible and ready to adapt quickly to each situation. None of the ideas and suggestions described above alone will insulate a school from lethal acts of violence. Thoughtful consideration of adoption of many of them in your schools, however, will provide systems, based on the experiences of many students' deaths that may deter future acts of violence. Their careful consideration will also bring together and sensitize communities, including educators, parents, students and law enforcement personnel, to the need for principles of threat assessment and prevention to guide the design and planning of programs for our schools and the children who learn in them.

Unfortunately, we must accept the fact that horrific incidents will happen in our society, and even in our local public schools. Communities must come together to deal with this problem in a multidisciplinary approach. This phenomenon is complicated and requires our collective wisdom and actions to deal with it. Meanwhile, we must develop comprehensive plans to prevent it and alternatively to address the worst when it occurs.

Perhaps Misty Bernall, the mother of Cassie Bernall- one of the students slain in the Columbine shooting- captured it best when she spoke with some friends of hers who had just been traveling in Israel a few days after her daughter's death. They had attended a service to remember fallen soldiers and the choir chanted the following tribute in Hebrew: "My death is not my own, but yours, and its significance depends on what you do with it." What we as a society do now will give meaning to the short lives of the students who have died in school shootings in our nation.

Appendix A

Common Characteristics of Some School Shooters

Of course it is impossible to predict future behavior of individual from past. The suspects involved in the shootings reviewed by the FBI displayed similar traits. There is no true "profile" of a school shooter. Further, a checklist approach to prediction is not advised. However, the following common traits may assist in assessing probabilities of violence. These behaviors and dynamics should not be, by themselves, thought of as the causes of violence, but instead were observed and reported conditions or behaviors. Children who display the traits below, usually on a consistent, recurrent basis rather than as a single event, when living and learning in settings with poor dynamics may be potentially more likely to commit extreme acts of violence.

- The suspects were white males under 18 years old with mass or spree murderer traits.

- They sought to defend narcissistic views or favorable beliefs about themselves, while, at the same time, they had very low self-esteem.
- They experienced a precipitating event that resulted in depression and suicidal thoughts that turned homicidal.
- They lacked, or perceived a lack of, family support. Two of the suspects killed one or both of their parents.
- They felt rejected by others and sought revenge or retaliation for real or perceived wrongs done to them.
- They acquired firearms generally owned by a family member or someone they knew.
- They perceived that they were different from others and disliked those who were different. They needed recognition, and when they did not receive positive recognition, they sought negative recognition.
- They had a history of expressing anger or displaying minor acts of aggressive physical contact at school.
- They had a history of mental health treatment.
- They seemed to have trouble with their parents, though no apparent evidence of parental abuse existed.
- They were influenced by satanic or cult-type belief systems or philosophical works.
- They listened to songs that promote violence.
- They appeared to be loners, average students, and sloppy or unkempt in dress.
- They seemed to be influenced or used by other manipulative students to commit extreme acts of violence.
- They appeared isolated from others, seeking notoriety by attempting to "copycat" other previous school shootings but wanting to do it better than the last shooter.
- They had a propensity to dislike popular students or students who bully others.
- They expressed interest in previous killings.
- They felt powerless and, to this end, may have committed acts of violence to assert power over others.
- They openly expressed a desire to kill others.
- They exhibited no remorse after the killings.

From *FBI Law Enforcement Bulletin*, September 1999, p. 14.

Appendix B

Examples of Myths of School Violence

1. *School violence is an epidemic.* Actually there has been a decline in school violence since 1993 as reported by the U.S. Department of Education, 1999 Annual Report on School Safety.
2. *School violence doesn't exist in my school.* Perhaps not in mass homicides, but in other forms violence exists in virtually every American school as a reflection of the general violence in our communities.
3. *School violence is a security and police problem.* The reality is that law enforcement can't prevent school violence alone. In fact, local law enforcement agencies are generally not brought into a school until after a violent act has occurred.
4. *The solution is conflict resolution programs.* These are very important and generally successful programs, but they are not the entire solution.
5. *The solution is gun control.* New gun control laws may be of value, but will not assure that deaths at

- school will not occur, whether by shooting or other means.
6. *The problem is the media.* Shutting off a flow of information about death and violence through the media will only redirect the curious to other sources.
 7. *The solution is crisis management programs.* Crisis management is not preventive. The finest crisis management plan, though crucial to write, does nothing to prevent the crisis in the first place.
 8. *The solution is emergency law enforcement response.* Again this is only responsive, not preventive.
 9. *He just snapped.* People don't just "snap." No one can identify a case where a normal person in normal circumstances committed an extreme act of violence.
 10. *The solution lies in cookbook methods.* While written plans are important, and many programs have been successful in more than one setting, there is no one method of preventing violence in a community.
-

