

*Crime -  
Zero Tolerance*EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

## ROUTE SLIP

TO: BRUCE REED	Take necessary action	<input type="checkbox"/>
CHRIS CERF	Approval signature	<input type="checkbox"/>
BOB DAMUS	Comment	<input type="checkbox"/>
	Prepare reply	<input type="checkbox"/>
	Discuss with me	<input type="checkbox"/>
	For your information	<input type="checkbox"/>
	See remarks below	<input type="checkbox"/>

FROM: Jim Jukes (x5-3458)

DATE: 7-17-95

## REMARKS

Per my e-mail, may I please  
have any comments on the attached  
ASAP?

JUSTICE DRAFT  
(for 7.18 S. Judiciary Hrg.)

(DELLINGER TESTIMONY ON GUN-FREE SCHOOL ZONES)

Thank you for inviting me to testify on this important issue. As President Clinton has said, we must do everything in our power "to make schools places where young people can be safe, where they can learn, where parents can be confident that discipline is enforced." Eliminating guns from schools is a critical step toward that goal. The proposed bill will also foster a close and effective relationship between the federal and state governments and for both of these reasons it should be enacted.

As you know, the proposed legislation would revise the Gun-Free School Zones Act of 1990, invalidated in United States v. Lopez.<sup>1</sup> As enacted in 1990, the Act prohibited possession of any firearm in a school zone. As revised by the legislation now before you, the Act would require that the government prove in each prosecution that the firearm in question "has moved in or [] otherwise affects interstate or foreign commerce." The addition of this jurisdictional element ensures that the statute will meet the constitutional standards established by the Supreme Court.

At least since the 1940s, it has been clear that Congress, as an incident of its power to exclude items from interstate commerce entirely, also may regulate those items both before and after they move in interstate commerce. In United States v. Darby,<sup>2</sup> for example, the Court sustained Congress' imposition of labor standards for the production of goods that subsequently would move in interstate commerce. And in United States v. Sullivan,<sup>3</sup> the Court applied the same doctrine to post-transport activity, upholding a federal law that governed the treatment by local pharmacists of drugs that previously had moved in interstate commerce. Congress' power to prescribe the terms on which objects may move in interstate commerce may be exercised in the form of regulations "at destination."<sup>4</sup>

Nothing about the Court's opinion in Lopez calls this well-established principle into question. Indeed, the Court's decision in Lopez does not address the issue of congressional authority to regulate articles of commerce such as firearms that have moved across state lines. The Lopez opinion was devoted to one question only: whether possession of a firearm in a school zone, though itself a purely intrastate activity, could be regulated by Congress on the grounds that such possession

<sup>1</sup> 115 S. Ct. 1624 (1995).

<sup>2</sup> 312 U.S. 100, 117-24 (1941).

<sup>3</sup> 332 U.S. 689 (1948).

<sup>4</sup> Darby, 312 U.S. at 121.

"substantially affected" interstate commerce. The revised statute, however, will rest on an altogether different source of Commerce Clause power: the power to regulate articles of commerce themselves in order to prevent the "use of interstate commerce . . . as the means of spreading and perpetuating" activity deemed harmful or injurious by Congress.<sup>5</sup> In other words, to ensure that guns that have moved in interstate commerce are not put to decidedly harmful uses in the nation's schools, Congress may regulate the end use of such guns as well as their interstate movement.<sup>6</sup> The proposed legislation thus is a valid exercise of Congress's authority to regulate the uses to which interstate commerce is put.

A review of the constitutional analysis in Lopez will demonstrate the difference between the statute Lopez invalidated and the proposed bill. The Supreme Court held the 1990 Act unconstitutional because it satisfied neither of two independent conditions: the activity regulated -- possession of a firearm -- did not in the aggregate "substantially affect" interstate commerce; and the statute "contain[ed] no jurisdictional element which would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce."<sup>8</sup> The Court indicated that the presence of either of these factors would have been sufficient to sustain the statute. Of particular importance here, the Court clarified that it was not casting any doubt on Congress' well-established authority to enact a firearm possession statute that contains an "express jurisdictional element . . . limit[ing] its reach to a discrete set of firearm possessions that additionally have an explicit connection with or effect on interstate commerce."<sup>9</sup> As revised,

<sup>5</sup> Id. at 109-110.

<sup>6</sup> Faced with a statute that drew no distinction between firearms produced and used on an wholly intrastate basis and those that moved in interstate commerce, the Court in Lopez simply had no occasion to address Congress' authority to regulate articles of commerce. Indeed, Lopez' limited scope was confirmed a few days after the decision issued, when the Court clarified in United States v. Robertson that the Lopez "substantial affects" standard is applicable only when Congress regulates "purely intrastate" activity, and not when it regulates activity directly connected to the "production, distribution, or acquisition of goods and services in interstate commerce." 115 S. Ct. 1732, 1733 (per curiam) (internal quotations omitted).

<sup>7</sup> Lopez, 115 S. Ct. at 1630-31.

<sup>8</sup> Id. at 1631.

<sup>9</sup> Id. at 1631.

the Act will contain just such a jurisdictional element and hence falls within the scope of the Commerce Clause as interpreted by the Court in Lopez.

The addition of the requirement that each prosecution prove that the gun has moved in or otherwise affects interstate commerce will make this statute virtually indistinguishable, for Commerce Clause purposes, from that at issue in United States v. Bass,<sup>10</sup> a 1971 Supreme Court case discussed with clear approval by the Lopez Court. At issue in Bass was the former felon-in-possession statute, codified at 18 U.S.C. § 1202(a), making it a crime for a felon to possess "in commerce or affecting commerce" any firearm. As the Lopez Court explained, Bass interpreted that statute to require the government to prove a nexus with interstate commerce in each case, thus avoiding questions about its validity.<sup>11</sup>

The jurisdictional element proposed here would be satisfied if the government could prove that the gun in question had itself moved in interstate commerce. This limitation is sufficient to bring prosecutions under the Act within the Commerce Clause power over articles of commerce, as described above. In fact, in the context of firearm regulation, the Supreme Court suggested in Bass, and then squarely adopted in Scarborough v. United States,<sup>12</sup> a statutory construction of the felon in-possession statute under which a felon could be convicted of mere receipt or possession of a firearm if the firearm had traveled at some time in interstate commerce. In Scarborough, for instance, the firearm in question had traveled across state lines at unknown times in the previous several years, all before the defendant had become a felon subject to the statute.<sup>13</sup> The Court affirmed the defendant's convictions, holding that "proof that the possessed firearm previously traveled in interstate commerce is sufficient to satisfy the statutorily required nexus between the possession of a firearm by a convicted felon and commerce."<sup>14</sup>

While the direct question presented in Scarborough concerned the interpretation of a statute, the Court's analysis also required it to assess the underlying constitutional question. Use of a jurisdictional element requiring that possession be "in commerce" or "affecting commerce," the Court reasoned, signaled

10 404 U.S. 336 (1971).

11 115 S. Ct. at 1631.

12 431 U.S. 563 (1977).

13 431 U.S. at 565 & nn. 2-3.

14 Id. at 564.

Congress' intent to assert "its full Commerce Clause power so as to cover all activity substantially affecting interstate commerce."<sup>15</sup> Given that congressional intent, the Court held, the statute applied to cases with no more "than the minimal nexus that the firearm have been, at some time, in interstate commerce."<sup>16</sup> Thus, the Court implicitly determined that the Commerce Clause power extends to such cases. Indeed, relying on Scarborough, lower courts consistently have held that a firearm need only have traveled previously in interstate commerce to fall within Congress' Commerce Clause authority, as invoked by the statutory phrase "in or affecting commerce."<sup>17</sup>

The Lopez Court did not intimate any disagreement with this well-established line of authority. On the contrary, it approvingly cited Bass, in which the Court itself affirmatively suggested a construction of the felon-in-possession statute that would bring within its scope any firearm that had "previously traveled in interstate commerce."<sup>18</sup> Not surprisingly, all four lower courts that have considered the constitutionality of the felon-in-possession statute after Lopez have upheld it;<sup>19</sup> in

<sup>15</sup> Id. at 571 (internal quotation omitted).

<sup>16</sup> Id. at 575.

<sup>17</sup> See, e.g., United States v. Sanders, 35 F.3d 61 (2d Cir.) (affirming conviction where ammunition moved in interstate commerce "at some unspecified time" before felon took possession, because statutory language reflects "congressional intent to assert its full Commerce Clause power"), cert. denied, 115 S. Ct. 497 (1994); United States v. Carter, 981 F.2d 645 (2d Cir. 1992) ("[i]n the context of firearm control, it is well established that for a firearm to fall within the Commerce Clause, it need only have traveled previously in interstate commerce"), cert. denied, 113 S. Ct. 1827 (1993); United States v. Lowe, 860 F.2d 1370 (7th Cir. 1988), cert. denied, 490 U.S. 1005 (1989).

<sup>18</sup> Bass, 404 U.S. at 350 (discussed in Lopez, 115 S. Ct. at 1631).

<sup>19</sup> United States v. Hanna, No. 94-10131, 1995 WL 322673 (9th Cir. May 31, 1995) (to be reported at 55 F.3d 1456); United States v. Mosby, No. 95-1510, 1995 WL 411178 (8th Cir. July 13, 1995); United States v. Campbell, No. 1:CR-95-36, 1995 WL 388475 (M.D. Pa. June 28, 1995), 1995 WL 388475; United States v. Cole, Nos. 95-3190 et al., 1995 WL 375833 (E.D. Pa. June 16, 1995).

As the Ninth Circuit succinctly stated in Hanna in concluding its discussion of Lopez, "[s]ection 922(g)'s requirement that the firearm have been, at some time, in interstate commerce is sufficient to establish its

fact, to date there have been twelve post-Lopez challenges to the constitutionality of statutes on Commerce Clause grounds, all of which have failed.<sup>20</sup>

The proposed legislation satisfies the letter and the spirit of the Lopez decision. The Supreme Court in Lopez perceived the 1990 Act as a congressional attempt to regulate actions only tangentially related to interstate commerce. In contrast, the proposed legislation is a direct regulation of the very object that has itself traveled in interstate commerce or otherwise affects interstate commerce. As the discussion above indicates, such legislation is within Congress' commerce authority. This conclusion is bolstered by the fact that firearms are already subject to extensive and unquestionably valid federal regulation under the Commerce Clause, and that in adopting the proposed bill Congress will make findings that the use of firearms in the school environment itself affects interstate commerce. The interesting question of whether the prior movement of an item in interstate commerce would be a sufficient basis for regulation of activity related to that item, in the absence of any additional connection to commerce, is thus not implicated by the proposed bill.

The Gun-Free School Zones Act of 1995 would simply adopt as national policy a prohibition that has already been enacted by 48 States. The Act will neither limit nor preempt state and local legislation forbidding firearms near schools, and the States will continue to play the primary role in this area of law enforcement. S. 890 should properly be viewed in most instances as a "backup" to the State systems.

The proposed legislation, then, is constitutional, and it enables the federal government to assist States in their efforts to ensure that our children attend schools free from the fear that guns may be present.

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constitutionality under the Commerce Clause." 1995 WL 322673 at \*6 n.2.

<sup>20</sup> In addition to the cases cited in the previous footnote, see United States v. Oliver, Nos. 93-10770 et al., 1995 WL 394368 (9th Cir. July 6, 1995); United States v. Wilks, No. 94-5208, 1995 WL 395172 (10th Cir. July 6, 1995); Cheffer v. Reno, 55 F.3d 1517 (11th Cir. 1995); United States v. Stillo, Nos. 94-2678 et al., 1995 WL 348035 (7th Cir. June 9, 1995); United States v. Garcia-Beltran, No. CR 94-274 (HL), 1995 WL 371466 (D.P.R. June 16, 1995); United States v. Hampshire, No. 95-100026-01, 1995 WL 396291 (D. Kan. June 14, 1995); United States v. Garcia-Salazar, No. 95-20033-01 (D. Kan. June 9, 1995); United States v. Johnson, No. 95-00017-C, 1995 WL 394333 (W.D. Va. June 7, 1995).

GUN-FREE SCHOOLS ACT  
 STATUS OF IMPLEMENTATION  
 JUNE 1995

*Crime - Zero Tolerance*  
 Bruce - JUL 6 1995  
 An update from Dept. of Ed. I suppose?

State	Status	Assessment
Alabama	Pending In session to 7/30	Generally Consistent
Alaska	Passed/Signed	Outstanding Issue (Knowingly possess)
Arizona	Passed	
Arkansas	Passed/signed	Generally Consistent
California	---	---
Colorado	Passed	Outstanding Issue (no time frame for expulsion)
Connecticut	Passed	Generally Consistent
Delaware	SEA Policy	Only Outstanding Issue (only policy/only 180 day expulsion)
D.C.	----	----
Florida	Passed/signed	Consistent
Georgia	Passed/signed	Generally Consistent
Hawaii	----	----
Idaho	Passed/signed	Consistent
Illinois	Passed	Outstanding Issue (expulsion for one school year)
Indiana	Passed/signed	Consistent
Iowa	Passed/signed	Consistent
Kansas	Passed/signed	Consistent
Kentucky	Requested Waiver	-Legislature not in session.
Louisiana	-----	----
Maine	Pending	Generally Consistent
Maryland	Pending	Generally Consistent
Mass.	Using Existing Law	Outstanding Issue (may expel/no period of time)
Michigan	Passed	Outstanding Issue (exceptions to expulsion)
Minnesota	Passed	Generally Consistent
Mississippi	Passed/signed	Outstanding Issue (No time period for expulsion)
Missouri	Passed	Generally Consistent

*CHR*

Montana	Passed/signed	Generally Consistent	
Nebraska	Passed/signed	Generally Consistent	
Nevada	Pending	Generally Consistent	
N. Hampshire	Pending	Outstanding Issue (knowingly possess)	
N. Jersey	Being reworked	Outstanding Issue (knowingly possess)	
N. Mexico	Passed/signed	Outstanding Issue (knowingly possess)	
New York	Problem in Assembly		
N. Carolina	Passed	Generally Consistent	
N. Dakota	Passed/signed	Generally Consistent	
Ohio	Passed	Generally Consistent	
Oklahoma	Passed/signed	Generally Consistent	
Oregon	Passed	Generally Consistent	
Penn.	Pending	Generally Consistent	
Rhode Island	-----	-----	
S. Carolina	Passed/signed	Generally Consistent	
S. Dakota	Passed/signed	Inconsistent ("May expell" and "may extend school year")	beyond
Tennessee	Passed/signed	Generally Consistent	
Texas	Passed/signed	Outstanding Issue (no period of time for expulsion)	
Utah	-----	-----	
Vermont	Passed/signed	Outstanding Issue (need to review can be modified)	circumstances when
Virginia	Passed/signed	Generally Consistent	
Washington	Passed/signed	Generally Consistent	
W. Virginia	Passed/signed	Generally Consistent	
Wisconsin	Pending	Generally Consistent	
Wyoming	Passed/signed	Generally Consistent	

**Mr. Atkinson.** Mr. President, we're going to switch southward now to Los Angeles. And at the studios of KNBC, there's Paul Moyer.

#### Violence in Schools

**Paul Moyer.** Stan, thank you. We're going to continue on the vein of education and schools, but this is a different aspect Mr. President. I would like to introduce you to a very, very brave young man. His name is Dion Brown, he's 15 years old, and he has seen, experienced something that hopefully none of us ever will. About 3 weeks ago he was in line at Dorsey High School here in Los Angeles with his brother, simply trying to register for class. And his brother was shot in the stomach, caught in gang cross-fire. His brother was supposed to be here. He's so afraid of retaliation, we couldn't find him. We're not going to show you Dion's face because he, too, is afraid. But Mr. President, he has a question for you. He's a little nervous, so bear with us.

