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November 15, 2011

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Kevin Force, JD

**RE: FLEXIBLE SCHOOL DISCIPLINE POLICY**

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During the 2011 regular legislative session, the Legislature passed Senate Bill 418, *Define School Disciplinary Risks*; however, the legislation was pocket vetoed.

As introduced, the legislation would have amended the *Public School Code* to define school disciplinary risks and procedures. Among its provisions, SB 418 would have required:

- each school district discipline policy to define:
  - acts that pose a substantial threat to school safety justifying arrest; and
  - petty acts of misconduct that should be treated as disciplinary infractions;
- school districts to develop policies that offer alternatives to long-term suspension, expulsion, or referral to law enforcement agencies, except where those alternatives would pose a substantial threat to school safety;
- that a school discipline policy not report petty acts of misconduct and misdemeanors to law enforcement agencies; and
- that any disciplinary action taken against a student who violates a school discipline policy be based on the individual student and the particular circumstances of the student's acts or omissions.

Other provisions would have required:

- a school district to submit a report to the Public Education Department (PED) each year that includes:
  - the number of arrests, citations, and referrals to the Children, Youth and Families Department (CYFD) that law enforcement officers, security guards, school resource officers, and other school employees have made for any alleged delinquent act on school property;
  - the offenses for which students were arrested, cited, or referred to CYFD for an alleged delinquent act on school property; and
  - for students arrested, cited, or referred to CYFD for an alleged delinquent act, statistics categorized by offense regarding the student's:
    - ✓ age;
    - ✓ race;
    - ✓ gender; and
    - ✓ if applicable, special education eligibility category; and
- a local school board to enter into an agreement with its local county sheriff's office and local police department that:
  - specifies guidelines for determining which acts are not petty acts of misconduct or misdemeanors;
  - specifies the procedures for reporting acts that are not petty acts of misconduct or misdemeanors to law enforcement agencies;
  - specifies any role for school resource officers in reporting incidents;
  - specifies circumstances in which school officials may handle incidents without filing a report with a law enforcement agency;
  - requires, at a minimum, that school resource officers complete basic police academy training and specific training on interviewing children and the requirements of the *Children's Code*; and
  - reports be submitted to PED and made available to the public.

Finally, SB 418 would have required that:

- the adoption of the discipline policy be made public to parents and students by providing them with the policy in writing and at public assemblies for students and parents at the beginning of the school year; and
- the policy be circulated to parents and students in the same manner as district-wide policies.

Attached to this staff report is a copy of:

- SB 418 as introduced;
- the Legislative Education Study Committee staff analysis; and
- the Legislative Finance Committee Fiscal Impact Report.

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SENATE BILL 418

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO EDUCATION; AMENDING A SECTION OF THE PUBLIC SCHOOL CODE TO PROVIDE FOR DEFINITION OF SCHOOL DISCIPLINARY RISKS AND PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 22-5-4.3 NMSA 1978 (being Laws 1986, Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES--STUDENTS MAY SELF-ADMINISTER CERTAIN MEDICATIONS.--

A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within each school district

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1 or on a district-wide basis for those school districts that  
2 have no high school.

3 B. Each school district discipline policy shall  
4 establish rules of conduct governing areas of student and  
5 school activity, detail specific prohibited acts and activities  
6 and enumerate possible disciplinary sanctions, which sanctions  
7 may include corporal punishment, in-school suspension, school  
8 service, suspension or expulsion.

9 C. Each school district discipline policy shall:

10 (1) define acts that pose a substantial threat  
11 to school safety justifying arrest; and

12 (2) define petty acts of misconduct that  
13 should be treated as disciplinary infractions.

14 D. School districts shall develop policies that  
15 offer alternatives to long-term suspension, expulsion or  
16 referral to law enforcement agencies, except where those  
17 alternatives would pose a substantial threat to school safety.

18 E. A school discipline policy shall not require the  
19 reporting of petty acts of misconduct and misdemeanors to law  
20 enforcement agencies, including:

- 21 (1) disorderly conduct;  
22 (2) interference with the educational process;  
23 (3) simple assault or battery;  
24 (4) theft of less than two hundred fifty  
25 dollars (\$250);

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1                   (5) trespassing; and

2                   (6) vandalism of property that results in less  
3 than five hundred dollars (\$500) in damages.