Appendix C

- Fifty-seven percent of public elementary and secondary school principals reported that one or more incidents of crime/violence occurred in their schools during the 1996-1997 school year and were reported to law enforcement officials. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998.)
- Physical attacks or fights without a weapon led the list of reported crimes in public schools with about 190,000 such incidents reported for 1996-1997. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998.)
- Forty-one percent of elementary schools reported one or more criminal incidents to police, compared with fifty-five percent of middle schools and fifty-six percent of high schools during 1996-1997. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998.)
- Some 6,093 students were expelled during the 1996-1997 academic school year for bringing firearms or explosives to school. (Report on State Implementation of the Gun-Free Schools Act-School Year: 1996-1997, Department of Education, 1998). Some 3,930 students were expelled during the 1997-1998 academic school year for bringing firearms or explosives to school. (Report on State Implementation of the Gun-Free Schools Act-School Year: 1997-1998, Department of Education, 1999.)
- Fifty-seven percent of the students expelled for bringing firearms or explosives to school in 1997-1998 were high school students, thirty-three percent were junior high, and ten percent were in elementary. (Report on State Implementation of the Gun Free Schools Act, School Year: 1997-1998, Department of Education, 1999.)
- The percentage of students reporting street gang presence at school nearly doubled between 1989 and 1995, increasing from fifteen percent to twenty-eight percent. (Students' Reports on School Crime: 1989 and 1995, National Center for Education Statistics / Bureau of Justice Statistics, 1998.)
- An estimated sixteen percent of all high school students in this country have been in one or more physical fights on school property in the course of a year. ("Violence Among Middle School and High School Students: Analysis and Implications for Prevention," National Institute of Justice, 1997.)

- Seventy-six percent of high school students and forty-six percent of middle school students say drugs are kept, used, or sold on school grounds. ("CASA 1997 Back to School Survey: More Kids Have Seen Drug Deals at Their Schools Than in Their Neighborhoods," Center on Addiction and Substance Abuse, 1997.)
- Twenty-eight percent of high school and nineteen percent of middle school teachers say students who appear drunk or high show up in their classes monthly or more frequently. ("CASA 1997 Back to School Survey: More Kids Have Seen Drug Deals at Their Schools Than in Their Neighborhoods," Center on Addiction and Substance Abuse, 1997.)
- The percentage of *elementary* teachers who say students disrupt the classroom most of the time or fairly often has increased from forty-eight percent in 1984 to sixty-five percent in 1997. ("The Fourth Phi Delta Kappa Poll of Teachers' Attitudes Toward the Public Schools," Phi Delta Kappan, 1997.)
- Twenty-five percent of eighth and ninth grade students have witnessed threats to teachers. (Longitudinal Study of Selected School Districts, Research Triangle Institute, 1997.)
- Seventy percent of all high school students say "unruly students distract them and undermine classes." (Getting By, Public Agenda, 1997.)
- Every school day 13,076 public school students are suspended. (Every Day..., Children's Defense Fund, 1997.)
- Teachers in 1996, for the first time, said that discipline is the main reason teachers leave the profession. ("The Third Phi Delta Kappa Poll of Teachers' Attitudes Toward Public Schools," Phi Delta Kappan, 1996.)
- Nationwide, 4% of high school students missed at least 1 day of school in 30 days because they felt unsafe at school or when traveling to or from school. In addition, one-fifth of all high school students had carried a weapon (gun, knife, or club) on school property in the past month. (Youth Risk Behavior Surveillance- United States, 1997. Morbidity and Mortality Weekly Report, 47(SS-3), 1-89.)
- 79.1% of high school students have had at least one drink of alcohol. 47.1% have used marijuana. 8.2% have used some form of cocaine. 17% have used other illegal drugs (PCP, ecstasy, speed, ice). 16% have used inhalants. (Youth Risk Behavior Surveillance- United States, 1997. Morbidity and Mortality Weekly Report, 47(SS-3), 1-89.)
- About 3 million crimes occur on or near school property each year. A reported 135,000 students carry guns to school each day. (Public School and Law Enforcement Agencies: Joining Forces for School Safety, National Association of Secondary School Principals, 1998.)
- According to a survey of educators at the National Association of Secondary School Principals convention, sixty-one percent have had to confiscate at least one firearm in the past two years; fifty percent require police intervention daily, weekly, or monthly, for violent acts occurring in their schools. ("Safety Issues Serious in Nation's Schools: Principals Taking Action," National Association of Secondary School Principals, 1997.)

- A study from the University of Michigan estimates that students carry 270,000 guns to school each day. ("**Standing Up to Violence**," Phi Delta Kappan, 1995.)
- While shootings in schools have elevated concerns about firearms on school campuses, knives and razors are the weapons most likely to be carried by students. (**Fact Sheet**, National Network of Violence Prevention Practitioners, 1996.)