[Mr. Brown explained how his brother was shot and asked what the President is planning to do to prevent violence in schools.]

**The President.** Thank you for coming tonight. And thank you for saying that. Let me say, first of all, the story you just heard unfortunately is becoming all too common, and not just in California and not just in big cities. And we ought to start with first things first.

This is the only country, the only advanced country in the world, the only country I know of where we would permit children access to weapons that make them better armed than police forces. So I'll tell you what we ought to do. I've asked the Congress to pass the Brady bill, which would give us a national system, a waiting period to check the backgrounds of people for age, criminal records, and mental health history before we sell weapons.

There are several bills before the Congress which would ban assault weapons, which have no purpose other than to kill. We ought to pass one. We ought to do it this year. States all over the country are looking at ownership laws which make it illegal for minors to have guns unless they're in the presence of their parents, either hunting or on a target range. And we ought to do that in every State. And we ought to look at the laws by

which we regulate gun sellers. We've got to get the guns out of the hands of the children. It is imperative.

Now, in addition to that, I do have a part of this education bill that I just spoke to, safe schools initiative, which would give schools the ability to have more security forces. And in the crime bill, which includes the Brady bill, the waiting period, there are funds which would help people all over the country, cities all over the country, hire another 50,000 police officers which would allow hard-strapped cities to deploy these police officers around schools and at the places of greatest need. It makes a 50 percent downpayment on my desire and commitment from the campaign to put another 100,000 police officers on the street over the next 4 years.

Now, let me just say one final thing. I also think—make them safe first. Make the schools safe, get the guns out of the hands of the kids, put more police on the beat. Start there. Then you have to take these young people who haven't had the family supports, the neighborhood supports, the community supports that a lot of us have had, that we've taken for granted, and realize they are the tip end of a generation of change. This has been going on for 30 years, getting worse every year. And we have got to find ways to give these kids a structure, an order, a hope to their lives.

We have 10 closed military bases today around the country where we've got an experimental program going with the National Guard, teaching high school dropouts to go back and go to school and going through boot camp-like exercises. These are kids that didn't commit crimes. And we've been flooded with kids who want it, because they have no structure in their lives.

We also have more boot camps in the crime bill for first-time offenders. You've got to give these kids something to say "yes" to instead of telling them "no" all the time. But first, there has to be a reestablishment of order and safety in the schools and on the streets. And I hope if you care about this—I know I'm going on a little long, but this is a big deal—the Congress should not drag its feet. They have been debating this for 2 years. It is time to pass a crime bill, it is time to pass the Brady bill, it is time to ban

assault weapons, get them out of the hands of kids so the police can do their jobs, and put more police on the street.

**Mr. Atkinson.** President Clinton, we're going to move even farther south. We're into San Diego now. Your audience awaits you at the studios of KNSD.

#### Immigration

**Marty Levine.** Stan, thank you. Mr. President, our first question comes from Roberto Martinez, who is a migrant rights activist, and advocate, I should say as well, that deals with questions of policy and also questions of interchange between the Border Patrol and individual migrants over what Mr. Martinez sees as abuses by the Border Patrol.

[Mr. Martinez asked if the President supports Mexico's law to control illegal immigration from Mexico.]

**The President.** Well, I think we should have more Border Patrol guards, and I think we should do more to restrict illegal immigration, I certainly do. I think the fact that we have so much illegal immigration and that half of all of the illegal immigrants in America are in California, a State with an unemployment rate 3 percentage points above the national average, is endangering the historic attitude of America that has been proimmigration. I mean, Los Angeles County has people from 150 different racial and ethnic groups alone. Immigrants made this country. But they did it, by and large, by operating within our laws. If we permit our laws to be regularly violated and flagrantly violated and impose those costs on a State that has the biggest economic problems, I think we run the risk of undermining support for immigration, which I think is a very important American value. So yes, I believe we should stiffen our efforts to control the border.

I don't think it undermines the NAFTA negotiations, that the President of Mexico has never asked me to do anything illegal, to continue what is the policy that is inconsistent with our law. And as a matter of fact, I hope we get a chance to talk about this later tonight. One of the reasons that I so strongly support this North American Free Trade Agreement is if you have more jobs on both sides of the border and incomes go

up in Mexico, that will dramatically reduce the pressure felt by Mexican working people to come here for jobs. Most immigrants, keep in mind, come here illegally not for the social services, most of them come here for the jobs. If they have jobs in Mexico and they pay decent wages, which this agreement will provide for, then they'll be more likely to stay there, and the immigrants who come here will be more likely to be a manageable number and legal in nature.

#### Health Care Reform

**Mr. Atkinson.** We have a health care question for you now, President Clinton. And back in KCRA, Carol Bland.

[Ms. Bland introduced a participant who asked if she will be able to choose her doctor under the new health care plan.]

**The President.** Yes

**Q.** And will I have easy access to the specialists?

**The President.** Yes. The answer to your questions are, yes, you'll have freedom of choice; yes, you'll have easy access to specialists. And most Americans will have more choice than they have now. You heard what she said. She's on Medicare, and she's enrolled in PPO. That's a group of doctors who provide health care together so that you can get a general practitioner or a specialist. They work together.

**Q.** And I can go anywhere I want?

**The President.** And she can go anywhere she wants with any doctor who is enrolled in the PPO. And if she has an emergency, they can refer her out to a doctor.

I was just talking with a doctor in Las Vegas who helped to organize a PPO with 700 doctors now. Under our plan, first of all if you're on Medicare, nothing will change. Secondly, every State in the country will have the power to approve every existing HMO or PPO they want to, so that the people that are already enrolled in these kinds of plans and have high consumer satisfaction will basically not see a change in their health care.

However, you should know that for people who are working for a living and who are insured through their place of work, today only one-third of them have any choice at all. Most of them have no choice, they're just told, here's your plan, and here it is. We will

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## On My Mind

A. M. ROSENTHAL

# Pudgy On Crime

Everybody in America is tough on crime. Parents, teachers, cops, judges, rich people, poor people, ditch diggers, brain surgeons — just ask them.

So, listen: How come there is so much crime in America? How is it that we no longer possess our basic civil liberty from which all others flow — freedom to walk our streets without fear?

Squirm duck, run — there is no hiding place from the answer. We Americans are not tough on crime at all. We are pudgily soft, with great rolls of fat hanging from our bellies and brains.

All we are is tough about selected crimes or some of the conditions that create crime — and only when action does not interfere with our own self-interest, comfort, desires and particularly with our own rigidities of intellect, if that is the word.

Here is a story. Across America youngsters are carrying guns to high school. About 135,000 of the little darlings do that every day. I am not talking about big nasty cities like New York or Washington, D.C., but places like Kings Mountain, N.C., Corpus Christi, Tex., and Eugene, Ore.

Guns are legal in some of those down-home places and are as important to the spirit of manhood as testicles, maybe more, because they hang the guns out for everybody to admire.

But taking guns to school does not fit Federal guidelines for high school safety. So some principals have taken action in schools where the kids like

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## The myth of American toughness.

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to park their handguns and sawed-off rifles in lockers. They know they do not have to go through the metal detectors that are almost as important as football teams to American secondary education.

Bill Celis, a New York Times reporter, writes that when Jim Ford, principal of a Eugene high school, took out the lockers, parents who should have been clouting their young gun-toters across their pistol-packing ears instead denounced the principal.

They said the kids would get hunchback from having to carry books to high school every day. I mean, how cruel can a principal be?

Other parents complain that when principals do their duty and expel gun-toting students, the little folk will have nothing to do but hang around the streets.

Apparently it never occurs to anybody that gun-carrying scholars should be sent to a nice reform school where they might learn to study despite locker deprivation.

Tough? All most Americans do about crime or potential crime — those high school guns have been known to go off and kill people — is to select one or two anti-crime pills and reject the total cure.

President Clinton had to use every ounce of his political power to get the first Congressional bill that takes a

package approach to fighting crime — more police and prisons, anti-drug therapy and neighborhood effort.

But the concept of a total anti-crime struggle has not yet taken hold in our collective minds.

Like it or not, the list starts with effective punishment, which means swift and hard. Swift involves rethinking the judicial system that allows endless delays. Hard means looking at the parole system to make sure it has enough probation officers to supervise criminals released early.

Gun control. If you want to kill duck and deer go right ahead — with a registered gun. But tell your kids that if they are big enough to sneak any guns into school they are big enough to go to jail for it.

Toughness means mandating not only prisons for addicted criminals but also the kind of strict long-term, compulsory physical and mental group therapy that governors like Ann Richards of Texas and Mario Cuomo of New York are ordering. The rule should be: No therapy, no parole.

Real anti-crime toughness means working everlastingly at the connection between poverty and crime. Poverty is not itself the root cause of crime. I walked often at night through Calcutta with never a tremor.

But crime is created importantly by the "concentration in disorderly neighborhoods of people at risk of falling" and the refusal of America to keep hunting for ways out, for the residents, particularly the children. James Q. Wilson, the sociologist, writes that in Commentary.

Unless Americans put their minds to that and to the rest of the anti-crime list, we have no right to call ourselves tough on crime. We are just sitting there, soft and pudgy, with the rolls of fat around our bellies and brains. □

# Ship Aborts Cruise After 400 Contract an Intestinal Illness

By SALLIE HOFMEISTER  
Special to The New York Times

LOS ANGELES, Sept. 1 — A Royal Caribbean ship cut its four-day cruise a day short and returned to port here this morning after more than 400 of the nearly 2,350 people aboard became ill with an unidentified intestinal ailment that caused vomiting, headaches and diarrhea.

One elderly passenger died, but Federal health officials who boarded the ship, called the Viking Serenade, this morning said they did not know whether the illness was related to the death.

That passenger, whose name has not been released, suffered from diabetes, the cruise line said. He died in Ensenada, Mexico, today, after being transferred to a hospital when the ship docked there Wednesday.

Five other people were taken to the hospital in Ensenada, the ship's destination, and were recovering today, said Pien Steck, a spokesman for the Royal Caribbean Cruise Line, one of several executives to fly to Los Angeles from the company's headquarters in Miami to investigate.

## Full Helms Offered

Though another elderly passenger was taken by ambulance from the ship this morning, the other sick passengers were detained until Federal health officials from the Centers for Disease Control Prevention and the United States Department of Health conducted examinations and took medical samples.

Results from the tests were not expected to be released today, Mr. Steck said. After an inspection by health and company officials, the ship was scheduled to depart on a weekend cruise tomorrow night from the port, in the San Pedro section south of downtown.

The cruise ship was last inspected by the Department of Health on July 18 and scored 92 out of 100, considered a very high mark.

The cruise line has offered to give the 1,734 passengers refunds on their tickets, which generally cost from \$599 to \$1,899.

The cruise ship had left port on Monday, making stops in Catalina Island, off the coast of California, on Tuesday, and then traveling south to Ensenada on Wednesday. The ship was to have left Mexico at 3:30 P.M. yesterday but was delayed while the crew decided what to do about the illnesses. One passenger said that Royal Caribbean announced that due to an unknown illness the ship would possibly have to return to San Pedro directly rather than spend a day at sea.

Another passenger, Doris Maki from Sacramento, who was with six family members on the trip to celebrate her 40th birthday, said she became ill 20 hours into the cruise. "It was awful," she said. "We all ate at the Windjammer, ravioli and fried fish, and about 20 hours later we all started vomiting," she said as she was packing bags in the car after being released from the ship. "They were passing out pills to everybody."

# West Bank Schools Open Under Palestinian Control

By JOEL GREENBERG  
Special to The New York Times

RAMALLAH, Israeli-Occupied West Bank, Sept. 1 — After taking control of education in the West Bank this week, the Palestinian Authority opened its schools today, inaugurating the first school year under Palestinian administration.

Flags were hoisted and the Palestinian national anthem was sung in some West Bank schools, but in Ramallah, the opening today was generally businesslike. Pupils were assigned to classrooms, textbooks were distributed, and teachers met their classes, much as in previous years.

School assemblies marking the changeover to Palestinian authority were planned for Saturday, and school officials were already talking today of planning a future curriculum that would teach Palestinians their own history, geography and culture.

Education was the first of five areas of authority in the West Bank handed over to the Palestinians by the Israeli military government. Under an agreement signed this week between Israel and the Palestine Liberation Organization, Palestinians will also take control of health, social welfare, tourism and taxation, expanding self-rule in the West Bank.

Schools in the Gaza Strip and the West Bank town of Jericho came under Palestinian control in May, when Israeli forces withdrew from those areas.

## Little Change in Studies

With little time to get organized before the opening today, Palestinian educators acknowledged that there would be little difference in the content of studies between this school year and the last.

West Bank schools will continue to

follow the curriculum used in Jordan, which ruled the area before it was captured by Israel in the 1967 Arab-Israeli war. In the Gaza Strip, where schools open on Saturday, they will follow the curriculum used in Egypt, which controlled the Gaza Strip before 1967. Jordanian and Egyptian textbooks, censored by the Israeli military government and bearing its stamp, will still be used.

Naim Abu Hommos, director general of the Palestinian Authority's education department, said that during the school year, experts would start developing a unified Palestinian curriculum for the West Bank and Gaza. It will be free of Israeli censorship, though according to the Israeli-Palestinian accord, it must promote peaceful relations with Israel.

Khalil Mahshi, a senior education official, said a future curriculum would most likely include changes in the presentation of Palestinian history and geography, which receive only indirect attention in Jordanian and Egyptian textbooks. Teaching of Palestinian politics and history has also been restricted by the Israeli military authorities.

"We will need changes in areas we were denied teaching in the past, though we will have to be creative, taking into account that we are entering an era of peace and a different relationship between us and Israel," Mr. Mahshi said.

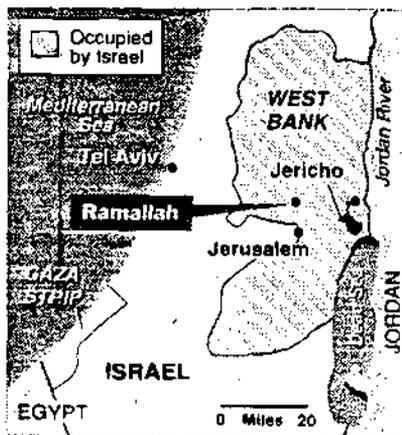
## Overcrowding and Shortages

To Mr. Abu Hommos, the main priority now is to obtain financing for his fledgling department from countries that have pledged assistance to the Palestinian Authority. Many schools suffer from overcrowding and a shortage of teachers and equipment, and teachers complain that they are underpaid.

"Schools lack libraries, laboratories and furniture; teachers lack training; the Palestinian Authority is just starting to build a budget, and we need the help of donor states," Mr. Abu Hommos said.

About 270,000 pupils study in the public schools in the West Bank, and the education department has 11,000 employees, of whom 9,400 are teachers. According to the Palestinian-Israeli accord, the education department will need \$26.2 million in its first six months of operation.

The difficulties it faces were evident today at the Mughtaribin Elementary School in Ramallah, where the principal, Rasmi Mubarak, fended off parents who pleaded with him to register their children in his school. A classroom near his office was packed with well over 40 pupils, some of whom stood while others sat three to a desk.