4                   F. Each school discipline policy shall require that  
5 any disciplinary action taken against a student who violates a  
6 school discipline policy be based on the individual student and  
7 the particular circumstances of the student's acts or  
8 omissions.

9                   G. Each year, a school district shall submit a  
10 report to the department that includes:

11                   (1) the number of arrests, citations and  
12 referrals to the children, youth and families department that  
13 law enforcement officers, security guards, school resource  
14 officers and other school employees have made for any alleged  
15 delinquent act on school property;

16                   (2) the offenses for which students were  
17 arrested, cited or referred to the children, youth and families  
18 department for an alleged delinquent act on school property;  
19 and

20                   (3) for students arrested, cited or referred  
21 to the children, youth and families department for an alleged  
22 delinquent act, statistics categorized by offense regarding the  
23 student's:

24                                   (a) age;

25                                   (b) race;

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1                                   (c) gender; and  
2                                   (d) if applicable, special education  
3 eligibility category.

4                                   H. A local school board shall enter into an  
5 agreement with its local county sheriff's office and local  
6 police department that shall:

7                                   (1) specify guidelines for determining which  
8 acts are not petty acts of misconduct or misdemeanors that will  
9 be considered to pose a substantial threat to students, staff  
10 or school safety, whether committed by a student or an adult;

11                                   (2) specify the procedures for reporting acts  
12 that are not petty acts of misconduct or misdemeanors to law  
13 enforcement agencies;

14                                   (3) specify any role for school resource  
15 officers in reporting incidents;

16                                   (4) specify circumstances in which school  
17 officials may handle incidents without filing a report with a  
18 law enforcement agency;

19                                   (5) require, at a minimum, that school  
20 resource officers complete basic police academy training and  
21 specific training on interviewing children and the requirements  
22 of the Children's Code; and

23                                   (6) be reported to the department and made  
24 available to the public.

25                                   [~~G.~~] I. An individual school within a school

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1 district may establish a school discipline policy, provided  
2 that parents, school personnel and students are involved in its  
3 development and a public hearing is held in the school prior to  
4 its adoption and make the adoption of the discipline policy  
5 public knowledge to parents and students by providing them with  
6 the policy in writing and at public assemblies for students and  
7 parents at the beginning of the school year. If an individual  
8 school adopts a discipline policy in addition to the local  
9 school board's school district discipline policy, it shall  
10 submit its policy to the local school board for approval and  
11 the policy shall be circulated to parents and students in the  
12 same manner as district-wide policies.

13 ~~[D-]~~ J. No school employee who in good faith  
14 reports any known or suspected violation of the school  
15 discipline policy or in good faith attempts to enforce the  
16 policy shall be held liable for any civil damages as a result  
17 of such report or of the employee's efforts to enforce any part  
18 of the policy.

19 ~~[E-]~~ K. All public school and school district  
20 discipline policies shall allow students to carry and  
21 self-administer asthma medication and emergency anaphylaxis  
22 medication that has been legally prescribed to the student by a  
23 licensed health care provider under the following conditions:

24 (1) the health care provider has instructed  
25 the student in the correct and responsible use of the

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1 medication;

2 (2) the student has demonstrated to the health  
3 care provider and the school nurse or other school official the  
4 skill level necessary to use the medication and any device that  
5 is necessary to administer the medication as prescribed;

6 (3) the health care provider formulates a  
7 written treatment plan for managing asthma or anaphylaxis  
8 episodes of the student and for medication use by the student  
9 during school hours or school-sponsored activities, including  
10 transit to or from school or school-sponsored activities; and

11 (4) the student's parent has completed and  
12 submitted to the school any written documentation required by  
13 the school or the school district, including the treatment plan  
14 required in Paragraph (3) of this subsection and other  
15 documents related to liability.

16 [~~F-~~] L. The parent of a student who is allowed to  
17 carry and self-administer asthma medication and emergency  
18 anaphylaxis medication may provide the school with backup  
19 medication that shall be kept in a location to which the  
20 student has immediate access in the event of an asthma or  
21 anaphylaxis emergency.

22 [~~G-~~] M. Authorized school personnel who in good  
23 faith provide a person with backup medication as provided in  
24 this section shall not be held liable for civil damages as a  
25 result of providing the medication."