Appendix D

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

20 U.S.C. 1232(g)

The amending language would be included as one of the exceptions according to §1232(g)(b): Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of federally-supported education programs; recordkeeping

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following -

Add 20 U.S.C. 1232(g)(b)(1)(K):

subject to the regulations of the Secretary, in connection with a good faith effort to address a potentially dangerous situation that threatens the safety and order of the school or the safety of one or more persons who are enrolled, employed or present at the school or are otherwise deemed in good faith to be at risk of injury, appropriate persons such as law enforcement personnel, juvenile justice authorities and social service/mental health personnel who have been determined by the educational institution to have legitimate interests in the safety of the school and other persons.

Family Education Rights and Privacy Act (FERPA)

Amend 34 CFR 99.31 "Under what conditions is prior consent not required to disclose information."

34 CFR 99.31

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by Sec. 99.30 if the disclosure meets one or more of the following conditions:

(14) The disclosure is, subject to the requirements of Sec. 99.39, to law enforcement personnel, juvenile justice authorities, or social service/mental health personnel in a good faith effort to address a potentially dangerous situation that threatens the safety

and order of the school or the safety of one or more persons who are enrolled, employed or present at the school or are otherwise deemed in good faith to be at risk of injury.

Section 99.39 What conditions apply to disclosure of information to law enforcement personnel, juvenile justice authorities, and social service/mental health personnel to prevent school violence.

(a.) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with a good faith effort to prevent violence and to protect the safety of the student or other individuals.

(b.) Nothing in this Act or this part shall prevent an educational agency or institution from:

1. Including in the education records of a student appropriate information concerning the behavior of the student and disciplinary action taken against the student for conduct that posed a risk to the safety or well-being of that student, other students, or other persons;
2. Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers or school officials within the agency or institution whom the agency or institution has determined have legitimate educational interests in the behavior of the student; or
3. Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c.) Paragraphs (a) and (b) of this section will be strictly construed.

Appendix E

Zero-Tolerance Policies
Statement of Julie Underwood, General Counsel,
Julie Lewis, Staff Attorney
National School Boards Association
U.S. Commission on Civil Rights
February 18, 2000

I. What is a zero-tolerance policy?

A zero-tolerance policy is generally defined as a school or district policy that mandates pre-determined consequences or punishment for specific offenses, regardless of the circumstances or disciplinary history of the student involved.

II. Why adopt a zero-tolerance policy?

Schools generally consider zero-tolerance policies for students who make threats of violence or

bring weapons to school. Such a policy might include expulsion or suspension of students who threaten to kill or who seriously assault others and, when appropriate, would quickly provide for psychological evaluation or intervention for these students. A clear and consistent message that threats of violence will not be tolerated may help to reduce the actual occurrence of violence.

III. History/Background

Although the term "zero-tolerance" is relatively recent in use, the concept is not. We have seen similar policies mandated by federal and state authorities throughout the 1990s.

A. Congressional mandate

In 1990, Congress enacted the Gun-Free School Zones Act (18 U.S.C. § 922(q)(1)(A)). This act prohibited the possession or discharge of a firearm in a school zone, with a few exceptions.

B. *U.S. v. Lopez*

A student, who was charged with carrying a concealed handgun into his high school, challenged the constitutionality of the Act. In *U.S. v. Lopez*, 115 S.Ct. 1624 (1995), the Supreme Court held that the Gun-Free School Zones Act of 1990, which made firearm possession in a school zone a federal crime, exceeded Congress' power under the Commerce Clause of the U.S. Constitution. The Court determined that possession of a firearm in a school zone did not involve an economic activity that substantially affected interstate commerce.

C. State legislation: gun & drug-free schools

Once the Supreme Court ruled that the congressional act was unconstitutional, many states began enacting their own legislation to require schools to expel students for serious offenses. For example, in Texas the "Safe Schools Chapter" (TX Educ Code Sec. 37.007) was enacted. That statute requires the expulsion of a student for possession of a weapon (as defined in Texas code) on school property or while attending a school-sponsored or school-related activity on or off of school property. The statute also requires the expulsion of a student if he or she engages in conduct that contains the elements of the offense of aggravated assault, sexual assault, arson, murder, capital murder, and/or criminal attempt to commit murder or capital murder, indecency with a child, or aggravated kidnapping. Finally, students who sell, give, deliver, possess, use or are under the influence of drugs, alcoholic beverages or abusable chemicals must be expelled.

