

Rick Casey

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Bills seek to decriminalize childhood

Rick Casey
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SOME good may yet come out of the case of Casey "The Kid" Harmeier, the 12-year-old desperado from Tomball who faces criminal charges for accepting a dare to remove the cover from a school fire alarm.

Rep. Harold Dutton (D-Houston) says he may call The Kid to testify regarding legislation intended to turn "zero tolerance" into "common sense" at the state's schools.

Dutton chairs the House Committee on Juvenile Justice & Family Issues, and was appalled to learn that The Kid was still facing criminal charges even after school officials learned they were mistaken in thinking he had actually pulled the fire alarm.

Calling the police

Neither the students, the teacher, who was nearby, nor school administrators were aware that removing the cover set off a local horn but did not activate the fire alarm and send a signal to emergency dispatch. (This seems dangerous to me since in the case of a real fire a person under pressure could set off the horn and think the fire alarm had been activated.)

The principal had a district police officer, who is also a Tomball policeman, take The Kid in for booking. He was charged with a felony before his parents were notified he was in trouble. (The charge has been reduced to a misdemeanor.)

Dutton said it is hardly uncommon for students to be turned over to police, even for less serious offenses than what The Kid was thought to have committed.

The crime of chewing gum

A common technique these days is to have school district police issue Class C misdemeanor tickets not for crimes but for violations of school rules. These tickets require trips before a municipal court judge or a justice of the peace.

"They've issued tickets for chewing gum," Dutton said.

As Billy Jacobs, a former Texas Education Agency school safety official, has said: "We hold children to higher standards than we hold adults. We don't leave any room for children to make mistakes."

Dutton said he's heard from school district police who are appalled that they are being used to enforce school rules rather than providing security and enforcing the law.

"One officer said he thinks this breeds disrespect for the law," Dutton said.

If district officials do turn over students to police, Dutton said, "they ought to notify the parents before they do it, especially if there is no threat of life or injury. They should talk to the parent and the kid before referral."

Dutton isn't alone among Houston-area legislators working on the problem. Rep. Rob Eissler (R-The Woodlands), who chairs the House Education Committee, tried to pass legislation two years ago that would have required school officials to take into consideration such factors as the child's intention in the matter and his or her disciplinary history.

The bill was watered down after school officials promised they would cut back on "zero tolerance"

idiocy. I'm sure many have, and many others didn't need to.

But enough administrators are still engaging in "zero tolerance" foolishness to make further legislation necessary, and Eissler had indicated he intends to work for some.

Rep. Dora Olivo (D-Missouri City) is pushing a bill that would allow a student who discovers he inadvertently left a Boy Scout knife in his pocket, or a hunting gun in his truck, to tell a school official and turn the knife or gun over without reprisal.

As it is now, students who inadvertently bring a pocket knife or prescription drugs are sometimes treated the same as would-be thugs and pushers.

The problem of criminalizing childish behavior is not a bleeding-heart liberal issue. Some of the most thoughtful suggestions have been developed by the conservative Texas Public Policy Foundation.

Testifying at a Senate committee hearing last year, TPPF's Marc Levin noted that there has been a sharp rise in the sentencing of students to district alternative centers, which may be related to the fact that TAKS scores of students at these centers don't count against their home schools.

The most recent statistics indicate that 80 percent of the referrals are discretionary, suggesting that many are relatively minor infractions.

Levin recommends that schools be required to involve parents in the case of noncriminal and nonviolent behavior, giving parents the opportunity to work with the school to change the child's behavior before he or she is removed for weeks or months from the regular classroom.

Noting that about 500 kindergartners and more than 2,000 first-graders are sent to district alternative centers every year, he also suggested that guidelines be developed regarding such young children.


These are only a few of the proposals that will be considered in Austin over the next few months.

Teachers and well-behaved students need safe and controlled classrooms for learning to take place.

But allowing school officials to hide behind "zero tolerance" and to criminalize childish mistakes is intolerable.

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