Ramallah's schools, like those throughout the West Bank, are greatly overcrowded.

until the Secretary determines, in consultation with such agency or consortium andatives of the affected private school teachers, or other educational personnel will no longer be any failure or in the part of such agency or consortium the applicable requirements of section or any other provision of this Act.

**MENT FROM STATE ALLOTMENT.**—Secretary arranges for services pursuant to section, the Secretary shall, after in with the appropriate public and school officials, pay the cost of such including the administrative costs of for those services, from the appropriation or allocations under this Act.

**OR DETERMINATION.**—Any by-pass den by the Secretary under this Act as the day preceding the date of enactment Improving America's Schools Act of remain in effect to the extent the Secretary determines that such determination is with the purpose of this section.

**PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.**

contained in this Act shall be construed to authorize the making of any payment Act for religious worship or instruction.

**APPLICABILITY TO HOME SCHOOLS.**

In this Act shall be construed to apply to schools.

**GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.**

In this Act shall be construed to encourage, or authorize any Federal or any aspect of any private, religious, school, whether or not a home school is a private school or home school under This section shall not be construed to religious, or home schools from participation programs or services under this Act.

**SCHOOL PRAYER.**

State or local educational agency that by a Federal court of competent jurisdiction have willfully violated a Federal law mandating that such local educational agency remedy a violation of the prohibition of any student with respect to public schools, in addition to any other remedies, shall be ineligible to receive funds under this Act until such local educational agency complies with the law. Funds that are withheld under this Act shall not be reimbursed for the period in which the local educational agency is in noncompliance.

**GENERAL PROHIBITIONS.**

**PROHIBITION.**—None of the funds authorized by this Act shall be used—  
(1) to develop or distribute materials, or operate or courses of instruction directed at are designed to promote or encourage any activity, whether homosexual or heterosexual;

(2) to contribute or to aid in the distribution or circulation of legally obscene materials on school grounds;

(3) to provide sex education or HIV prevention in schools unless such instruction is appropriate and includes the health benefits of abstinence; or  
(4) to create a program of condom distribution.

**CONTROL.**—Nothing in this section shall be construed to—  
(1) authorize an officer or employee of the Government to mandate, direct, review, State, local educational agency, or curricular content, curriculum, and standards;

(2) the application of the General Education Act; or  
(3) the distribution of scientifically or medically true or accurate materials or to

prohibit the distribution of scientifically or medically true or accurate materials; or

(4) create any legally enforceable right.

**SEC. 14612. PROHIBITION ON FEDERAL Mandates, Direction, and Control.**

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

**SEC. 14613. REPORT.**

The Secretary shall report to the Congress not later than 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees, of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

**SEC. 14614. REQUIRED PARTICIPATION PROHIBITED.**

Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Educate America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

**PART F—GUN POSSESSION**

**SEC. 14601. GUN-FREE REQUIREMENTS.**

(a) **SHORT TITLE.**—This section may be cited as the 'Gun-Free Schools Act of 1994'.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

(2) **CONSTRUCTION.**—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) **SPECIAL RULE.**—(A) Any State that has a law in effect prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than one year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending one year after such date.

(4) **DEFINITION.**—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.

(c) **SPECIAL RULE.**—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) **REPORT TO STATE.**—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of weapons concerned.

(e) **REPORTING.**—Each State shall report the information described in subsection (c) to the Secretary on an annual basis.

(f) **REPORT TO CONGRESS.**—Two years after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall report to Congress if any State is not in compliance with the requirements of this title.

**SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.**

(a) **IN GENERAL.**—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(b) **DEFINITIONS.**—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

**SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.**

The Secretary shall—

(1) widely disseminate the policy of the Department in effect on the date of enactment of the Improving America's Schools Act of 1994 with respect to disciplining children with disabilities;

(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1) of the Individuals with Disabilities Education Act) engaging in life threatening behavior or bringing weapons to schools; and

(3) submit a report to Congress not later than January 31, 1995, analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

**PART G—EVALUATIONS**

**SEC. 14701. EVALUATIONS.**

(a) **EVALUATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

(A) to carry out comprehensive evaluations of categorical programs and demonstration projects, and studies of program effectiveness, under this Act, and the administrative impact of such programs on schools and local educational agencies in accordance with subsection (b);

(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs under this Act and related Federal preschool, elementary and secondary programs under other Federal law; and

(C) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

(2) **SPECIAL RULE.**—(A) Paragraph (1) shall not apply to any program under title I.

(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall reserve no additional funds pursuant to the authority in subsection (a)(1) to evaluate such program, but shall coordinate the evaluation of such program with the national evaluation described in subsection (b).

(b) **NATIONAL EVALUATIONS.**—

(1) **IN GENERAL.**—The Secretary shall use the funds made available under subsection (a) to carry out—

(A) independent studies of categorical and demonstration programs under this Act and the administrative impact of such programs on

DIANNE FEINSTEIN  
CALIFORNIA

# United States Senate

WASHINGTON, DC 20510-0504

## FAX COVERSHEET

Senator Dianne Feinstein  
331 Senate Hart Building  
Washington D C. 20510  
(202) 224-3841

DATE: OCTOBER 21 TIME: \_\_\_\_\_

TO: BRUCE REED , DOMESTIC POLICY

FAX: 456-7481 PHONE: \_\_\_\_\_

FROM: ALEXANDER RUSSO (224-9657)

COMMENTS:

HERE ARE  
BACKGROUND MATERIALS  
FOR THE "GUN-FREE SCHOOLS"  
EVENT. HOPE THEY'RE  
USEFUL. THANKS FOR YOUR HELP.

TOTAL NUMBER OF PAGES (INCLUDING COVERSHEET): \_\_\_\_\_

DRAFT

## REMARKS FOR OCTOBER 23 GUN FREE SCHOOLS EVENT

### Violence In Schools

Across this nation, the culture of violence has invaded one of the last "safe havens" for children and learning -- our schools.

Every day, 135,000 guns are brought into schools, and since 1993, guns at schools have resulted in at least 35 deaths and 92 injuries nationwide, according to the National School Safety Center and the National Education Association.

An estimated 160,000 students a day don't go to class because they fear violence, one out of every five students regularly carries a weapon (including guns, knives, and clubs) to school, and school violence has become the number one concern of parents according to a recent Gallup poll.

### School Violence In California

Sadly, there is good reason to fear school violence, when someone in class could have a gun or an accidental bump in the lunch line could be fatal.

Last year in California, for example, two students were killed in a single California school district in the same month. One student was killed during English class, and the other -- Michael Ensley -- was shot during a nutrition break at Reseda High School near Los Angeles, which I visited earlier this week.

While there is no statewide school violence report until next year, a survey of 11 Bay Area school districts by the San Jose Mercury News this summer found a "startling increase" of weapons on many school campuses between 1989 and 1994.

Throughout the state, school districts throughout California have experienced multiple incidents of gun possession or gun violence, including Sacramento, Oakland, San Jose, Los Angeles, San Diego, Orange County, and many others.

This is not just a problem for high schools. In fact, there was a 103 percent increase in weapons seized in Oakland elementary schools last year, and 5 guns seized at a single junior high school.

### Violence Near Carlmont High School

Nor is this just a problem for urban schools, as Carlmont High School knows.

Earlier this year, a 15 year-old Carlmont High School student named Edward Sims was

killed by another student who had threatened Sims with the gun at school in the days before the February 14th shooting. At about noon that day, as Sims was riding his bike, his assailant approached and shot him once in the chest.

### **Enactment of the Gun-Free Schools Act**

School safety is the most important education reform that we can provide to our young people.

That is why I am proud that just two days ago a bill I co-authored called the "Gun-Free Schools Act" was signed into law as part of a comprehensive reauthorization of federal education programs (known as the Elementary and Secondary Education Act).

The Gun-Free Schools Act requires that states and school districts adopt a mandatory one-year expulsion policy for students who bring guns to school. Local discretion is built in, states will be given time to conform with this requirement, and alternative education is allowed.

Because this issue is so important, the President is here today to sign a directive urging the Secretary of Education to implement the Gun-Free Schools Act immediately.

### **Building on California Law**

This law, which is based on the success of mandatory expulsion policies already implemented or under review in several California school districts, will further strengthen California's existing expulsion law by requiring that students be expelled for one year.

The President's memo makes clear that state and local education agencies must implement a zero tolerance policy as a condition of receiving federal education funds. Those who refuse to adopt this policy could lose their share of over \$10 billion in federal education funds, including \$729 million in Chapter 1 funds for California.

### **Effectiveness of Zero Tolerance**

Mandatory expulsion -- also known as "zero tolerance" -- is an effective deterrent for students and their families, and has been credited with lowering gun possession and gun-related violence in the school districts where it has been implemented.

In Los Angeles, for example, gun possession decreased 27 percent and gun-related school violence decreased 34 percent in 1993-94, when the zero tolerance measure was implemented.

### **Federal Resources for School Safety**

In addition to the Gun-Free Schools Act, there are several other federal school safety program that will direct additional resources to help make California schools safe:

#### Safe and Drug-Free Schools

Under the Safe and Drug-Free Schools Act, which was also reauthorized on Thursday, California schools will receive \$54 million for drug prevention and school safety programs during the upcoming year.

The Safe and Drug Free Schools Act will enable schools to develop effective safety programs and purchase additional security hardware (e.g., metal detectors, security fencing).

This is a \$12 million increase over last year, when California schools received \$42 million (for drug prevention only).

#### School Safety as a National Goal

School safety is also one of the national education goals created under another education bill called "Goals 2000," which will provide \$47 million to California over two years (1993-95).

Within the Goals 2000 bill, there is also a \$20 million "Safe Schools" provision that will provide some California districts with grants that will be released by the end of the year. (So far, 38 California school districts have applied for these competitive grants, including nearby San Francisco, Oakland, and Alameda).

#### Violence Prevention in the Crime Bill

And in the Crime Bill, there is \$37 million in "safe haven" and youth violence prevention funding to help communities develop programs to keep children safe before and after school, as well as enhanced Federal penalties for drive by shootings and other crimes related to school violence.

#### Conclusion

I believe that school safety measures can only work if there are real consequences to bringing a gun to school and real resources directed at making schools safe. We must not let guns and the culture of violence invade our schools.

I believe that it's time to stop making excuses and say that no guns will be tolerated on school grounds in California or any other state.

Safe schools must be our number-one education priority. Children are dying at school, and while we may have become numb to violence in homes and communities, safety at school must be our bottom line.

San Francisco Chronicle

10/18/94

Page 1 of 1

# Feinstein Visits School, Decries 'Cult of Violence'

By John Wildermuth  
Chronicle Staff Writer

Reseda, Los Angeles County

Senator Dianne Feinstein spent yesterday morning talking about school violence to kids who already know too much about it.

It was last year that 17-year-old Michael Enslay staggered out the front gate of Reseda High School, fatally shot by a 15-year-old classmate during a snack break. Since then, Reseda High has led a campaign to stop campus violence in Los Angeles-area high schools.

"There is a cult of violence in school, and there is a fear of strife among students," Feinstein said. "How can you learn if you're afraid all the time?"

Feinstein spent about 20 minutes talking with eight students in the San Fernando Valley school's WARN (Weapons Are Removed Now) group, which travels to nearby elementary and middle schools to tell youngsters about ways to avoid violence.

"We try to reach kids in the lower grades," said Debbie Carlos, a Reseda senior. "We start trying to change their way of thinking."

Feinstein was at the school to talk about her Gun-Free Schools Act, which was adopted by the Senate in July. The bill requires all school districts that receive federal funds to expel for at least a year any student caught carrying a gun, or lose their federal money.

Disputes that years ago ended in harsh words or a bloody nose now bring gunfire, Feinstein said.

"We're finding that, next to accidents, the second largest cause of death of young people is homicide, and it's got to end," she said.

Legislation like the school guns bill, combined with the determination shown by the Reseda High students and the school district, can "change the culture, can turn back and say no to violence and put a major priority on learning in a safe environment," Feinstein said.

The senator also took a swipe at her Republican opponent, Michael Huffington, who has complained that Feinstein is too interested in passing new laws that will cost taxpayers money and make government bigger.

"I don't believe that saying that I'm going to do nothing is really what California needs," Feinstein said, misquoting Huffington. "What California needs is better schools... laws that will reduce il-

legal immigration... efforts to change our ways from ways of violence. I'm unabashed. I will help."

Huffington has never said he would "do nothing" as a senator, said Jennifer Grossman, a campaign spokeswoman, although he has promised not to introduce many new bills.

"This Congress has introduced 6,000 legislative measures," she said. "Despite that, you won't find many voters who feel safer or more optimistic about their economic future."

Later in the day, Feinstein toured the Villa Parke Community Center in Pasadena and heard local officials describe how intense community policing efforts are allowing residents of the once crime-ridden neighborhood to go out again at night.

Officers wearing "soft" police uniforms of blue T-shirts and jeans patrol the mile-square area 24 hours a day, said police Commander Gary Bennett. They even give out their pager numbers to residents so they can be reached at any time.

Programs like those are going to be the key for any federal funds California police departments will receive from the new multibillion-dollar crime bill, Feinstein said.

"I'm trying to encourage California jurisdictions to come up with practical, prudent programs that work, not pie-in-the-sky stuff," Feinstein said.

# Los Angeles Times

## When Students Bring Firearms to School

Wednesday  
August 10  
1994

*Why zero tolerance, intelligently applied, is necessary*

Renee Benson would like her teen-age daughter to have a second chance. The 13-year-old student admits she brought a BB gun that looked like a revolver to Lawrence Middle School in Woodland Hills. A "stupid mistake," says her mother, "but sometimes children of 13 make stupid mistakes." Benson's daughter has since been expelled from the Los Angeles Unified School District; her mother is asking the district to reconsider its action.

Vickie Yates' 14-year-old son admits he knew there was a 9-millimeter handgun in his locker at Wright Middle School in Westchester, but contends that the gun belongs to his best friend. The district is still considering whether to expel him. Yates' mother wants her son to remain in school and is challenging the district's zero-tolerance policy for guns as unnecessarily harsh.

The mothers of Michael Ensley and Demetrius Rice would probably like their sons to have a second chance as well. At life. But because of guns on school campuses, neither will get one. Ensley, 17, was shot dead by a classmate during

a snack break at Reseda High School in February, 1993. Rice, a 16-year-old student at Fairfax High, was slain a month earlier when a classmate accidentally fired a .357 magnum during an English class.

Ensley and Rice are just two reasons why the LAUSD must hold firm to the policy it adopted 15 months ago of zero tolerance for guns. Now, students found in possession of firearms are in most cases expelled. They are out for the remainder of the semester and the following semester. Then they can reapply. Previously such students were reassigned to other district schools.

Yes, the district policy is harsh. But it has to be because schools have become deadly places. During the

has been in effect, Los Angeles school officials recovered 127 guns on school grounds and expelled or transferred 166 students for bringing guns to school. Horrific as these figures are, they represent an improvement over 1992-93 when 168 guns were recovered and 256 students were expelled or transferred for gun possession.

Other state school districts, including some in Orange County, have adopted a similar zero-tolerance policy for weapons on campus. In one, Fountain Valley, 15 students were expelled in the most recent school year, although in one case an elementary student who brought a Swiss army knife to school was allowed to transfer to another school in the district.

The state law governing expulsions is less severe than district policies in Los Angeles and Orange counties. As in many other states, California law allows districts either to expel or transfer students. But the mandatory expulsion policies in effect locally, rather than the more lenient state law, should become the norm in California and elsewhere.