D. 1994 Gun-Free Schools Act

In 1994, Congress enacted the Gun-Free Schools Act. This was the congressional response to *Lopez*. This time, Congress tied the act to their spending power. The Gun-Free Schools Act, 20 U.S.C. § 8921, requires that schools, as a condition to the receipt of Elementary and Secondary Education Act ("ESEA") funds, have a policy mandating a one-year expulsion for students who bring firearms to school.

IV. Who has zero-tolerance policies?

As reported in NCEAS Indicators of School Crime and Safety (1999):

Most public schools reported having zero-tolerance policies that apply to serious student offenses. Nine out of 10 schools reported zero-tolerance policies for firearms (94%) and weapons other than firearms (91%). Eighty-seven percent of schools had zero-tolerance policies for alcohol and 88% had zero-tolerance policies for drugs. Most schools also had zero-tolerance policies for violence (79%) and tobacco possession violations (79%).

V. Legal pitfalls

A. Procedural Due Process

1. Any zero-tolerance policy must provide for adequate procedural due process commensurate with the severity of the designated consequence.

James v. Unified Sch. Dist. No. 512, 899 F.Supp. 530 (D. Kan. 1995)

Student who was expelled for possession of firearm on school property. He sought temporary restraining order requiring school to permit him to take his final exams, or in the alternative, to be awarded grades earned through date of expulsion and to be allowed to attend school during the next school year. The court held that school's expulsion process comported with requirements of procedural due process.

2. The process, obviously, must also comply with state statutory requirements on student discipline.

D.B. v. Clarke County Bd. of Educ., 469 S.E.2d 438 (Ga. Ct. App. 1996)

Student appealed school board's decision to permanently expel her from school, which the Board of Education affirmed. The Court of Appeals held that: (1) permanent expulsion of student for disciplinary reasons did not conflict with or violate student's constitutional right to free public education or a compulsory school attendance statute, and (2) student's permanent expulsion for stabbing another student with knife did not violate local board policy or student's due process rights.

Fuller v. Decatur Public Sch. Bd. of Educ., 78 F.Supp.2d 812 (C.D.Ill. 2000)

High school students expelled for fighting in stands during football game joined their adult representatives in suing school board and members, seeking order reinstating students. The court held that: (1) student who voluntarily withdrew from school lacked standing to sue; (2) expulsion satisfied procedural due process requirements; (3) equal protection rights of students were not violated; (4) board had not relied upon zero-tolerance to violence position in reaching expulsion decision; and (5) students' memberships in recognized gangs precluded challenge to disciplinary rule prohibiting gang activity on grounds that definition of "gangs" was unconstitutionally vague.

3. Further, the process must comply with federal and state authority regarding procedures required to discipline children with disabilities.

Miller v. Board of Educ., 690 A.2d 557 (Md. Ct. App. 1997)

Parents sought review of state board of education decision affirming student's expulsion

for possession and use of controlled, dangerous substance on school grounds. The Court of Appeals held that: (1) student was not entitled to special statutory procedures for students with disabilities absent previous finding that student was disabled; (2) statute prohibiting use of statements made by student seeking drug counseling was inapplicable; (3) expulsion was supported by substantial evidence; and (4) student's due process rights were not violated.

B. Substantive Constitutional Issues

1. **No Infringement of Constitutional Rights --** Especially where the misconduct involves some form of speech, the policy should define the offense to exclude expression protected by the First Amendment. Vague and overly broad policies are more vulnerable to court challenge. In addition, schools must ensure that the punishment is not "shocking to the conscience."

London v. Dewitt Public Schools, 194 F.3d 873 (8th Cir. 1999)

Middle school student and his mother sued school superintendent, teacher, and other school officials, alleging substantive and procedural due process violations in connection with student's suspension and expulsion following altercation with teacher. The Court of Appeals held that: (1) there was no substantive due process violation in connection with student's altercation with teacher; (2) student failed to establish procedural due process violations in connection with his suspension and expulsion; and (3) plaintiffs failed to support claim that school district discriminated with respect to staffing in its schools.

2. **Loss of Discretion --** Schools should ensure that the designated

consequences are consistent with substantive due process considerations. Basically the rule and punishment must be reasonable. School districts should be certain that their policies are drafted well enough so that petty offenses are not subject to punishment. Zero-tolerance policies relinquish the boards' power to exercise discretion. As such districts are completely reliant on the reasonable and sound drafting of the policy.

Kolesnick v. Omaha Pub. Sch. Dist., 558 N.W.2d 807 (Neb. 1997)

Student sought judicial review of his expulsion. The trial court reduced student's expulsion from two semesters to one semester. School district appealed. The Nebraska Supreme Court held that: (1) expulsion of student for knowing possession of knife on school property was rationally related to school district's interest in protecting other students and staff from violence; (3) no shocking disparity existed between student's sentence and his offense; (5) district's adoption of code of student conduct was neither arbitrary nor capricious; (6) district's expulsion of student from school for two semesters was neither arbitrary nor capricious.