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**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 418aa

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .184381.1

**Short Title:** Define School Disciplinary Risks

**Sponsor(s):** Senator Gerald Ortiz y Pino

**Analyst:** Ally Hudson

**Date:** March 15, 2011

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**AS AMENDED**

**The Senate Floor amendments:**

- **clarify that a school discipline policy will not require the reporting of petty misdemeanors to law enforcement agencies;**
- **remove all references to specific petty acts of misconduct and petty misdemeanors that must no longer be reported to law enforcement agencies;**
- **insert a subsection necessitating that each school discipline policy require that incidents that have a reasonable likelihood of resulting in liability to the school be reported to the local school board; and**
- **require that a local school board enter into an agreement with the Children, Youth and Families Department (CYFD) local juvenile probation office.**

**The Senate Education Committee amendments:**

- **clarify that a district-wide discipline policy will preempt an individual school's discipline policy; and**
- **add an effective date of July 1, 2012.**

**Original Bill Summary:**

SB 418 amends provisions relating to local school boards in the *Public School Code* to define school disciplinary risks and procedures.

Among its provisions, SB 418 requires:

- each school district discipline policy to define:
  - acts that pose a substantial threat to school safety justifying arrest; and
  - petty acts of misconduct that should be treated as disciplinary infractions;

- school districts to develop policies that offer alternatives to long-term suspension, expulsion, or referral to law enforcement agencies, except where those alternatives would pose a substantial threat to school safety;
- that a school discipline policy not report petty acts of misconduct and misdemeanors to law enforcement agencies; and
- that any disciplinary action taken against a student who violates a school discipline policy be based on the individual student and the particular circumstances of the student's acts or omissions.

SB 418 further requires a school district to submit a report to the Public Education Department (PED) each year that includes:

- the number of arrests, citations, and referrals to CYFD that law enforcement officers, security guards, school resource officers, and other school employees have made for any alleged delinquent act on school property;
- the offenses for which students were arrested, cited, or referred to CYFD for an alleged delinquent act on school property; and
- for students arrested, cited, or referred to CYFD for an alleged delinquent act, statistics categorized by offense regarding the student's:
  - age;
  - race;
  - gender; and
  - if applicable, special education eligibility category.

The bill also requires a local school board to enter into an agreement with its local county sheriff's office and local police department that:

- specifies guidelines for determining which acts are not petty acts of misconduct or misdemeanors;
- specifies the procedures for reporting acts that are not petty acts of misconduct or misdemeanors to law enforcement agencies;
- specifies any role for school resource officers in reporting incidents;
- specifies circumstances in which school officials may handle incidents without filing a report with a law enforcement agency;
- requires, at a minimum, that school resource officers complete basic police academy training and specific training on interviewing children and the requirements of the *Children's Code*; and
- reports be submitted to PED and made available to the public.

Finally, SB 418 requires that:

- the adoption of the discipline policy be made public to parents and students by providing them with the policy in writing and at public assemblies for students and parents at the beginning of the school year; and
- the policy be circulated to parents and students in the same manner as district-wide policies.

### **Fiscal Impact:**

SB 418 does not contain an appropriation.

### **Fiscal Issues:**

According to an analysis by PED, the costs associated with SB 418 include:

- adding data points to the Student Teacher Accountability Reporting System ;
- revising PED rules;
- developing guidelines for district policy revisions and reports to the department; and
- reviewing revised district policies for approval.

Moreover, the PED analysis continues, these requirements of SB 418 would have associated costs for the:

- school districts to develop Memoranda of Understanding with local sheriffs' offices and police departments;
- school districts to develop reporting systems that incorporate the new requirements; and
- resource officers to attend the basic police academy training.

Finally, according to the agency analysis, the cost of these requirements is unknown.

Likewise, the analysis by the Administrative Office of the District Attorneys raises these points:

- SB 418 allows for simple assaults and batteries not to be reported. "Will that apply when it is a domestic violence situation? Bullying? This bill is starting down a very slippery slope."
- By not reporting certain crimes to the police, the AODA analysis continues, "it would possibly leave [police agencies] open to liability if later that same student commits a more serious crime that might have been prevented if the earlier, more minor crime, had been reported."

### **Substantive Issues:**

According to the PED analysis, "the provisions on page 2, lines 18-25 [and pg. 3, lines 1-3], which require that district policies not permit the reporting of various acts to law enforcement, could actually increase the risk of repeated and escalating violent behavior by students if they know that law enforcement could not be called." Moreover, the analysis continues, this provision has the potential to put faculty, staff, and students at risk.