Sen. Dianne Feinstein (D-Calif.) has sponsored legislation that would deny federal assistance to schools that do not require expulsion of students found with firearms on campus. Her bill now allows some flexibility on expulsion on a case-by-case basis. This provision is currently part of the larger Elementary and Secondary Education Act, which awaits Senate action.

Both Feinstein's bill and the L.A. district's zero-tolerance policies allow school officials enough latitude to protect innocent students. For example, students who discover that classmates have, as a prank, planted a gun in their backpack or locker will not warrant expulsion. But when due process has been served, the needs of students to be safe in school must



Safety first.

80

# Weapons-Related Expulsions Drop From Peak Last Year

■ **Schools:** Decline in L.A. district raises hope that campus violence may be falling.

By **BETH SHUSTER**  
TIMES STAFF WRITER

The number of Los Angeles students expelled for bringing guns and knives to school dropped last year, reversing a seven-year trend that had peaked at a record 600 recommended expulsions during the 1992-93 school year.

But while the number of high-school and middle-school expulsions fell from the previous school year, the number of expulsions for all offenses among elementary school students stayed the same in 1993-94, according to a review of expulsions in the Los Angeles Unified School District obtained Thursday by The Times.

The fall in the number of weapons-related expulsions has raised hopes that campus violence—and students' fear of it—may be declining, district officials said.

The review shows that the total number of students recommended for expulsion for offenses including vandalism and assault dropped to 800 from 936 the year before—a 15% reduction.

Until this past year, the numbers were climbing, increasing by a third in the previous half a dozen years, from 697 in 1986-87 to 936 in 1992-93. Weapon possessions continue to be the most common reason for expulsion.

Among the report's main findings:

- Of the 800 expulsion referrals by school principals throughout the system last year, 466 students were expelled or sent to alternative campuses for bringing guns, knives or other weapons to school, compared to 600 out of 936

in 1992-93.

- Expulsion referrals for elementary school students jumped from eight in 1986-87 to 54 in 1993-94. Most of those were students who carried knives or guns to school.

- More middle-school students—94—were expelled last year for bringing guns to school than were high school students, who accounted for 75 expulsions.

- The number of students who were kicked completely out of the school district—the so-called straight expulsions—increased significantly over the eight-year period, from 17 in 1986-87 to 243 in 1992-93, in large part because of stricter policy. That number fell to 166 in 1993-94.

- But most students whose principals recommended expulsion were transferred to alternative campuses within the district—a trend that has remained fairly constant during the eight

## School Discipline

The number of expelled Los Angeles Unified School District students decreased this past school year, although the total remains significantly higher than seven years ago. Although many of the students were expelled because of weapons, other factors—such as drug use and vandalism—also contributed. And not all of the students expelled from their campuses are kicked out of school. Some are sent to continuation schools or they leave the campus before the matter is concluded.

YEAR	TOTAL EXPELLED	EXPELLED FOR		
		GUNS	OTHER WEAPONS	DRUGS
1986-87	697	92	238	236
1987-88	768	86	252	240
1988-89	759	121	315	207
1989-90	890	153	353	211
1990-91	889	137	377	181
1991-92	855	117	391	158
1992-93	936	256	344	190
1993-94*	800	191	275	237

\* As of June, 1994.  
Source: Los Angeles Unified School District

years. Commenting on the numbers of younger students carrying weapons to school, board President Mark Slavkin said, "I think this is part of a larger trend in society

where you see younger and younger kids being arrested for brutal and heinous acts. It seems anecdotal that kids are being caught committing more serious offenses. Please see **EXPEL**, B

LA 7  
11/9/94

2/2

cs. And the escalating numbers of children who bring weapons and violence to school mirrors the troubles in their own communities, district officials said.

"It's a reflection of what's going on in society," said Hector Madrigal, the district's director of student discipline proceedings, who wrote the report. "Kids are acting up more seriously and administrators in turn are feeling the need to take stronger action."

While the Board of Education strengthened its expulsion policy three times in as many years, the report shows that the majority of students whose principals recommend expulsion are transferred to a different campus rather than being expelled outright from the district.

The district's expulsion policy requires students—regardless of age—to be expelled for bringing firearms to school, even replica or toy guns. Students caught with knives or drugs typically are assigned to alternative campuses.

The report shows that 53 students were expelled from the district in 1986-87, when 92 students were caught with guns. But 166 students were expelled outright in 1993-94 when 191 students had guns on campus.

Not all students are expelled because some cases were dropped for a variety of reasons, including an expired time limit for expulsion. Other students either dropped out or went into custody for committing crimes.

When it comes to knives, student violations are reviewed on a case-by-case basis. The report shows that 229 students were caught with knives in 1993-94,

compared to 139 students in 1986-87.

Principals initially make the expulsion recommendations and a hearing is held with a district panel. Students are recommended for expulsion for bringing weapons or drugs to campus, for vandalism or for assaulting or threatening to assault either students or school staff members.

Ultimately, the school board reviews each expulsion referral and makes the final decision.

Board member Jeff Horton, who requested the expulsion data and who opposes expelling students under 16, said he believes the alternative programs often are the best places for these students, many of whom do not have previous discipline problems.

"We just put a kid out on the street with nothing to do . . . it's just asking them to hang out with gang members or with kids who have dropped out," Horton said. "It's bad for the neighborhoods and it's bad for the kids. I think we need to take more steps to reduce the problem."

Board member Barbara Boudreaux said she believes the policy needs to be even tougher so that students caught with knives are expelled outright. "Knives, guns, firecrackers, any kind of weapons should have expulsion attached to it," Boudreaux said. "Guns are not the only weapons that can kill."

District officials said alternative campuses provide smaller classes and more individual attention. "We're not always talking about kids with hard-core criminal records—many of them are decent kids who are making errors in judgment," Madrigal said. "Basically we're giving them another chance to demonstrate they can be rehabilitated."

October 21, 1994

ZERO TOLERANCE FOR GUNS IN SCHOOL DIRECTIVE SIGNING

DATE: October 22, 1994  
LOCATION: Carlmont High School  
Belmont, California  
TIME: 12:00 p.m.  
FROM: Jonathan Prince, Bruce Reed

**I. PURPOSE**

To underscore your commitment to combatting youth violence by directing the Secretary of Education to require strict enforcement of the Zero Tolerance provisions in the Elementary and Secondary Education Act. Additionally, to continue to press the values and responsibility themes you articulated in New Mexico.

**II. BACKGROUND**

**THE MESSAGE**

Violence against, and by, youth is a dangerously escalating national problem -- and you are determined to take tough measures to fight it. Guns simply do not belong in school - - and neither do young people who bring them. Our first priority has got to be the protection of kids who are there to learn.

**ZERO TOLERANCE**

**Mandatory expulsion.** Originally a Senate amendment to the Elementary and Secondary Education Act, sponsored by Senators Feinstein and Dorgan, the provision required states to pass laws expelling from school, for at least a year, students who carry guns to school.

**Withholding of funds.** Feinstein-Dorgan explicitly directed that funds be withheld from states that failed to enact zero tolerance laws within one year of passage of ESEA. *During the conference, the explicit requirement that funds be withheld was deleted.*

**Today's directive.** The enacted language reads "Each State receiving federal funds under this act shall have [such] a State law." The General Counsel at the Department of Education believes that this language implicitly requires termination of funding for non-complying states. Today's directive orders the Secretary of Education to make that implication explicit and restores the direct link between compliance and funding.

**GUNS AND SCHOOLS IN CALIFORNIA**

**Town meeting anecdote.** You met a young man at a town meeting in California in 1993 whose brother was shot during registration after the two of them had transferred in the hope of finding a safer school. You should tell this story.

**Zero tolerance is already working in several schools.** Zero tolerance has been on the books in California since 1992, and was strengthened again in this year's legislature. Since Los Angeles adopted the policy last year, the school district has seen a 27% reduction in gun possession and a 34% reduction in gun-related violence, and there was not one gun murder on campus in Los Angeles last year. (Two students had been killed in the same month the year before, which prompted L.A. to adopt the policy.)

### **CARLMONT HIGH SCHOOL**

Carlmont High School is an ethnically diverse school in San Mateo County. It serves the surrounding communities of Belmont and San Carlos as well as students from East Palo Alto, about 12 miles away, bused to Carlmont daily pursuant to 1974 court order.

The school district, and Carlmont High, adhere to a strict application of California's zero tolerance policies. The Principal, who will introduce you, will testify to the effectiveness of zero tolerance as a means to reduce school violence.

### **III. PARTICIPANTS**

The President  
Senator Dianne Feinstein  
Representative Anna Eshoo  
Carlmont High School Principal Michael Johnson  
Deputy Secretary of Education Madeleine Kunin; on stage, not speaking

### **AUDIENCE**

The audience will be composed almost entirely of Carlmont High School students and their parents. A small number of seats have been reserved for political reporters.

### **IV. PRESS**

Open Press.

### **V. SEQUENCE OF EVENTS**

- ◆ You will be announced, accompanied by Sen. Feinstein, Rep. Eshoo and Principal Johnson.
- ◆ Rep. Eshoo will make brief remarks and introduce Sen. Feinstein.
- ◆ Sen. Feinstein will make brief remarks and introduce Principal Michael Johnson.
- ◆ The Principal will make brief remarks and introduce you
- ◆ You will make remarks.
- ◆ You will take a seat at the signing table and sign the directive. (We are not handing out pens, so you can simply sign it with one pen and leave it on the table.)
- ◆ You can work the ropeline and then depart.

**VI. Remarks provided by Jonathan Prince and Bruce Reed.**

September 19, 1994

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Rahm Emanuel  
Bruce Reed  
Ron Klain

SUBJECT: Feinstein-Dorgan Zero Tolerance Amendment

House and Senate conferees meet Tuesday to complete work on the Elementary and Secondary Education Act. The conference report is likely to include the Feinstein-Dorgan "zero tolerance" amendment, which would deny federal education funds to any school district that fails to impose a policy of mandatory one-year expulsion for young people who bring guns to school. We believe that the Administration should endorse this idea before the conference wraps up.

I. BACKGROUND

Public concern over guns in schools has soared in the past year, for good reason: An estimated 135,000 young people now carry guns to school every day, and 4,000 young people are shot to death every year. A recent Peter Hart poll conducted by the AFT found that 75% of adults surveyed support expulsion for any student who brings a gun to school.

In response, school districts around the country have hired security guards, installed metal detectors, begun conducting routine locker searches, and in some places, eliminated school lockers and banned book bags. San Diego began a zero tolerance gun policy last year, and claims that the combination of eliminating lockers, expelling violators, and involving police in the schools has reduced crime and violence by 35%.

II. LEGISLATIVE HISTORY

Senators Feinstein and Dorgan attached their zero-tolerance amendment, known as the "Gun-Free Schools Act", to the ESEA reauthorization in the Labor Committee markup. George Miller and Dick Durbin sponsored a similar amendment on the House side.

House and Senate sources agree that the ESEA conference will report out some form of zero tolerance -- either the original Feinstein-Dorgan Senate amendment, which would

require mandatory one-year expulsion policies in every state, or somewhat looser House language, which would merely require states to have some kind of expulsion policy in place. Secretary Riley and the Education Department support the Feinstein-Dorgan version.

The Feinstein-Dorgan amendment allows local school authorities to make exceptions under unusual circumstances. It leaves the question of what to do with offenders to local authorities. Most schools are required by state law to provide alternative schooling for suspended students. The Crime Bill includes some limited funding for boot camps and certainty of punishment programs for young offenders.

### III. PROS AND CONS OF ADMINISTRATION ENDORSEMENT

Zero tolerance has broad bipartisan support from parents, teachers, and police groups, and no organized opposition. Supporters make a simple argument: schools need to send young people the clearest possible signal that guns don't belong there, and anyone who brings a gun to school isn't coming there to learn.

Some opposition may come from editorial writers and civil libertarians who think kids who get thrown out of school for carrying guns will turn to gangs because they have no place else to go. A recent USA Today editorial expressed this view.

We believe a strong endorsement of zero-tolerance by the Administration would underscore the President's efforts to fight crime where it frightens Americans most -- in their children's schools. It would also call attention to the President's other accomplishments on this front, such as the youth handgun ban, which makes it a federal crime (punishable by up to one year) for minors to carry handguns; the Safe Schools program, under which the Education Department will award \$20 million to schools in dangerous neighborhoods for metal detectors and other security measures; and Goal Seven of the Goals 2000 legislation, which called for safe, disciplined, and drug-free schools.

### IV. HOW TO ANNOUNCE OUR SUPPORT

The quickest way to put the Administration on record in favor of zero tolerance would be to leak the information to one newspaper -- such as The Los Angeles Times (which might help Feinstein) or USA Today (which tends to give gun stories top billing). If we wanted to attract more attention, we could schedule an event for the President or the Vice President here in Washington at Eastern High School, a school plagued by gun violence that Secretary Riley visited last winter. Down the road, the President could return to this issue by signing the bill at a troubled school, delivering a radio address on youth violence at a school, and using one of his campaign appearances to visit a school where there has been a recent shooting.

6-7431

DORRAN statement

3/15/94

p. 5293

now going to conference. I offered, an amendment to that legislation called "Guns-Free Schools." The purpose of my amendment--which is an amendment offered also on the House side by Congressman Miller from California and Congressman Durbin from Illinois--is to say that we ought to, by policy, decide that every school district in this country should have a policy, and the policy should be: You shall not bring a gun to school.

It sounds pretty simple. The fact is that too many guns are being brought to school. One would think that the streets are unsafe. If you read the paper and watch the news, you understand that in some parts of our major cities, streets are unsafe. But you would not expect to send your kids to school and have a kid shot on school property during the school day. We ought to make sure that everybody in this country understands--students and school administrators--that you do not bring a gun to school. If you do, you are going to be expelled for a year, period.

I offered, with Senator Feinstein from California and several others, this amendment, which was adopted by the Senate and is now part of Goals 2000. It does have a caveat that while we want a national policy that says if you bring a gun to school, you are expelled for a year; we will allow local school authorities to apply an exception where an exception might be warranted under unusual circumstances. As someone raised on the floor, there was a concern about someone having somebody else slip a gun into their backpack, or a hunting rifle being brought to school. We want the school authority to be able to make an exception. But by and large, we want a policy in States across the country that school districts must have in policy a proviso that, if you bring a gun to school, you are going to be expelled for a year.

The reason I took the floor to mention this today is because that was attached to Goals 2000, which is now going to be in conference. I would like the conferees to leave that in the bill as it comes back to the Senate. If you need any more evidence, pick up last week's paper and look at the school closest to this Capitol, Eastern High School, and see that in the middle of the day, in the middle of the school, a kid pulls a gun and shoots another kid. We have a problem, and we ought to address it.

Every child who goes to school in this country ought to understand that you do not, under any circumstances, bring a gun to school. Period.

I walked into that school, Eastern High School, which is a good school and has been a model with a great principal. Do you know what you do when you go through the school? You walk through a metal detector, in fact a couple of metal detectors. Then you see security guards. This school was prepared.

In my hometown of 300 people, with a high school class of nine when I

# Schools Getting Tough on Guns in the Classroom

By WILLIAM CELIS 3d

When students in Corpus Christi, Tex., report for school this fall, they will be greeted by dogs trained to sniff out guns. In San Diego, students are reporting to new schools built without lockers, eliminating what school officials say is the most common hiding place for guns. And in Charlotte, N.C., students in some schools will not be able to carry book bags from class to class because they can conceal firearms.