3. **Clear Definitions--**Because punishments are "automatic" under zero-tolerance policies, it is imperative that clear definitions be included to ensure notice of prohibited conduct and that policies do not unintentionally sweep in behavior that the school board does not wish cover.

Giles v. Brookville Area Sch. Dist., 669 A.2d 1079 (Pa. Commw. Ct. 1995)

Student appealed school board's expulsion of student for violating school district's drug policy. The court held that: (1) school board's determination that its policy prohibiting sale of drugs on school property also proscribed agreement on school property for sale of marijuana, with actual exchange of money for drugs off school property, was not abuse of discretion, and (2) one year expulsion of student was proper sanction for selling marijuana.

C. Fair and Consistent Enforcement

1. As with any disciplinary policy, fair and consistent enforcement of zero-tolerance policies is essential if they are to be respected by students and the community at large. The purpose of zero-tolerance policies is to provide identical discipline for circumscribed offenses; thus there is no room for inconsistent administration of punishments. However, the possibility of inconsistent enforcement still exist in the area of charging students disciplinary violations.
2. If discrepancies in enforcement become apparent, the "get tough" message is nullified, and the district is open to charges of discriminatory application.

Dornes v. Lindsey, 18 F.Supp.2d 1086 (C.D.Cal. 1998)

Middle school student sued school principal, alleging civil rights, due process and equal protection violations under federal and state law arising out of procedures followed in connection with her expulsion from school. On principal's motion for summary judgment, the court held that: (1) unsupported statement that student was only African-American student in her school was insufficient to support claim of equal protection violation; (2) student received all process she was due in disciplinary proceedings; (3) principal acted within scope of her statutory authority in investigating charges and recommending student's expulsion.

3. *Smith v. Severn*, 129 F.3d 419 (7th Cir. 1997)

Parent brought state court action on behalf of high school student against school district and principal, alleging that student's three-day suspension from school violated student's rights to due process and equal protection. The student was suspended for violating rules regarding the Homecoming lip sync contest, disorderly conduct, bringing a chainsaw to school, insubordination, and gang activity. The Court of Appeals held that: (1) suspension did not violate due process, and (2) suspension did not violate equal protection.

VI. Are Zero Tolerance Policies Effective?

In Baltimore, Maryland, an aggressive zero-tolerance law adopted last spring by the school board is credited with producing a 67% decline in arrests and a 31% decline in school crime in September and October 1999, compared with the same time a year earlier (See "Decatur Furor Sparks Wider Policy Debate," Education Week, November 24, 1999, by Robert C. Johnson).

In Texas, a survey found that from 1993 to 1998, the percentage of teachers who viewed assaults on

students as a "significant problem" dropped from 53 to 31 (See "The Fight's Not Over," The New Republic, December 6, 1999). It is during this time that Texas mandated expulsion of students for drugs and weapons on school grounds and at school events.

VII. Recommendations

- A zero-tolerance policy must be integrated into a comprehensive school safety plan that focuses on a positive school climate and is balanced with prevention, intervention and enforcement strategies. Discipline policies, in general, are an opportunity to teach students about their rights and responsibilities to themselves and others. It is important that all school rules are reasonable and are a part of the learning process.
- Reasonable zero-tolerance policies specify what types of conduct will result in the automatic penalty of suspension or expulsion. For lesser violations, outlined aggravating and mitigating circumstances should be taken into consideration. Finally, all due process procedures must be followed, and statutory and constitutional rights protected.
- Schools should establish reasonable zero-tolerance policies for students who present a danger to others. Students who pose a threat must be dealt with under school policies and this information should be communicated to local law enforcement to assist in preventing violence in the community. It is also important to establish an assistance program to teach students how to handle substance abuse, violence, anger management, and bullying. Schools should work with their community to create partnerships with social service organizations and other service-oriented groups that can provide resources to troubled students.
- Such a policy might include expulsion or suspension of students who threaten others and, when appropriate, quickly provide psychological evaluation or intervention for these students. We, as members of the school community, must recognize and convey to students, that threats are a crime. They must be dealt with accordingly. When adults take threats seriously, students will realize that threatening others is not acceptable behavior.
- School policies should be developed with and distributed to school personnel, students, parents and community members. Inviting input from the community and parents regarding acceptable behavior and punishment reduces resistance to such policies. If the community has ownership in the policy, it is more likely to support the policy during difficult times.
- Schools should not tolerate behavior that would be punished as illegal off campus. Schools should not be a haven for misbehavior. Schools should be a place where students learn civic responsibility and where appropriate behavior is expected. It is important to keep schools the safest place for children in America (*Violence and Discipline Problems in U.S. Public Schools: 1996-1997*, National Center for Education Statistics, 1998).