### **Technical Issues:**

The PED analysis suggests that SB 418 clarify *delinquent act*, *disciplinary infraction*, and *substantial threat* by incorporating a definition for each term.

**Related Bills:**

SB 78 *School District Bullying Prevention Programs*

SB 319a *Eliminate Corporal Punishment*

SJM 5 *Study Effects of Bullying*

HB 172a *No Corporal Punishment as School Discipline*

HB 494 *Create Crime of Bullying*

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**SPONSOR** Ortiz y Pino **ORIGINAL DATE** 02/17/11  
**LAST UPDATED** 03/15/11 **HB** \_\_\_\_\_

**SHORT TITLE** Define School Disciplinary Risks **SB** 418/aSEC/aSFI#1

**ANALYST** Haug

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$17.0			Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of SFI#1 Amendment

Senate Floor Amendment #1 to Senate Bill 418 adds the descriptor “petty” to misdemeanors and removes the list of petty acts or misconduct and petty misdemeanors. The amendment also requires that incidents having a reasonable likelihood of resulting in liability to the school be reported to the local school board. Finally, the amendment adds the CYFD local Juvenile Probation Office to the list of local law enforcement agencies with which the school board must have an agreement.

#### Synopsis of SEC Amendment

The Senate Education Committee Amendment to Senate Bill 418 specifies that districtwide discipline policy preempts an individual school’s discipline policy and establishes the effective date of the bill as July 1, 2012.

#### Synopsis of Original Bill

Senate Bill 418 would amend 22-5-4.3 NMSA 1978 of the public school code to provide for definition of school disciplinary risks and procedures. With required involvement of parents, school personnel, and students in development and following a public hearing prior to its adoption, the bill would require each school district’s discipline policy to

- define acts that pose a substantial threat to school safety justifying arrests;
- define petty acts of misconduct that should be treated as disciplinary infractions; and
- develop policies that offer alternatives to long-term suspension, expulsion, or referral to law enforcement agencies except where those alternatives would pose a substantial threat to school safety.
- not require the reporting of petty acts of misconduct and misdemeanor to law enforcement agencies, including: disorderly conduct, interference with the educational process, simple assault or battery, theft of less than \$250, trespassing, and vandalism of property that results in less than \$500 in damage; and
- require that any disciplinary action taken against a student be based on the individual student and the particular circumstance of the student's acts or omissions.

Senate Bill 418 would require a local school board to enter into an agreement with its local county sheriff's office and police department to determine which acts are not petty acts of misconduct or misdemeanors, develop procedures for reporting acts that are not petty acts of misconduct or misdemeanors, and specify any role for school resource officers.

SB 418 would require that each year a school district submit a report to the Public Education Department (PED) that includes the number of arrests, citations, and referrals and require these reports be available to the public.

## **FISCAL IMPLICATIONS**

Senate Bill 418 contains no appropriation. The PED estimates it will cost \$17 thousand dollars to:

- Add necessary data points to STARS (cost undetermined).
- Revise state rule which would include at least one public hearing.
- Develop guidelines and reports for district policy revisions and reports to PED.
- Review revised district policies for approval.

The PED notes that while not affecting state operations, local school districts would incur an indeterminate cost to:

- develop MOUs with local sheriffs' offices and police departments and
- develop district reporting systems for these new requirements.

The PED notes further that Page 4, lines 19-22, requires resource officers to attend the basic police academy training which would have an associated cost for the school district. That cost is unknown to the PED.

## **SIGNIFICANT ISSUES**

According to the PED:

Each school district will be required to complete MOUs with the local sheriff's office and with the local police department. Each district would be required to determine what petty acts of misconduct and misdemeanor will be reported and not reported. The substance of the bill is primarily written in law enforcement language and is not readily understood or

interpreted by school administrators. This bill would require school districts to annually complete another written report to be submitted to PED.

HB 418 discusses criminal offenses from the context of what constitutes delinquent acts under the Children's Code.

The provisions on page 2, lines 18-25, which require that district policies not permit the reporting of various acts to law enforcement, could actually increase the risk of repeated and escalating violent behavior by students if they know that law enforcement could not be called. This provision has the potential for putting faculty, staff, and students at risk of being injured.