Driven by an increasing number of shootings in classrooms, hallways and on and near campuses, school systems across the country this summer enacted tough and often hotly debated anti-gun regulations to eliminate weapons from most public high schools and some junior high schools.

Under most of these provisions, a student caught with a firearm will automatically be suspended for up to a year, even if the student is not ultimately convicted of a criminal offense.

Once the province of large urban districts — the New York City Board of Education's anti-gun policy, enacted in 1983, is one of the oldest in the nation — these restrictions are now catching on in smaller cities, suburbs and rural areas where problems with guns have developed in recent years.

Enforced by a variety of means, like dogs, metal detectors and surprise locker searches, the new policies have been prodded by the Clinton Administration's Goals 2000: Educate America Act.

Approved in March by Congress, the legislation requires school districts to address the issue of guns in schools by enacting local regulations. Failure to do so may result in the districts' losing money for Federal education programs like Chapter One, the anti-poverty program intended to bring poor students up to their grade levels in reading and math.

"The Federal law was a good way for Congress to get involved," said Michael Casserly, executive director of the Council of Great City Schools, an association of the 50 largest school districts. "But its practical effects have yet to be seen."

Officials of the United States Department of Education acknowledge that the legislation was meant to encourage school districts, even those with no weapons incidents, to take strong measures.

"It is our intent to take an aggressive posture to remove guns from schools," said Bill Modzeleski, director of the Education Department's Drug Planning and Outreach staff, which oversees the department's safe and drug-free schools programs. "We need to make our schools safe, disciplined and drug free."

One of the six goals in the Goals 2000 legislation, the section of the law applying to guns, says: "Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning." The legislation does not direct school districts to adopt a specific policy, but the actions of hundreds of school districts this year appear to be a response, out of fear that failure to do so may ultimately cost them Federal money.

The law is thus having the effect of setting a national standard for gun control for a segment of the population, school-age children on school property. Mr. Modzeleski said that

even districts without any violent incidents might need to enact some kind of restriction on guns, if only to have it on the books. The Education Department has not yet established criteria that schools must meet to comply with the Goals 2000's gun provision.

The tough measures come on top of growing preventive efforts to control violence through mediation and conflict resolution programs.

In some urban school districts that have suspended students for gun possession, there is evidence that the threat of suspension works. In Washington, D.C., for instance, suspensions have declined over five years to 27 during the 1993-94 school year from 52 during 1988-89, the first year of the policy.

No one knows exactly how many school districts have adopted these policies, which mostly focus on students in middle and high schools; a handful affect elementary school students.

These anti-gun policies face hurdles, not the least of which are the guns themselves and the students' efficiency in hiding them. About 135,000 guns are brought to the nation's 85,000 public schools every day, according to an estimate by the National School Boards Association. Metal detectors, security forces and locker inspections have only made a dent in that number, school officials across the country say.

## Some Skepticism

There is little wonder, then, that school principals and superintendents share the skepticism they say is expressed by some parents and students over whether zero-tolerance policies will be effective.

Some parents and students also raise questions about the new, hard-nosed approach of some school officials. In Eugene, Ore., for example, the principal at Sheldon High School was criticized for tearing out all the student lockers as a precautionary measure.

"I got the hell beat out of me for doing it," said the principal, Jim

**No lockers, see-through book bags and aggressive administrators.**

Ford.

There are no firm figures on the number of shootings on campuses nationwide, but the seemingly daily diet of gunfire in classrooms, hallways, bathrooms and elsewhere on school grounds has made the policies increasingly popular among many parents, students and school officials, and their numbers are growing. At a minimum, school officials say, the adoption of zero-tolerance gun regulations carrying tough penalties for violations sends no-nonsense messages to students. Although definitive statistics are unavailable, the National School Safety Center, a nonprofit research group in Westlake Village, Calif., says anti-gun efforts have escalated in the last four years.

"Administrators are trying to get a sense of control in the playing field," said the group's legal service director, George E. Butterfield. "Administrators are trying to cut down on the number of places they have to worry about contraband."

And more students than not, he said, seem to support the measures.

"I want to feel safe in school," said Will Hendricks, a 13-year-old eighth grader in Kings Mountain, N.C., who was on the local school task force that in 1992 approved an anti-gun policy that calls for student suspensions. "You never know if someone has a gun in the locker beside you."

## Banning Book Bags

Two years ago, when pupils used book bags to bring two pistols into the only middle school in Kings Mountain, a rural town of 8,500 people in the foothills of the Smoky Mountains, administrators responded by banning book bags.

Now, using an approach employed by other school districts, officials use metal detectors once a week to examine at least 10 percent of the students at the middle school and high school. The policy covers all students from kindergarten through 12th grade, and those caught with firearms are suspended for the rest of the school year.

"We didn't think we were in a crisis situation, but we wanted to keep it from becoming a crisis," said Robert McRae Jr., the Superintendent of Schools. "Our community has let us know it expects us to deal seriously with even one incident of a firearm."

What to do with the suspended students has been a concern in Kings Mountain schools, as it is in other school systems. Alternative classes are being considered, but the district currently offers nothing to occupy students who are suspended under its policy, which was invoked seven times in the last school year.

Addressing the needs of suspended students and the desire to make schools safer has been a difficult juggling act for schools, most of which are required under state laws to offer alternative schooling for suspended students.

## Eliminating Lockers

That is the case in the San Diego Unified School District, where an aggressive zero-tolerance gun policy adopted in July 1993 has, according to officials, reduced violence in the schools. The district also eliminated lockers in existing schools in 1982, becoming one of the first districts in the nation to do so, and followed that with a policy that new buildings would be constructed and furnished without them. In some of the district's schools, students are given two sets of books — one for home and one for school.

The combined policies have reduced crime and violence by at least 35 percent since February 1993, said the director of School Police Services for the San Diego Unified School District, Alex Rascon, Jr. "Kids understand punishment," he said.

For all the sentiment to ban guns, however, the movement ran aground in Charlotte, where protests by parents and students forced officials to postpone for at least a year a system-wide ban on book bags in middle schools and high schools; it was to have taken effect on Aug. 22, the first day of the new school year. Students at South Mecklenburg High protested the policy by spray-painting several boulders with the words "Welcome Back to School ... Your Rights End Here."

## Pistol Shot in Class

Two middle schools already have a ban, and one middle school allows only mesh or clear bags, but efforts to introduce the policy systemwide did not begin until a pistol went off last May in a seventh-grade social studies class; a 13-year-old boy had used a book bag to smuggle the weapon into the classroom. No one was hurt.

District officials tried to ban such bags in all schools, but the proposal was quickly dropped because of the protests and because some high schools do not have enough lockers, so students carry their books in bags from class to class.

And some students are not sure a ban on bags would have made a difference. Owen Brice, a 13-year-old eighth-grader at Alexander Graham Middle School, one of the schools that does ban bags, said: "It's not the book bag's fault. You can cut the insides out of your book, or hide a gun in your coat pocket. There are a million other ways."



Children's Defense Fund

## One Day in the Life of American Children

9 children are murdered.

30 children are wounded by guns.

3 children die from child abuse.

27 children die from poverty.

2,350 children are in adult jails.

307 children are arrested for crimes of violence.

5,703 teenagers are victims of violent crime.

2,255 teenagers drop out of school.

2,868 babies are born into poverty.

### Did You Know...

- ◆ Twice as many American children under 10 were killed by firearms in 1991 as American soldiers were killed in the Persian Gulf and Somalia combined.
- ◆ An American child is 15 times as likely to be killed by gunfire as a child growing up in Northern Ireland.
- ◆ Homicide is now the third leading cause of death among children 5 to 14 years old.
- ◆ More young black males are killed by guns each year than from all the lynchings throughout American history.
- ◆ The average hospital cost for treating a child injured by a gun is \$14,434.

## COMMUNITY VIOLENCE

### THE CRISIS IN AMERICA

- A gun takes the life of at least one child every two hours -- the equivalent of a classroomful every two days.
- Homicide is now the third leading cause of death for elementary and middle school children (ages five to 14).
- Between 1979 and 1991, nearly 50,000 children were killed by firearms -- a total equivalent to the number of American battle casualties in the Vietnam War.
- Juveniles account for an appallingly high and rapidly growing number of homicide offenders as well as victims. The number of arrests for murder and non-negligent manslaughter for adults rose 11 percent between 1982 and 1991, while the number of juvenile arrests for these same crimes rose 93 percent. There was a 79 percent increase in the number of 10- to 17-year-olds who used firearms to commit murder between 1980 and 1990.
- A child growing up in America is 15 times as likely to be killed by gunfire as a child growing up in Northern Ireland.

The crisis of children being killed by guns and children killing children with guns is a reflection of the violence permeating our whole society.

- Guns have taken the lives of over 800,000 Americans between 1968 and 1991. An additional 520,000 Americans died violent deaths by other means during this period.
- The 1.3 million Americans who killed each other and themselves between 1968 and 1991 is about three times greater than the number of American battle deaths in all of the foreign wars in the twentieth century.

### WHY IS THIS HAPPENING?

Escalating violence against and by children and youths is no coincidence. It is the manifestation of a range of serious and too-long neglected problems: epidemic child and family poverty; increasing economic inequality; racial intolerance and hate crimes; pervasive drug and alcohol abuse; violence in our homes and popular culture; and growing numbers of out-of-wedlock and teen births. Add to these crises aggressive marketing of and easier access to deadlier and deadlier firearms; hordes of lonely and neglected children and youths left to fend for themselves by absentee parents in all race and income groups; gangs of inner-city and minority youths relegated to the cellar of American life without education, jobs, hope, or an economic and social stake in our society; and political leadership and priorities over the 1980s that paid more attention to foreign than domestic enemies and favored the rich at the expense of the poor, and you face the social and spiritual disintegration of American society that confronts us today.

State-by-State Child Firearm Deaths, 1991  
(Ages 1-19)

State	Total Gun Deaths	Gun Homicides	Gun Suicides	Accidental Gun Deaths
Alabama	103	62	24	13
Alaska	23	5	9	9
Arizona	106	48	40	11
Arkansas	60	27	13	19
California	903	687	145	61
Colorado	59	23	30	6
Connecticut	41	29	8	4
Delaware	3	1	1	1
District of Columbia	89	86	1	1
Florida	225	139	60	22
Georgia	154	96	42	14
Hawaii	5	1	3	1
Idaho	19	1	12	6
Illinois	301	233	53	13
Indiana	93	34	40	15
Iowa	35	8	18	9
Kansas	58	18	26	14
Kentucky	57	11	34	11
Louisiana	177	108	39	29
Maine	15	2	13	0
Maryland	96	77	12	5
Massachusetts	53	39	13	1
Michigan	249	171	57	16
Minnesota	44	9	27	7
Mississippi	78	35	21	19
Missouri	132	79	28	22
Montana	19	3	11	4
Nebraska	25	6	9	7

Nevada	38	17	17	4
New Hampshire	9	3	6	0
New Jersey	50	38	7	5
New Mexico	41	10	25	3
New York	371	321	37	8
North Carolina	138	78	40	18
North Dakota	10	1	7	2
Ohio	156	86	59	8
Oklahoma	64	31	22	9
Oregon	48	12	23	10
Pennsylvania	121	74	36	9
Rhode Island	10	6	3	1
South Carolina	77	38	29	9
South Dakota	13	2	6	5
Tennessee	102	51	26	21
Texas	551	331	148	64
Utah	24	4	19	0
Vermont	10	3	5	1
Virginia	107	54	37	13
Washington	58	18	32	7
West Virginia	28	6	16	5
Wisconsin	80	39	37	4
Wyoming	16	3	10	3
Total	5344	3264	1436	549

NOTE: Total gun deaths include firearm deaths where intent is unknown.

SOURCE: National Center for Health Statistics, Data from the Compressed Mortality File. For more information contact: Lois A. Fingerhut, 301-436-7032.

# APPENDIX V

## Directory of State Uniform Crime Reporting Programs

Alabama	Alabama Criminal Justice Information Center Suite 350 770 Washington Avenue Montgomery, Alabama 36130 (205) 242-4900 x 225
Alaska	Uniform Crime Reporting Section Department of Public Safety Information System 5700 East Tudor Road Anchorage, Alaska 99507 (907) 269-5659
American Samoa	Commissioner Department of Public Safety Post Office Box 1086 Pago American Samoa 96799 (684) 633-5221
Arizona	Uniform Crime Reporting Arizona Department of Public Safety Post Office Box 6638 Phoenix, Arizona 85005 (602) 223-2263
Arkansas	Arkansas Crime Information Center One Capitol Mall, 4D-200 Little Rock, Arkansas 72201 (501) 682-2222
California	Bureau of Criminal Statistics Department of Justice Post Office Box 903427 Sacramento, California 94203 (916) 227-3554
Colorado	Uniform Crime Reporting Colorado Bureau of Investigation 690 Kipling Street Denver, Colorado 80215 (303) 239-4300
Connecticut	Uniform Crime Reporting Program 294 Colony Street Meriden, Connecticut 06450 (203) 238-6653
Delaware	State Bureau of Identification Post Office Box 430 Dover, Delaware 19903 (302) 739-5875

**APPENDIX V—DIRECTORY OF STATE UNIFORM CRIME REPORTING PROGRAMS—Continued**

District of Columbia	Data Processing Division Metropolitan Police Department 300 Indiana Avenue, Northwest Washington, D.C. 20001 (202) 727-4301
Florida	Uniform Crime Reports Section Special Services Bureau Florida Department of Law Enforcement Post Office Box 1489 Tallahassee, Florida 32302 (904) 487-1179
Georgia	Georgia Crime Information Center Georgia Bureau of Investigation Post Office Box 370748 Decatur, Georgia 30037 (404) 244-2614
Guam	Guam Police Department Planning, Research and Development Pedro's Plaza 287 West O'Brien Drive Agana, Guam 96910 (671) 472-8911 x 418
Hawaii	Uniform Crime Reporting Program Crime Prevention Program Department of the Attorney General Suite 701 810 Richards Street Honolulu, Hawaii 96813 (808) 586-1416
Idaho	Criminal Identification Bureau Department of Law Enforcement 6064 Corporal Lane Boise, Idaho 83704 (208) 327-7130
Illinois	Bureau of Identification Illinois State Police 726 South College Street Springfield, Illinois 62704 (217) 782-8263
Iowa	Iowa Department of Public Safety Wallace State Office Building Des Moines, Iowa 50319 (515) 281-8422
Kansas	Kansas Bureau of Investigation 1620 Southwest Tyler Street Topeka, Kansas 66612 (913) 232-6000
Kentucky	Kentucky State Police Information Services Branch 1250 Louisville Road Frankfort, Kentucky 40601 (502) 227-8783

Maine	Uniform Crime Reporting Division Maine State Police Station #42 36 Hospital Street Augusta, Maine 04333 (207) 624-7004
Maryland	Central Records Division Maryland State Police Department 1711 Belmont Avenue Baltimore, Maryland 21244 (410) 298-3883
Massachusetts	Uniform Crime Reporting Crime Reporting Unit CIS Fifth Floor Massachusetts State Police 1010 Commonwealth Avenue Boston, Massachusetts 02215 (617) 566-4500
Michigan	Uniform Crime Reporting Section Michigan State Police 7150 Harris Drive Lansing, Michigan 48913 (517) 322-5542
Minnesota	Office of Information Systems Management Minnesota Department of Public Safety Room 314 Transportation Building 395 John Ireland Boulevard St. Paul, Minnesota 55155 (612) 296-7589
Montana	Montana Board of Crime Control 303 North Roberts Helena, Montana 59620 (406) 444-3604
Nebraska	Uniform Crime Reporting Section The Nebraska Commission on Law Enforcement and Criminal Justice Post Office Box 94946 Lincoln, Nebraska 68509 (402) 471-3982
New Hampshire	Uniform Crime Report Division of State Police 10 Hazen Drive Concord, New Hampshire 03305 (603) 271-2509
New Jersey	Uniform Crime Reporting Division of State Police Post Office Box 7068 West Trenton, New Jersey 08628 (609) 882-2000 x 2392