Appendix F

Resources and E-Sources on School Safety

Not exhaustive, not an endorsement, but at least a place to start

National Resource Center for Safe Schools
101 SW Main, Suite 500
Portland, OR 97204
1-800-268-2275 or 503-275-0131
www.safetyzone.org

Hamilton Fish National Institute on School and
Community Violence
1925 North Lynn Street, Suite 305
Rosslyn, VA 22209
Phone: (703) 527-4217
Fax: (703) 527-8741
www.hamfish.org

Blueprints for Violence Prevention
Center for the Study and Prevention of Violence
Institute of Behavioral Science
University of Colorado at Boulder
900 28th Street, Suite 107
Campus Box 442
Boulder, CO 80309
(303) 492-1032
www.colorado.edu/cspv/blueprints

The Office of Juvenile Justice and Delinquency F
810 Seventh Street NW
Washington, DC 20531
202-307-5929
www.ojjdp.ncjrs.org

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
www.usdoj.gov

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201
www.hhs.gov

National Center for Juvenile Justice
710 Fifth Avenue
Pittsburgh, PA 15219-3000
412-227-6950
www.ncjj.org

National Center for Education Statistics
555 New Jersey Avenue NW
Washington, DC 20208
800-424-1616 or 202-219-1828
www.nces.ed.gov

Law-Related Education
American Bar Association
750 N. Lake Shore Drive
Chicago, IL 60611
www.abanet.org/publiced/youth/youth.html

National School Safety Center
141 Duesenberg Drive, Suite 11
Westlake Village, CA 91362
805-373-9977 fax 805-373-9277
www.nsccl.org

National Center for the Prevention of School
Violence
20 Enterprise Street, Suite 2
Raleigh, NC 27607-7375
1-800-299-6054 or 919-515-9397
www.ncsu.edu/cpsv

Center for Effective Collaboration and Practice S
Drug-Free, and Effective Schools for All Student
Works
1000 Thomas Jefferson Street NW, Suite 400
Washington, DC 20007
Phone: 202-944-5400 or 1-888-457-1551
www.air-dc.org/cecp/

Partnerships Against Violence Network
John Gladstone

Indicators of School Crime and Safety, 1999
National Center for Education Statistics

301/504-5462
jgladsto@nalusda.gov
www.pavnet.org

National Association of Secondary School
Principals
1904 Association Drive
Reston, VA 22091
(703) 860-0200
www.nassp.org

National Black Child Development Institute
1023 15th Street, NW, Suite 251
Washington, DC 20005
(301) 434-5688

National Education Association
1201 16th Street, NW
Washington, DC 20036
(202) 833-4000
www.nea.org

National Mental Health Association
1021 Prince Street
Alexandria, VA 22314-2971
(703) 684-7722

NOVA
National Organization for Victim Assistance
1757 Park Road, NW
Washington, DC 20010
(202) 232-6682
www.try-nova.org

Organization of Latino Social Workers
2319 South Damen Avenue
Chicago, IL 60608
(773) 579-0832

American Federation of Teachers
555 New Jersey Avenue, NW

555 New Jersey Avenue, NW
Washington, DC 20208-5574
202-219-1828
www.nces.ed.gov

American School Counselor Association
801 North Fairfax Street, Suite 310
Alexandria, VA 22314
(703) 683-2722, FAX (703) 683-1619
1-800-306-4722
www.schoolcounselor.org

National Coalition of Hispanic Health and Human
Organizations
1501 16th Street, NW
Washington, DC 20036-1401
(202) 797-4321

National Hispanic/Latino Community Prevention
Route 1, Box 204
Española, NM 87532
(505) 747-188

National PTA
330 North Wabash Avenue
Suite 2100
Chicago, IL 60611-3690
(800) 307-4PTA
www.pta.org

National Technical Assistance Center for Childre
Mental Health
Georgetown University Child Development Cent
3307 M Street, NW
Washington, DC 20007
(202) 687-5000

Zero to Three, National Center for Infants, Toddl
Families
734 15th Street, NW
10th Floor
Washington, DC 20005-1013
(202) 638-0840

Black Psychiatrists of America
866 Carlton Avenue

Washington, DC 20001
(202) 879-4400
www.aft.org

Boys and Girls Clubs of America
1230 West Peachtree Street, NW
Atlanta, GA 30309
(404) 815-5765
www.bgca.org

Center for Positive Behavior Intervention and Support
5262 University of Oregon
Eugene, OR 97403-5262
(541) 346-5311
www.stpreof.uoregon.edu

Children's Defense Fund
25 E Street, NW
Washington, DC 20001
(202) 628-8787
www.childrensdefense.org