The AODA states:

This bill sets out certain crimes that do not have to be reported to the police. Once such exceptions are allowed, the individual schools may take it even farther. Ex: what if the theft is for \$255? Will the school feel justified in not reporting this crime because it is only \$5 over the amount set by this bill? Simple assaults and batteries do not have to be reported. Will that apply when it is a domestic violence situation? Bullying? This bill is starting down a very slippery slope when it starts delineating crimes that do not have to be reported to the police.

This bill requires the local school board to enter into an agreement with the police about which situations the school can handle without filing a report with law enforcement. It is doubtful that any police agency is going to agree that certain crimes do not need to be reported to them. It would possibly leave them open to liability if later that same student commits a more serious crime that might have been prevented if the earlier, more minor crime, had been reported.

GH/mew

# Judge Steve Teske seeks to keep kids with minor problems out of court

By Donna St. George, Published: October 17, 2011

GREENVILLE, N.C.

Steve Teske doesn't hold back. He's a Southern judge, with the boom and flair of a preacher, who has risen to national prominence arguing that too many students get arrested or kicked out of school for minor trouble.

"Zero tolerance is zero intelligence," he likes to say.

His plea for common sense follows two decades of increased police presence at schools across the country, including in the Washington region, and coincides with a growing concern nationally about campus arrests and suspensions.

Teske wants people to know that students regularly show up in the courtroom who shouldn't be there. That a schoolyard fight or a moment of mouthing off at a teacher is no reason to pull out handcuffs. That African American and Hispanic students are sent to court in disproportionate numbers.

"Kids are wired to do stupid things," he tells a North Carolina crowd here one fall day. "Hello? Right? How many of you in here committed a delinquent act at any time when you were a teenager?" Some raise a hand. Others don't budge.

"Don't be afraid," he thunders. "Confess now. *Confess now!*" They laugh. They know Teske is no ordinary evangelist. His success as a juvenile court judge in the outskirts of Atlanta has propelled him to the forefront of a national debate about the effects of harsh approaches to student discipline.

## **National appeal**

He has inspired believers in Connecticut and Indiana, in North Carolina and Kansas. One September day, he advised two Los Angeles judges by phone; a week later, he hosted a contingent from Kentucky in his courtroom. Last year, he spoke in Baltimore, where reforms were underway. Recently, District advocates invited him to speak in a city where police data show nearly 600 public school students were arrested last year.

"He is very charismatic, but what is causing people to sit up and take notice is that it is all based on data," says researcher Russell Skiba, of Indiana University, who has written extensively on school discipline.

Teske's quest for change hits many of the same notes as widely noted research from Texas and a new federal discipline initiative created in July by the departments of Justice and Education to help address the so-called "school-to-prison pipeline."

For Teske, 51, an energetic personality with a scruff of beard and a bent for bowties, the problem became clear during his early days as a juvenile judge in Clayton County, Ga. School-based offenses were sharply on the rise in the late 1990s — jumping from 46 incidents in 1995 to more than 1,200 in 2003. These were years when sworn police, called "school resource officers," were assigned to middle and high schools. Ninety percent of cases were misdemeanors, Teske says, mostly for the kind of trouble once handled by school principals.

"I thought, 'This is ridiculous,'" he says. "They weren't delinquent kids. "

Teske brought together educators, police and social service and mental health counselors, parents and students. After nine months, leaders settled on a new protocol for four misdemeanors: fights, disorderly conduct, disruption and failure to follow police instructions.

Now, instead of making arrests, police issue warnings for first offenders. Repeat trouble means workshops or mediation. Only then may a student land in court. For chronic offenders, a system of care is in place to help resolve underlying problems.

School referrals to juvenile court fell more than 70 percent from 2003 to 2010.

"The cases we have in court now are the burglars, the robbers — the kids who scare you, not the kids who make you mad," Teske says.

Police were wary of the change at first, says Lt. Marc Richards, then assigned to a middle school where he averaged 100 arrests a year. "Police officers are A-type personalities, black and white, by the book," he says. "With this initiative, there was a lot of gray." But over time, he says, "it became an extremely effective tool." With fewer arrests and a more preventative focus, police-student relations improved, he says. So did tips about serious offenses.

School leaders had an adjustment curve, too, says Luvenia Jackson, then an assistant superintendent in the 52,000-student district. "What we do more of now is looking at causes of the behavior and what we can do to prevent or eliminate causes," she says. "The school social workers are involved more, and the school counselors are involved more." Teske says schools are safer — and students are better off.