APPENDIX V—DIRECTORY OF STATE UNIFORM CRIME REPORTING PROGRAMS—Continued

New York	Statistical Services New York State Division of Criminal Justice Services 8th Floor, Mail Room Executive Park Tower Building Stuyvesant Plaza Albany, New York 12203 (518) 457-8381
North Carolina	State Bureau of Investigation Division of Criminal Information 407 North Blount Street Raleigh, North Carolina 27601 (919) 733-3171
North Dakota	Information Services Section Bureau of Criminal Investigation Attorney General's Office Post Office Box 1054 Bismarck, North Dakota 58502 (701) 221-5500
Oklahoma	Uniform Crime Reporting Section Oklahoma State Bureau of Investigation Suite 300 6600 North Harvey Oklahoma City, Oklahoma 73116 (405) 848-6724
Oregon	Law Enforcement Data Systems Division Oregon Executive Department 155 Cottage Street, Northeast Salem, Oregon 97310 (503) 378-3057
Pennsylvania	Bureau of Research and Development Pennsylvania State Police 1800 Elmerton Avenue Harrisburg, Pennsylvania 17110 (717) 783-5536
Puerto Rico	Superintendent Puerto Rico Police Roosevelt Avenue 101 Puerto Nuevo Hato Rey San Juan, Puerto Rico 00918 (809) 782-1540
Rhode Island	Rhode Island State Police Post Office Box 185 North Scituate, Rhode Island 02857 (401) 647-3311
South Carolina	South Carolina Law Enforcement Division Post Office Box 21398 Columbia, South Carolina 29221 (803) 896-7162
South Dakota	South Dakota Statistical Analysis Center c/o 500 East Capitol Avenue Pierre, South Dakota 57501 (605) 773-6310

APPENDIX V—DIRECTORY OF STATE UNIFORM CRIME REPORTING PROGRAMS—Continued

Texas	Uniform Crime Reporting Bureau Crime Records Division Texas Department of Public Safety Post Office Box 4143 Austin, Texas 78765 (512) 465-2091
Utah	Uniform Crime Reporting Utah Department of Public Safety 4501 South 2700 West Salt Lake City, Utah 84119 (801) 965-4445
Vermont	Vermont Department of Public Safety Post Office Box 189 Waterbury, Vermont 05676 (802) 244-8786
Virginia	Records Management Division Department of State Police Post Office Box 27472 Richmond, Virginia 23261 (804) 674-2023
Virgin Islands	Records Bureau Department of Public Safety Post Office Box 210 Charlotte Amalie Saint Thomas, Virgin Islands 00801 (809) 774-2211
Washington	Uniform Crime Reporting Program Washington Association of Sheriffs and Police Chiefs Post Office Box 826 Olympia, Washington 98507 (206) 586-3221
West Virginia	Uniform Crime Reporting Program 725 Jefferson Road South Charleston, West Virginia 25309 (304) 746-2159
Wisconsin	Office of Justice Assistance 2nd Floor 222 State Street Madison, Wisconsin 53703 (608) 266-3323
Wyoming	Uniform Crime Reporting Criminal Records Section Division of Criminal Investigation 316 West 22nd Street Cheyenne, Wyoming 82002 (307) 777-7625

## GUN-FREE SCHOOLS ACT

- o The Gun-Free Schools Act of 1994 amends the Elementary and Secondary Education Act to require that local educational agencies (LEAs) must have in effect a policy requiring the expulsion of any student who brings a firearm to school. The expulsion must be for a minimum of one year the provisions authorize the chief administering officer of an LEA to modify the expulsion requirement on a case-by-case basis. ED may provide no assistance under any ESEA program to an LEA if the required policy is not in effect. These provisions were effective March 31, 1994.
- o Weapon is defined as firearm.
- o LEA required to provide report to SEA on number and types of weapons found.

Grant describes five themes he observed in schools where children are known: small size; new roles and relationships for teachers, students and principals; high expectations and tougher challenges for students; continuity; and a holistic focus on children. In brief, Grant suggests "keep it small. Keep it simple. Keep awake to the whole child."

===== GOAL SEVEN: SAFE, DISCIPLINED AND DRUG-FREE SCHOOLS =====

\*4 DISCIPLINE AND EDUCATION: WHAT CINCINNATI RESIDENTS THINK  
Stricter discipline in the public schools is one of the most important factors to improve school quality, according to a recent survey of Cincinnati, Ohio residents. Yet, parents bear the primary responsibility for disruptive student behavior, say survey respondents.

Peter Hart Research associates conducted a survey among a representative cross section of 604 adults in Cincinnati age 18 and over by phone between April 20 and 26, 1994. The survey was jointly sponsored by the American Federation of Teachers and its Cincinnati affiliate.

A survey overview points to five conclusions from the polling data: Cincinnati residents polled are satisfied with the performance of the public schools; the public's notion of prudent disciplinary codes parallels policies currently set forth in the discipline code of the Cincinnati Public Schools; parents who do not provide the right training and values for their children are to be blamed for their child's disruptive behavior; and most respondents, regardless of race, reject arguments that the district's disciplinary policies are unfair to African American students (See DRC, 3/3/94).

Specifically, 53% of respondents agreed that the public schools are doing an excellent, good or satisfactory job, compared to a 52% majority who believe that the performance of the public schools throughout the nation is either not so good or poor.

The survey also found that the three most effective ways to improve the quality of education are: better student discipline; a bigger voice for teachers in running the schools; and rewards for keeping the best teachers.

Respondents approved of the Cincinnati Public Schools' adoption of a stricter disciplinary code three years ago by 62% to 28%, "even though the code has led to more suspensions and expulsions from school," writes the survey. The survey also notes that the "level of approval includes majorities in every demographic subgroup tested in the survey."

Seventy-two percent of Cincinnati residents agree that parents bear the responsibility for disruptive students, according to the poll. Only 4% of the public blame disruptive student behavior on insufficient administrative support and supervision, 3% point to poorly prepared teachers, and another 3% fault school policies that are too lenient.

According to the survey, "the most telling evidence for public support of the current discipline code" is revealed when people are read a range of behaviors that occurs in middle and

high schools, and are asked what punishment should be meted out: expulsion for up to 80 days, suspension from three to 10 days, or a less severe form of discipline decided by the principal or teacher on a case-by-case basis. The survey: "Without having been told that any of these disciplinary actions are provisions in the discipline code of the Cincinnati Public Schools, the public recommends disciplinary actions that coincide remarkably with the current policies" of the district.

For example, 61% of those surveyed recommended expulsion for any student who physically assaults a student or teacher, a provision of the code. And 75% recommend expulsion for any student who brings a gun to school, the same as in the code. However, a gap exists between public opinion and current policy in the middle range of punishment. A plurality rather than a majority would suspend a student for fighting with other students, while the code calls for suspension. And a slight plurality would expel rather than suspend a student for destroying school property, while the code provides for suspension.

According to the survey's summary of the current code, "students can be expelled from school for up to 80 days for such things as bringing a gun to school, physical or sexual assault, and selling drugs. Students can be suspended from school for three to 10 days for such things as fighting, destruction of property, and cursing or swearing at a teacher or administrator. Other behaviors, such as disobeying teachers and administrators, disrupting classes or gambling on school grounds are handled with less severe actions decided on a case-by-case basis by teachers and administrators."

While only one in three respondents said they know a great deal or quite a bit about the code, 81% agreed with the code's provisions once the summary was read to them.

The survey also found that 72% of all adults surveyed agreed with the use of special classes for students who repeatedly disrupt class "so that teachers can continue trying to educate them without disrupting the education of others."

Grant currently is working on a book, "Teaching in America: Reinventing a Profession."

#### \*5 THE ONE-RULE SCHOOL: DOES IT WORK?

"No student has the right to interfere with the learning of another student or the purpose of an activity," is the one rule that governs the Glen Urquhart School in Mass., writes Ruth Conway, a founding teacher of the school (National Association of Independent School's THE REPORTER, Spring 1994). However, Conway might cringe at the word rule. She writes that it is not a rule, but rather a "guideline which covers just about any situation." Conway: "By not being a finger in the face it immediately puts a person into a creative mind-set because the rule is nondirective," which makes children conduct "an inner search for what is implied in each situation."

Glen Urquhart is a K-8 day school with under 200 students. Conway writes that "we are a progressive school, but not permissive." Faculty decided four years ago to reevaluate their



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7TH STORY of Level 1 printed in FULL format.

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July 19, 1994, Tuesday; Fourth Edition

SECTION: NEWS; Pg. A-6

LENGTH: 347 words

HEADLINE: Feinstein: Expel students with guns ;  
Senator calls for mandatory year out.

SOURCE: MCCLATCHY NEWS SERVICE

BYLINE: MICHAEL DOYLE

DATELINE: WASHINGTON

BODY:

Carry a gun, get kicked out of school.

Sen. Dianne Feinstein, D-Calif., and a colleague say they will seek to amend a \$ 12 billion education bill, mandating one-year expulsions of students caught with guns on school grounds.

While some educators question the wisdom of the mandatory expulsions, politicians are embracing the idea in this election year.

The state Legislature recently toughened its own expulsion law. Feinstein and Sen. Bryan Dorgan, D-N.D., faced no opposition several months ago when they added their mandatory expulsion amendment to another, less far-reaching, federal education bill, and they expect little opposition now.

"We can't live as armed camps," Feinstein said, "and the place to start to say that is the public schools."

The measure would have teeth.

If schools don't impose the mandatory expulsion rule, they would lose their federal funding under the Elementary and Secondary Education Act. That measure, scheduled for Senate floor action later this year, authorizes many school services from migrant education to Chapter 1 programs for the disadvantaged.

But would the so-called zero tolerance standard work?

"Sometimes laws sound very good, they give us a lot of consolation," said Hector Madrigal, director of student discipline proceedings for the 650,000-student Los Angeles Unified School District. "But sometimes the problem is bigger than the law can remedy."

Madrigal warned that "you're creating a time bomb" with the mandatory one-year expulsions, as the kicked-out student would then have a year to wander the streets.

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8TH STORY of Level 1 printed in FULL format.

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The San Francisco Chronicle

JUNE 9, 1994, THURSDAY, FINAL EDITION

SECTION: NEWS; Pg. A20

LENGTH: 640 words

HEADLINE: Day One of Huffington vs. Feinstein Race

BYLINE: Marc Sandalow, John Wildermuth, Chronicle Staff W

## BODY:

Michael Huffington, the newest bright light for California Republicans, went on the road yesterday, the day after a surprisingly strong victory in the GOP Senate primary.

Fresh from a Republican Unity breakfast in Los Angeles, the Santa Barbara congressman flew to Stockton, where he boarded a campaign bus for a three-day trip though the Central Valley.

Senator Dianne Feinstein, who had no real opposition in her Democratic primary, ushered in the new campaign from Washington, where she took a break from Senate business for a series of media interviews and congratulatory phone calls.

On a muggy, overcast day in the capital, Feinstein met with the Senate Democratic Caucus, presided over the Senate, and took to the floor to support a measure that would automatically suspend students caught with guns for one year.

## 'ZERO TOLERANCE FOR GUNS'

"There should be zero tolerance for guns in the schools -- none," Feinstein said, standing beside a poster of two children staring blankly at the small coffin of a classmate.

For Huffington, this week's political swing is just about the first traditional campaigning he has done. To the dismay of his GOP primary opponents, who complained that he was purposely ducking them, Huffington spent most of his campaign in Washington, venturing to California on weekends for a light schedule of events.

Huffington's tour will take him to Stockton, Tracy, Modesto, Atwater, Merced, Fresno, Visalia and Bakersfield. Although the campaign is calling it a "Thank you, California" bus trip, it is going to be much more than a sightseeing tour.

On all three days of the bus trip, Huffington has scheduled private meetings with local agriculture leaders in an attempt to drum up early support for his bid to unseat Feinstein. In recent years, the fast-growing Central Valley has been a fertile source of Republican votes, and Huffington will need plenty of backing there if he is going to run a credible campaign.

Feinstein, however, has had remarkably good relations with the state's farmers, and her backers are confident that that will hold true in the

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The San Francisco Chronicle, JUNE 9, 1994

election.

"I think we're going to have a tremendous amount of support from California agriculture," said Kam Kuwata, Feinstein's campaign manager.

Although Huffington was an overwhelming favorite to win the GOP primary, a number of observers were surprised by how easily he did it. With 55 percent of the vote, he actually did better than Republican Senator John Seymour did in 1992. Seymour, who was appointed to the Senate by Governor Wilson, was badly beaten by Feinstein.

#### A FORMIDABLE OPPONENT

"Huffington has a lot going for him and is going to be a tough opponent for Feinstein," said Mark Baldassare, an Orange County pollster. "The way the undecided voters went to him at the end (of the primary campaign) suggests he's for real."

Huffington already has spent millions of dollars of his own money on ads aimed at Feinstein and the attacks are likely to continue.

"Huffington can't win without going straight at Dianne Feinstein," said Mark DiCamillo of the Field Poll. "It's going to be a mean campaign."

Huffington's plans call for focusing on Feinstein's lengthy political tenure, which he said has left her out of touch with average Californians.

"She's a career politician," Huffington, a former Texas oilman, told reporters at yesterday's GOP breakfast. "She's been in office for almost 30 years. She's never had a private-sector job that I can think of, and I've spent my time the past 20 years being a businessman."

Feinstein will be hitting right back.

"My job (in the campaign) is going to be to say, 'We both came to Washington at the same time. Look what I've accomplished and look what he's accomplished,'"

Feinstein said yesterday.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: June 9, 1994

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11TH STORY of Level 1 printed in FULL format.

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The San Francisco Chronicle

APRIL 27, 1994, WEDNESDAY, FINAL EDITION

SECTION: NEWS; Pg. A6

LENGTH: 1017 words

HEADLINE: Schools Eager to Expel Gun-Toting Pupils  
But critics say they may be more dangerous on the street

BYLINE: Louis Freedberg, Chronicle Washington Bureau

BODY:

Bring a gun to school, and you will be expelled.

That is what schools are telling kids in growing numbers around the country.

The San Diego schools call it a "zero tolerance" policy. Others call it "one strike and you're out" -- out of school, that is.

The policy has opened up a debate in some of the nation's largest school districts about the best way to handle volatile situations. Critics worry that putting students with guns out on the streets without providing them with an alternative education may increase the risk to other students.

Just figuring out the extent of the danger has been difficult. A new survey by the U.S. Department of Education shows 40 to 50 "school-related" homicides in the 1992-93 school year -- but that includes murders of students on their way to and from school.

Yet it is clear that students do bring guns to school: In the 1992-93 school year, 60 guns were confiscated in Oakland, 81 in Detroit, 95 in Dallas and 30 in San Diego. The range among districts is wide: In Los Angeles, almost 600 guns were confiscated, compared with only 12 in San Francisco.