Community Policing Consortium
1726 M Street, NW
Washington, DC 20036
Publications: (800) 421-6770
www.communitypolicing.org

Hispano/Latino Community Prevention Network
601 East Montecito Street
P.O. Box 42506
Santa Barbara, CA 93140
(508) 580-7856

National Association of Elementary School Principals
1615 Duke Street
Alexandria, VA 22314-3483
(703) 684-3345
www.naesp.org

School Mental Health Project/Center for Mental Health in Schools (UCLA)

Oakland, CA 94610
(415) 834-7103

Center for Effective Collaboration and Practice
Improving Services for Children and Youth with Emotional and Behavioral Problems
1000 Thomas Jefferson St., NW
Suite 400
Washington, DC 20007
(202) 944-5389
www.air-dc.org/cecp/cecp.html

Center for the Study and Prevention of Violence
University of Colorado, Campus Box 442
Boulder, CO 80306
(303) 492-1032
www.colorado.edu/UCB/research/cspv

Community Mental Health Council
Attn: Dr. Carl Bell
8704 South Constance Street
Chicago, IL 60617
(773) 734-4033 x204

Federation of Families for Children's Mental Health
1021 Prince Street
Alexandria, VA 22314-2971
(703) 684-7710

National Association of Black Social Workers
8436 West McNichols
Detroit, MI 48221

National Association of State Mental Health Program Directors/Commissioners
66 Canal Center Plaza
Suite 302
Alexandria, VA 22314
(703) 739-9333

Creating Safe and Drug-Free Schools: An Action Plan
www.ed.gov/offices/OESE/SDFS/actguid/index.html

smhp.psych.ucla.edu

Early Warning, Timely Response: A Guide to Safe Schools

www.ed.gov/offices/OSERS/OSEP/earlywrn.html

Manual to Combat Truancy

www.ed.gov/pubs/truancy

Preventing Crime: What Works, What Doesn't, What's Promising

www.ncjrs.org

Center for Mental Health Services (CMHS)

www.samhsa.gov/cmhs

National Institute of Mental Health (NIMH)

www.nimh.nih.gov

Centers for Disease Control and Prevention, Division of Violence Prevention

www.cdc.gov/ncipc/dvp/dvp.htm

Health Resources and Services Administration, Bureau of Primary Health Care (BPHC)

www.bphc.hrsa.dhhs.gov

Combating Fear and Restoring Safety in School

www.ncjrs.org/jjvict.htm

Safe and Drug-Free Schools Program

www.ed.gov/offices/OESE/SDFS

Regional Education Laboratories

www.nwrel.org/national

National Institute of Justice

www.ojp.usdoj.gov/nij

Safe and Smart: Making the After-School Hours Kids

www.ed.gov/pubs/safeandsmart

Mentoring: A Proven Delinquency Prevention Strategy

www.ncjrs.org/jjdp.htm

Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs

www.ncjrs.org/jjgen.htm

Center for Substance Abuse Prevention (CSAP)

www.samhsa.gov/csap/index.htm

Centers for Disease Control and Prevention, Division of Adolescent and School Health (DASH)

www.cdc.gov/nccdphp/dash

Maternal and Child Health Bureau (MCBH)

www.hhs.gov/hrsa/mchb

Annual Report on School Safety, 1998

www.ed.gov/pubs/annschoorept98

United States Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

www.ed.gov

Office of Correctional Education (OCE)

www.ed.gov/offices/OVAE/OCE

Office of Community Oriented Policing Services

www.usdoj.gov/cops

The National Longitudinal Study of Adolescent Health (Add Health)

www.cpc.unc.edu/projects/addhealth/addhealth.htm

Substance Abuse and Mental Services
Administration (SAMHSA)
www.samhsa.gov

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Bill Analysis
HB 85
Hearing April 11, 2001

Bill Title: "An Act relating to conduct directed at a school employee as an aggravating factor for criminal sentencing purposes."

Sponsor: Representative John Coghill

This bill gives judges the ability to increase the imprisonment of a person who assaults a school employee during or because the employee is doing their job. It is the belief of the sponsor that this bill will instill in the children (and parents) respect for others, especially the employees of the schools they attend.