Serious weapons incidents on campus have dropped nearly 80 percent since 2003. Probation caseloads that once numbered 150 per officer have fallen to 25 cases, allowing more focus on serious offenders, Teske says. Perhaps most striking, graduation rates have risen in Clayton County — up more than 20 percentage points in seven years.

"He has turned the tables in a very important way," says Lisa Thureau, executive director of the nonprofit group Strategies for Youth. Teske gets attention that others might not, she says, because "he has the legitimacy of being a judge."

Before his North Carolina audience, Teske cites research showing students who get arrested are twice as likely to drop out of school and those who appear in court are four times more likely not to graduate. He says students who get suspended are at a higher risk of dropping out. He feigns incredulity. "Who would ever think that keeping kids in school would increase their graduation rates?!"

### **It's not about blame**

Teske, now chief juvenile judge in Clayton County, is dressed in blue jeans and a mandarin-collar shirt and seems outgoing as he greets people at a reception. Later, he explains his views in a blaze of ideas — what the goal is, what it is not. "It's not about blaming the police," he says. "It's not about blaming the schools."

Teske says he doesn't hear from many critics, in person or through his blog. But zero tolerance still has supporters. "Some people equate zero tolerance with lock-'em-up-and-throw-away-the-key," says Charles Ewing, a law professor at University at Buffalo Law School, State University of New York. "To me, zero tolerance means safety first in the school."

To Teske, it all too often means over-punishment for low-level misdeeds. Three years ago, Teske found his judicial match in Birmingham, Ala., where Jefferson County Presiding Juvenile Court Judge Brian Huff replicated Clayton County's approach. Huff, 42, had gone to Georgia to observe Teske's method.

He was convinced. In the Birmingham area, he says, community leaders deliberated about a year, then adopted an approach similar to Clayton County's. "These are offenses that need some sort of disciplinary action, but kids just shouldn't be arrested the first time something like this happens," Huff says.

Huff says his data shows strong results: In 2007-2008, Birmingham schools sent 528 offenses to court. Last year, 174 cases went from school to court. Now Huff travels the country to speak, too; the two judges have coauthored articles.

Both men admit to their own teenage trouble. Teske recalls pulling a prank at age 13 that set off his school's fire alarm. He recalls the mass havoc that ensued. The threat of arrest. The terror he felt. His principal prevailed in insisting the school system would mete out the punishment. "Would I even be a judge today had I gone to jail that day?" he asks.

Teske and Huff brought their ideas and data last fall to Connecticut, where two communities are now adopting similar approaches and more are interested, says Lara Herscovitch, a juvenile justice advocate. "The beauty of the model is that the 'how' gets defined locally," she says. "It's not a cookie-cutter approach."

National interest is at a high point, says Teske, who often travels with a technical team to answer nitty-gritty questions of implementation. His model — a “multi-integrated systems approach” aiming to reduce recidivism — was developed with inspiration from a juvenile detention reform initiative of the Annie E. Casey Foundation.

“He’s very passionate and challenges many of the assumptions the system has worked with for years,” says Michael J. Rieder, deputy secretary of court services for North Carolina, where Teske has appeared five times to fire up a statewide reform effort. In North Carolina, more than 40 percent of juvenile court cases start in the schools.

Teske may soon speak in the District, where advocates want to pursue new approaches to discipline with school and court officials. “We are hoping to tap the same kinds of strategies,” says Cynthia Robbins, co-founder of the nonprofit Racial Justice Initiative. Police say most cases of the nearly 600 District students who were arrested last year were diverted to mediation or other programs, rather than sent to court, with no arrest record for those students. They say arrests are a last resort and that disciplinary action by school officials is used when possible.

Teske pushes to keep students away from arrest and court altogether. But he says certain offenses — involving drugs or guns, for example — should lead to arrest. He does not urge police be removed from schools, as some advocates do. The change he’d really like to see, he says, is data collection. Many districts say they have no problem, but without numbers on students arrested or referred to court he wonders: How do they know?

Talking to a rapt audience in North Carolina, he lets them know his vision of change is no simple fix. “I like to tell people, repeat what my mama told me growing up,” he says, “... ‘Son, the quickest way is usually the wrong way.’ The right way is the way that takes longer, more investment, more time.”

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