### SACROSANCT BUILDINGS

The presence of those guns, officials say, justifies taking a tough line.

"Those buildings are sacrosanct," said Bill Modzeleski, director of

violence prevention programs at the U.S. Department of Education. "We want parents and children when they come to school in the morning to know that these buildings are safe."

For the first time, Congress has taken a stand on the issue. An amendment to the education reform bill known as Goals 2000, signed by President Clinton in March, requires schools to implement an automatic expulsion policy if they wish to receive federal funds.

The legislation, however, does have one loophole: It allows a school superintendent to "modify the expulsion requirement" on a case by case basis.

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The San Francisco Chronicle, APRIL 27, 1994

The federal law is similar to a new California policy that went into effect January 1. It requires that every student caught with a gun be recommended for expulsion. The school board must either expel the student or refer him or her to a program away from the main school campus designed for students with discipline problems.

The federal bill received the support of both liberal and conservatives on Capitol Hill. For the past two years, Congressman George Miller, D-Contra Costa, had been trying without success to get the federal government to mandate the gun control policy, and its approval this year reflects the escalating get-tough mood here and elsewhere.

### LOTS OF EXCUSES

"Kids will tell you they think they are being cool carrying a gun, or that they are scared and bring a gun for protection, or that they were dared to bring one in," said Miller. "The next thing you know, the gun fires and a sixth-grader is dead."

But what may seem a commonsense approach to the problem, critics say, might actually put some students at greater risk. Unless school districts are required to provide gun-toting students with an alternative education, throwing them out on the streets could turn them into more of a threat to public safety, said Andrew McGuire, executive director of the Pacific Center for the Prevention of Violence in San Francisco.

"We should make every effort on Earth to keep kids in schools, no matter what behavior they engage in, unless they harm someone," McGuire said.

A better policy, he thinks, would be to confiscate the weapon, reprimand the student and try to find out why the student had a gun. Carrying a gun, he said, is often a rational response to fears about personal safety, a response conditioned by messages young people receive in the media and elsewhere.

"I am not convinced that kids are carrying guns because they potentially want to kill someone or harm someone; it is to protect themselves," said McGuire, who is coordinating a \$ 30 million statewide violence-prevention program.

### REWARD, NOT PUNISHMENT

But many school administrators say they have no choice but to expel students,

even though they acknowledge the dangers of unsupervised, gun-carrying students. For some of these students, being given official permission not to attend school may be a reward, not a punishment.

"The paramount concern is first and last that the school is safe for the vast majority of children," said Timothy Dyer of the National Association of Secondary School Principals in Reston, Va, in announcing a campaign last month to crack down on juvenile gun carriers. "That overrides all other considerations."

Although introducing tough expulsion policies is relatively easy, tracking down students with guns on campuses with enrollments of thousands will be more difficult.

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The San Francisco Chronicle, APRIL 27, 1994

During the past year, the number of urban school districts using metal detectors has soared. According to a January survey conducted by the National School Safety Center based at Pepperdine University in Los Angeles, 32 of the nation's 44 largest school districts now use either hand-held or walk-through metal detectors -- triple the number 18 months earlier.

The Georgia Legislature set aside \$ 10 million in lottery funds to supply metal detectors -- giving Georgia's schools five times as many metal detectors as Los Angeles and New York schools combined.

### OVERREACTION?

Yet officials in several California districts suggest that the get-tough policy on gun-carrying students may be an overreaction.

"Guns are not that big of a deal here," said Susan Wong, supervisor of student services in the San Francisco schools. Of the 41 students expelled last semester, only six were expelled for carrying guns. San Francisco is one of only a handful of large urban districts that does not use metal detectors.

Wong said automatically expelling a student does not address the complexities of individual incidents. She pointed to a well-publicized incident last year in which a 7-year-old student was caught with a gun in his backpack. The boyfriend of the student's mother had apparently put the gun in the student's bag by mistake.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: April 28, 1994

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12TH STORY of Level 1 printed in FULL format.

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The San Francisco Examiner

April 27, 1994, Wednesday, Fourth Edition

SECTION: NEWS; Pg. A-1

LENGTH: 3187 words

HEADLINE: When persuasion fails;  
Educators favor lenient behavioral measures, but most don't hesitate to get  
tough if kids still resist

SERIES: TEACHING PEACE: WHEN PERSUASION FAILS. Part 4

SOURCE: OF THE EXAMINER STAFF

BYLINE: SCOTT WINOKUR Carla Marinucci and Gregory Lewis

BODY:

Educators are keeping a tight grip on their authority to compel good behavior and punish misconduct, even as they experiment with noncoercive approaches to violence prevention:

At Kennedy High School in Richmond, authorities use hand-held metal detectors at unannounced times to deter students from carrying weapons.

In Oakland, police officers are assigned to each of the district's nine high schools, and metal detectors routinely are employed at events likely to draw nonstudents.

A plan to install metal detectors at the the entrances to trouble -plagued Castlemont High School was rejected, however. The reason: students promised to find ways to beat the devices, and school officials believed them.

At Hamilton Middle School in Stockton, staff locked doors leading to hallways and unoccupied classrooms. Lockers, used to hide weapons, were removed.

"Ten percent of the kids here aren't hooked into school. They like to roam around and disrupt classes," counselor Tim Paulsen explained. "This helps keep

discipline."

At Ben Franklin Middle School in San Francisco, head counselor Josie Teal and police Officer Susan Glaser sharply rebuked two seventh-grade boys for fighting. Teal suspended both, phoned the worst offender's grandmother and demanded he be taken away.

"You precipitated this," she told the child in a voice filled with fury.

"You were wrong. You mess with folks. This is a pattern! You were fighting, and I'm not going to put up with it!"

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The San Francisco Examiner, April 27, 1994

Glaser added, menacingly, "Your name has been brought up to me before."

The boys left, heads bowed.

### Laws and rules

Educators and violence-prevention researchers acknowledge that while metal detectors, dress codes, cops, private security guards and tough-talking school officials may have an immediate impact, they have little or no chance of changing the way bad kids think and act.

"The suppression approach, that is, taking the law-enforcement perspective of zero tolerance and separating youths who are 'bad' from those are 'good', is very simplistic," said Stanford social psychologist Fernando Soriano.

"What do you say to the 5-year-old the first day he must walk through a metal detector?" asked Oakland School Board President Toni Cook.

"It's also going to hit you in your budget," Cook said. "You're talking \$ 5 million to \$ 10 million more."

But no one says suppression has no place in school.

"In some cases metal detectors are necessary. That's just the reality," said researcher Nancy Guerra of the University of Illinois at Chicago. "You don't want guns or knives at school."

The actions of youths and adults in schools are thoroughly governed by federal law, the state Constitution, five state codes, case law and school disciplinary rules.

Regarding guns, the law couldn't be clearer: only law-enforcement personnel and other authorized persons may have them on school grounds.

"In school," said a seventh-grader at Ben Franklin Middle School in San Francisco, "you can't carry nothin' but your books."

But Ronald Stephens, director of the National School Safety Center, a joint project of Pepperdine University and the U.S. Justice Department, said educators often misunderstand the laws and rules, or intentionally misapply them, to avoid bad publicity.

"Often school administrators will view a weapons issue as a disciplinary matter, as opposed to a criminal offense," Stephens said. "But we need to make certain weapons are reported to the police."

### Suspension and expulsion

Usually, schools' first lines of defense against problem students are suspension, expulsion and forced transfer.

Some districts no longer automatically resort to such actions, however, because youths out of school frequently are unsupervised and on the streets.

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The San Francisco Examiner, April 27, 1994

"Last year, if a kid was expelled, he didn't go to school for a semester and he was out causing havoc," said Susan Wong, San Francisco schools' pupil services supervisor.

"This year, we don't kick them out for bringing a gun or a knife. They can come to the community day schools. They're also seeing a social worker."

Community day schools consist of small classes of supervised problem youths getting individualized help, including training in conflict resolution.

Oakland has three sites where youths caught with weapons are counseled and taught violence prevention, as well as academics.

"What do you solve with immediate expulsion?" asked Paul Brekke-Miesner, director of school safety in Oakland.

Since the late 1980s, San Francisco schools have been attempting to reduce suspensions, as a matter of policy. In 1987-88, there were 3,363. By 1992-93 the figure had dropped to 2,220. The leading causes: assault and battery.

Expulsions declined by design, too. In 1991-92, 125 students were expelled for carrying knives and other blades; a year later, the figure was a fifth of that. Expulsions prompted by BB guns and "look-alike guns" dropped from 49 to 10. Expulsions for real guns, however, numbered 11 in 1991-92 and 12 a year later.

"One would hope society had changed for the better over a year's time so that students felt safe. . . . That was not the case, nor did the students do a better job of concealing their weapons. A change in procedures led to the reduction," an internal district report said.

Behind the numbers have been incidents that made headlines.

In early 1993, a John O'Connell High School student brought a sawed-off shotgun and 12 rounds of ammunition to school in his car trunk. School and district officials called for expulsion, as did two school board members. But a majority of the board voted to keep the youth under district control.

"Here is a troubled young man," said member Leland Yee. "The last thing we need to do is send him out on the streets."

A law signed by President Clinton in March compels U.S. school districts to

devise policies mandating one-year expulsions of students who bring guns onto campus, or face loss of federal funds for disadvantaged students.

Rep. George Miller III, D-Martinez, authored the measure. His chief of staff, Daniel Weiss, said Miller understood that educators are divided on whether to expel gun-toting youths.

"It's too harsh in the long run to say we'll risk another shooting in the classroom," Weiss said. "At some point, you have to draw a very bright line."

**Hiding weapons**

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The San Francisco Examiner, April 27, 1994

"Is it possible to keep a secret gun at school?" counselor Tim Paulsen asked gang members and aspiring gang members at Hamilton Middle School in Stockton.

"Easy, easy. You got guys with two, three, four strapped to their legs," a youth said. "You got big ol' pants, you can't tell. I could have a little .25-caliber in my shoe."

Schools are supplementing laws and disciplinary actions with dress codes, metal detectors and other purely mechanical means of suppressing violence, such as:

Confidential hot lines, to encourage students to warn of disputes likely to result in violence.

Locker removal, to eliminate places to conceal weapons.

Identification cards and closed campuses, to keep students in and nonstudents out.

At Mission High School in San Francisco, adjoining Dolores Park poses a constant threat. Outsiders frequently try to get inside the school; last summer, a youth was stabbed to death not far from the main entrance.

District officials are considering enclosing the 1,300-student campus.

"It's difficult. We have 12 entrances and exits and three sides facing the street," said Patricia Aramendia, principal at Mission for 11 years.

"Society has changed. The school just reflects society," she added, sadly.

#### Dress codes

Dress codes typically ban garments exposing too much skin, excessive jewelry, baggy pants, hats and bandannas, the latter two because they may be used to conceal weapons or show "colors" indicating gang affiliations.

Students and educators are divided on their value.

"I would definitely stop these chicken rules," said Ricky M., a recent graduate of Olympic High School in Concord. "People have a right to freedom of expression."

Castro Valley educational consultant Louis Gonzalez said dress codes have no real impact on gang activity in schools because youths in or out of gangs dress identically.

"You can go to Nordstroms or The Gap and get all the gang clothing you want. The line between gang and nongang attire is so blurred, it's crazy," he said.

But some youths tacitly have endorsed voluntary dress codes in an effort to back official anti-gang policies, according to Karen Green of the Oakland-based Action Alliance for Children.

No district has gone as far as the 77,056-student Long Beach Unified School District, which recently adopted a policy mandating uniforms for 57,

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The San Francisco Examiner, April 27, 1994

500 kindergarteners through eighth graders, beginning this fall.

According to district spokesman Richard van der Laan, the uniforms consist of polo and Peter Pan shirts and blouses, shorts, pants and skirts, and cost under \$ 65 for three complete sets.

There have been dramatic improvements in absenteeism and attendance rates in 10 schools already using the uniforms voluntarily, van der Laan said. Children no longer fear being attacked because their attire is misinterpreted as showing gang affiliation, he said. There also have been fewer weapons incidents in schools adopting the code, he said.

"We think if there's any chilling effect on freedom of expression, it's gang attire," he said.

Long Beach's action is believed to be the first in the nation. But the district may not be alone for long. Earlier this month, the state Senate Education Committee approved a bill by Sen. Phil Wyman, R-Tehachapi, to allow all public schools to require uniforms.

In San Francisco, officials still rely on persuasion, where attire is concerned.

"Let's talk about fashion," Kenneth Addison, a representative of the Mayor's Gang Prevention Program, told a seventh-grade class at King Middle School.

"Why do people sag?" Addison asked. "Why would anybody carry a gun, have a beeper, have their pants hanging down around their butt?"

"They think it's cool," a girl said.

"When you're in the 'hood, that's your business," Addison said, "but what I suggest to you is that when you go to school or apply for a job, you better pull your pants up. Because nobody wants to work around you lookin' at your behind all day. That's real."

The girl agreed. Some boys, she complained, even sag with "dirty drawers."

#### Metal detectors

Metal detectors, another purely suppressive response to school violence, have won wide acceptance, in contrast; they have been used for years in airports, courts and prisons.

According to the National School Safety Center, a quarter of all school districts also have purchased metal detectors, which range in price from several hundred dollars for hand-held units to about \$ 2,500 for stationary units.

"Attendance has gone up. We like them very much," said Ed Muir, head of a teachers' union school safety committee in New York City.

But hand-held metal detectors require a lot of time and labor to operate and a school's numerous entrances and exits make stationary devices similarly impractical.

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The San Francisco Examiner, April 27, 1994

More importantly, metal detectors don't always do the job; some students find ways to sneak weapons onto campus despite them. A federal Centers for Disease Control and Prevention survey last year found little difference in overall levels of violence in schools with or without detectors.

"We have probably 110 middle and high schools and each has two to five of these things, hand-held wand detectors," said Los Angeles school board member Mark Slavkin. "Administrators fan out at certain times of the day, and they'll spot-check certain classrooms or parts of the campus.

"They haven't turned up guns."

Metal detectors haven't caught on in Northern California schools.

A survey of the region's 10 largest districts found them only at McClatchy High in Sacramento, Kennedy High in Richmond and at extracurricular events in Oakland likely to draw nonstudents.

"They set a negative tone," said Oakland schools official Paul Brekke-Miesner.

"They're not a practical option," said San Francisco schools official Gregg Bender.

Youths split into three groups on metal detectors.

"They would make me afraid of coming to Mission High School," said one San Francisco girl.

"They would be an invasion of privacy. If you're going to run a school like that, you might as well put up barbed wire," said Ricky M.

"Metal detectors for schools that have rival gangs would be good," said Charley D., onetime gang member now attending Downtown High in The City.

"Metal detectors don't really work. Glock 9's can go through them. They're made of hard plastic. I took one to campus a couple times," said Xavier C. of Olympic High School.

"There's so many guns you can bump someone and feel the guns on them in the hallway," a 15-year-old student told Rep. Miller when he visited Kennedy High School in Richmond late last year.

"There's metal detectors," the student added, "but there are ways to get around them. Like leaving guns under the bushes."

Stephens of the National School Safety Center said metal detectors should be viewed as an option, not a solution.

"Metal detectors may be a strategy to put in place, but they're only a small part," he said.

"A kid doesn't just come to school and unload a weapon. Typically, there's been a precipitating incident on campus or off. The major thrust should be on changing attitudes and actions."