Information and Possible Questions:

- 1) We want consequences for the behavior of individuals assaulting school employees, but will we run into issues from federal restrictions?
- 2) Some alternative suggestions for the problems in taming youth violence have been anger-management classes and violence prevention programs, family therapy or parent training. Does the sponsor believe that extended jail time will truly affect the number of violence related actions occurring within our school system?
- 3) **FYI:** Bob Buttane, of Health and Social Service, said that this bill would not impact the juvenile court system. Youths are not sentenced, however they can be charged with a crime and have a maximum delinquency institutional order that cannot exceed 2 years. The bill would not then have much of an impact on a youth that assaults a school employee. Unless the assault resulted in a serious injury or death, at which time if the offender is 16 or 17, they can, under statute 47.12.030 be charged as an adult. Bob said that this bill would affect the criminal system if the offender is an adult (18 years of age or older). Juvenile waivers can be issued at any age so that the youth can go through different programs (therapy, community service, probation) to repair the harm to the victim or community affected. Therefore this bill really only impacts adults and the criminal justice system in regards to sentencing.

Available to Testify:

Representative John Coghill

Vernon Marshall, Executive Director, National Educational Association of Alaska

Teleconference Sites: Anchorage and Fairbanks – Listen Only

Fiscal Note: The bill will have no fiscal impact on the Department of Law or the Department of Corrections



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Position Paper

April 11, 2001

HB 85 – School Employee Aggravating Factor Representative John Coghill

NEA-Alaska commends Representative John Coghill for introducing HB 85 that makes directing violent conduct to a school employee an aggravating factor for criminal sentencing. The aggravating factor applies to a school employee who is performing school-related teaching and work.

In 1996, the Delegate Assembly of NEA-Alaska went on record requesting legislation be passed making the consequences of an assault of an educational employee the same consequences as though the assault were to occur on a police officer.

Safe schools and classrooms are absolutely essential for student success. During the past few years schools have worked hard to maintain a positive school environment. Despite that, threats and instances of violent behavior toward teachers and school employees have increased. We commend the legislature for taking steps to make schools safer. For example in 2000, passage of HB 253 by Representative Fred Dyson requiring school disciplinary and safety programs provided a means for some communities to focus attention on student discipline and safety.

We now call on the legislature to take an additional step to make our schools and classrooms as free of violence as possible by passing this bill. HB 85 may deter persons from assaulting a school employee while the employee is engaged in school related responsibilities.

This aggravating factor is not automatic but may be considered by the court in adjusting a sentence. By enacting HB 85, the legislature serves notice to anyone disturbing the peace in schools that the people of Alaska take safety in our schools and the safety of Alaska's school employees as a serious matter.

NEA-Alaska has committed greater levels of its budget and staff time to make our schools safer. Passage of HB 85 is a step in the direction to make our schools safer. We request that the House Special Committee on Education pass HB 85.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

HB 85 Assault of School Employees Sponsor Statement

Parents have always sent their children to school feeling their children are in the safest place they could be when away from home. Because of acts of violence in public schools around the country in recent years, the safety of a child or a school employee in the school environment has increasingly been questioned.

On his School Safety Resource Site on the Internet, Senator Robert Byrd states:

"These acts are not limited to specific geographic regions or family backgrounds, nor do they have a single catalyst. Those who have committed such heinous acts have done so for different reasons, at different times, in different schools. But these acts of school violence have at least one thing in common-- they have spurred all of us to take a closer look at what can be done to better protect children at school.

Protecting our children is not simply a matter of public policy. It is a matter of strengthening basic values, of teaching children right from wrong, of instilling in them respect for others. We each have a responsibility to work to end youth violence and to keep schools safe for children and for those who teach them." Part of reassuring safety in the schools is assuring the safety of all school employees who facilitate that safe environment. "

HB 85 amends state statutes to allow for a judge to increase the imprisonment of a person who knowingly assaults a school employee during or because of the exercise of the school employee's duties. I believe an aggravating factor in sentencing will instill in children and their parents respect for others, especially employees of the schools they attend.

SPONSOR STATEMENT

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 85
() Publish Date: _____

Revision Date/Time(Note if Correction): _____ Dept. Affected: Correction
Title: An Act relating to conduct directed at a school BRU: Administration & Operations
employee as an aggravating factor for criminal sentencing... Component: All
Sponsor: Representative Coghill
Requester: House Special Committee on Education Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would make it an aggravator in felony sentencing if the defendant knowingly directed the conduct constituting the offense at a school employee during or because of the exercise of official duties. The Department believes this bill will have minimal fiscal impact. We do not anticipate many cases that would elevate themselves to felony levels.

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 4/05/01/4:30 pm
Approved by: Margaret Pugh Date 4/5/01
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 85
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to conduct directed at a BRU Criminal Division
school employee as an aggravating factor for . . .sentencing . . ." Component 1st-4th Judicial Districts
Sponsor Representative Coghill
Requester House HESS Committee Component No. 2198-99;2201;61;79

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 85 allows a judge to increase the presumptive sentence for certain felonies when the crime included conduct that was directed at a school employee.

This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
Division Attorney General's Office Date/Time 3/8/01 3:52 PM
Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 3/8/01
Agency Department of Law

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