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The San Francisco Examiner, April 27, 1994

**GRAPHIC: COLOR PHOTO 1 (EXAMINER / CRAIG LEE)**

Caption 1, Sgt. David Lanier of Fremont police questions Kennedy High student about impending gang fight and asks to see youth's gang-related tattoos. Youth was not under suspicion or being detained.

**PHOTO 2**

**(EXAMINER / CRAIG LEE)**

Caption 2, Students must pass police or civilian security when entering and exiting Richmond's Kennedy High School.

**PHOTO 3**

**(EXAMINER / CRAIG LEE)**

Caption 3, Officer Ray Spearman of the West Contra Costa County School District stands beside a stationary metal detector at the front entrance to Richmond's Kennedy High School.

**LANGUAGE: English**

**LOAD-DATE-MDC: April 29, 1994**



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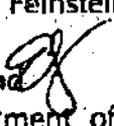
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September 27, 1994

To: Alexander Russo  
Office of Senator Feinstein

From: Evelyn Goodfriend   
California Department of Education

Subject: Compromise Dorgan/Feinstein Gun-Free Schools Amendment

Following is the Department's assessment of the Gun-Free Schools amendment as we discussed yesterday.

**Background**

Through the 1992-93 school year, California's expulsion policy allowed for local discretion. However, beginning in the 1993 school year, that discretion was repealed, so that the statute requires that a local education agency (LEA) principal or superintendent will immediately suspend and recommend expulsion for any student possessing a firearm at school or a school activity. The local governing board then sets the length of the required expulsion, but a student is entitled to apply for readmission to school at the end of the first full semester after his or her expulsion.

**Issues**

The Dorgan/Feinstein Amendment raises the following concerns for California:

1. Suspending a student for "not less than one year" or even a school year raises logistical questions relating to when the student could realistically return to a regular classroom. For example, under this amendment, a student suspended in mid-October, 1994 would not be eligible for readmission until October 1995, which would be more than half way through the first semester, making it unlikely that he could effectively re-enter the classroom until January. A more realistic solution may be to expel for the remainder of the school year or use semesters as a guideline.
2. The amendment would effectively void the California state provision which allows students to reapply to school after the first full semester of expulsion.
3. In California, the local school board has the authority to expel students. School principals and district superintendents may suspend and recommend expulsion, but the board has final discretion.

4. Compared to California's existing statute as modified in 1992, the Dorgan-Feinstein amendment seems to be weaker because it allows for modifications by the LEA. California statute does not currently allow discretion at the LEA level, once the conditions described below (#5) have been met.
5. California's statute includes the following protections for students suspected of carrying a gun which we assume would be acceptable modifications under the Dorgan-Feinstein amendment:
  - The student must be in knowing possession of the firearm; and
  - A school employee must verify the student's possession.
6. The amendment would require the SEA to report each year to the federal Department of Education on number of students expelled etc, based on the LEA applications to the state for funds authorized by ESEA. However, LEAs do not have to submit annual applications for the LEA. They would have to submit a special gun-free schools report.
7. California recently reauthorized the LEA crime report and will begin collecting data again in July, 1995 which will be available beginning in 1997. However, CDE would not be able use this report as the basis for the required report to the federal department. The report will collect information by LEA on the commission of crimes, including possession of a firearm, but not by school, and will not name the schools involved, nor the type of weapons. (Who would be responsible for positively identifying each weapon??) Because we would have to create and administer an entire new reporting mechanism without additional federal funds, this is an unfunded mandate for the SEA and the LEAs.
8. California would have to make the following specific changes to the state statute to comply with this amendment:
  - Incorporate the provision that the length of an expulsion be not less than a year; and
  - Incorporate the required allowance for modifications by the LEA
9. Law vs. Policy: A policy provides guidelines for/interpretation of law or regulation. However, it is not technically binding and does not carry the force of law or regulation. Therefore, if the amendment were a required policy, the mandates for annual reports would be inconsistent with state law. A policy, without codification by a law or regulations, has no teeth. It can be enforced however, until someone challenges the policy, ie in court.

\* MAY-27-84 FRI 15:59

FAX NO. 2023421572

P. 02

Evelyn

State of California

DEPARTMENT OF EDUCATION

**Memorandum**

To : Gail Imobersteg  
Federal Liaison Office

Date: May 26, 1994

From : *Evelyn*  
Colleen Asma, Analyst  
School Safety and Violence  
Prevention Office

Subject: GOALS 2000 RELATED TO CALIFORNIA LAW

This memo is in response to your request of May 26, 1994, questioning how the Title VIII Gun-Free Schools Section 1601 compares with California law.

California law provides for expulsion in particular circumstances per Education Code Section 48915 (b). This section basically declares that a principal or superintendent will immediately suspend and recommend expulsion for any pupil found to be in possession of a firearm either at school or at a school activity.

Section 48915.7 states the intent of the Legislature that a principal shall recommend expulsion for any student found in possession of a firearm at school or at a school activity and the governing board shall request the county board of education to enroll the pupil in a community school, where opportunities exist.

The period of expulsion is not set at one year for firearm possession, as is defined in the Goals 2000 language. Local school boards determine the length of expulsion and set forth rules and regulations establishing a procedure for the filing and processing of requests for readmission, per Section 48916.

Section 48918(j) states that the governing board shall maintain a record of each expulsion, including the cause, and that records of expulsions shall be a nonprivileged, disclosable public record.

It appears that the only item to clarify to ensure compliance with the Goals 2000 legislation would be to amend Section 48915(b) to state that any pupil found to be in possession of a firearm at school or at a school activity be recommended for expulsion for a period of not less than one year.

Attached you will find copies of the referenced code sections. Please feel free to contact me at 657-3245 if you have any additional inquiries.

CA:ev

Attachments

cc: Mary Tobias Weaver  
Program Administrator  
School Safety and Violence Prevention Office

Jane Handerson  
Associate Superintendent/Director  
Interagency Children and Youth Services Division

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Los Angeles Times

September 30, 1994, Friday, Orange County Edition

SECTION: Part A; Page 28; Column 1; Metro Desk

LENGTH: 544 words

HEADLINE: O.C. LAWMAKERS' SCHOOL SAFETY BILLS SIGNED

BYLINE: By ERIC BAILEY, TIMES STAFF WRITER

DATELINE: SACRAMENTO

BODY: Gov. Pete Wilson signed a raft of legislation from two Orange County lawmakers Thursday designed to help curb school violence, including a new law that creates a 1,000-foot "gun-free zone" around campuses.

Among the measures are a trio of bills from Assemblywoman Doris Allen (R-Cypress) that address school hate crimes, establish a "zero-tolerance" policy requiring expulsions for possession of guns or drugs at school and make it a felony to violate the gun-free zone.

Wilson also signed a bill authored by Assemblyman Tom Umberg (D-Garden Grove) that prohibits drug dealers or convicted offenders from entering school grounds or loitering nearby.

"Schools should be a safe haven for children, not another in a string of places where they fear for their safety," Wilson said in putting his stamp of approval on the legislation, which was among 11 school safety measures he signed Thursday.

The governor's approval was a particular victory for Allen, who had made school safety her paramount issue this year. She began pushing a slate of bills to quell school violence after witnessing her own granddaughter endure several acts of school violence -- including having rivals try to set her hair on fire -- before the family moved from Southern California to Montana to escape the problems.

Although she won broad support from parents and educators, Allen had to fight a pitched battle against Sacramento's powerful gun lobby last month to win approval for her measure creating a gun-free zone.

During the waning days of the legislative year, gun advocates attempted to sabotage the bill. Allen managed to save it only after a heated round of lobbying. Miffed by the episode, Allen fired back by casting the deciding vote to push a bill banning copycat assault weapons out of a key committee.

The gun lobby responded by pushing for substantial amendments to an Allen bill designed to toughen vagrancy laws on school campuses. That move scuttled the vagrancy bill because the changes were deemed by legislative leaders to be major amendments that could not be taken up so late in the year.

Under the gun-free zone law, those possessing a weapon within 1,000 feet of school grounds could face felony charges. The measure exempts residents living within the zone.

Allen's "zero-tolerance" measure requires expulsion of students caught with drugs or weapons on campus. Expelled students will be sent to special "community schools" to continue their education under tight supervision.

Several students from Huntington Beach High School were the inspiration for Allen's measure that directs schools to punish pupils for racist hate crimes.

Umberg's bill, which was sponsored by the city of Anaheim, makes it a misdemeanor for a drug offender to enter school property or loiter on public areas next to schools without written permission of administrators. Drug offenders who are the parents or guardians of children attending the school are exempted.

Umberg said the new law will help close "a bizarre loophole" for local law enforcement. In trying to enforce existing laws that prohibit convicted drug users and sellers from entering city parks, officers have been foiled when the offenders step onto school grounds, where city ordinances are invalid.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: October 1, 1994

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The San Francisco Examiner

September 21, 1994, Wednesday; Fourth Edition

SECTION: NEWS; Pg. A-19

LENGTH: 800 words

HEADLINE: Tough laws will stop violence; CANDIDATES IN DEBATE: CRIME

COLUMN: DIANNE FEINSTEIN

BYLINE: DIANNE FEINSTEIN

BODY: VIOLENCE has risen to a level I never thought possible in this country.

On May 27 of this year, 14-year-old Jennifer Lin was found stabbed to death in the upstairs bathroom of her family's home in Castro Valley.

Just last month, the remains of two 16-year-old girls were found in Grass Valley.

Violence on our streets, in our schools and even in our homes must be firmly addressed.

I know something about the impact of crime, and how local, state and federal leaders can take steps to end the violence.

As mayor of San Francisco, I expanded our police department, and crime decreased by 26 percent.

I saw the random violence of murders at "mom and pop" grocery stores, and I saw how the death penalty can deter crime.

In a practical way, as a member of the Senate Judiciary Committee, I've tried to use my direct, first-hand experience to fight crime.

The crime bill, just signed into law by the president, strikes a balance and provides funds to local jurisdictions in three ways: to put more cops on our street, to build more prison and jail cells, and to put forward precise and efficient crime prevention programs.

Choices of how to use these critical resources in the \$ 30 billion crime bill are left to local elected officials and community leaders.

The crime bill can make a dent in crime by: helping fund 10,000 additional cops on California's streets; making 60 of the most violent federal crimes subject to the death penalty; toughening penalties for another 70 federal crimes, and providing California with at least \$ 629 million for prison and jail construction and operations.

My legislation, now the law under the crime bill, stops the manufacture, sale and possession of semiautomatic assault weapons and ammunition devices that hold more than 10 bullets. This will also make a dent in crime by keeping guns out of the hands of would-be grievance killers, drive-by shooters, gang members and the mentally ill.

However, the crime bill alone will not end all crime.

That's why I support the "Three Strikes and You're Out" initiative on the November ballot. A similar federal provision has already been approved as part of the crime bill.

Under the proposed state law, more people may end up in prison, but it sends a message to the habitual criminal. And since the bulk of criminals are not caught when they commit their first crime, I think "three strikes" clearly addresses the problem.

That's why I also co-sponsored legislation that prohibits any student from taking a gun to any public school in America. A student who does will be expelled for one year. This is "zero tolerance."

Still, tough sentencing and banning guns from schools are just initial steps. Preventing crime is the most cost-effective method in the long run.

The crime bill allows local governments to present grant requests for no-nonsense anti-crime efforts for teenagers, such as mentoring programs where police officers and others serve as role models, teaching teenagers skills that lead to a job and making schools safe havens.

However, there are things government cannot do. The best crime -prevention program is good parents who teach their child, at an early age, the difference between right and wrong, who provide consistent love and appropriate discipline, and who are responsible for their child's whereabouts.

We can end the cycle of violence. It will take the commitment of leaders at all levels of government, community organizations and most of all, willing parents.

I will dedicate my first full six-year term to doing everything I can to reduce the terrible violence that plagues California communities. Dianne Feinstein, the incumbent, is the Democratic nominee for re-election as U.S. senator from California.

LANGUAGE: English

LOAD-DATE-MDC: September 23, 1994

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Congressional Press Releases

September 20, 1994, Tuesday

SECTION: PRESS RELEASE

LENGTH: 577 words

HEADLINE: GUN-FREE SCHOOLS

BYLINE: DIANNE FEINSTEIN, SENATOR, SENATE

BODY: SENATORS CALL ON HOUSE-SENATE COMMITTEE TO KEEP GUN-FREE SCHOOLS AMENDMENT AS PART OF EDUCATION BILL

WASHINGTON, D.C. -- Just five days after another shooting on a high school campus, Senators Dianne Feinstein of California and Byron Dorgan of North Dakota today joined colleagues from the House of Representatives to call on a Congressional committee to keep the gun-free schools amendment as part of the \$ 12 billion education bill now awaiting final approval.

The Senate unanimously approved legislation cosponsored by Senators Feinstein and Dorgan that will require school districts that receive federal education funds to expel any student who carries a gun to school for one year. The legislation has built-in flexibility for school administrators to make exceptions on a case-by-case basis. The coalition of Congressional leaders today urged members of the House-Senate conference committee to maintain the gun-free schools amendment in the \$ 12 billion Elementary and Secondary Education Act (ESEA). The House and Senate already approved identical legislation as part of the Goals: 2000 education bill earlier this year. "Each day, an estimated 135,000 guns are brought to school in the United States. How can we expect our children to learn if they go to school in constant fear of being shot or killed? Last Wednesday, a 10th grader in New York smuggled a gun past the school's metal detectors and gravely wounded another young student. Two weeks ago, right in front of Hollywood High School in Los Angeles, a student was shot and killed in cold blood. It is time for the violence to end. It is time to set a 'zero tolerance' policy for guns in schools," Senator Feinstein said.

The House-Senate conference committee is expected to meet soon to reconcile any differences between the two education bills. Final passage is expected before Congress begins its fall recess.

It is estimated that 32 of the 44 largest school districts in the country now use metal detectors. It is also estimated that approximately 135,000 guns are brought to the nation's 85,000 public schools every day. Other statistics include:

- \* In the last two years, there have been 102 gun-related student deaths;
- \* One of every five children regularly carries a firearm, knife or a club to school;
- \* Eight percent of all teachers report having been physically threatened in the classroom;
- \* Today, nearly 16,000 thefts and violent crimes occur on or near schools every day;
- \* Homicide is the third leading cause of death for elementary and middle schools students;
- \* Fifty-nine percent of all children in the sixth through 12th grade know where to get a handgun;
- \* In a poll of three California high schools, 22 percent of the students admitted they had carried a weapon to school. "This the single most important amendment contained within the education bill. I sincerely hope the Conference Committee will keep this amendment in the bill and that it will become the law of the land," Senator Feinstein said.

The Senate unanimously adopted the "gun-free schools" amendment on July 28, 1994, as part of the Elementary and Secondary Education Act. The House of Representatives has previously approved the same amendment as part of the Goals: 2000 education bill, which was passed by the full Congress and signed into law by the President in March of 1994.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: September 21, 1994

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The San Diego Union-Tribune

September 1, 1994, Thursday ;

Correction Appended

SECTION: NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-3

LENGTH: 574 words

HEADLINE: Feinstein parades gun-bill victory She visits City Heights police station and school

BYLINE: GERRY BRAUN Staff Writer

BODY: Bringing her crime-bill victory tour to San Diego's crime capital, Sen. Dianne Feinstein announced that \$75 million in law enforcement funds and up to 381 new police officers could come to the city under provisions of the omnibus federal legislation.

Feinstein, who is making the recently passed bill a cornerstone of her re-election campaign, tallied San Diego's share of the \$30 billion package yesterday at a busy police substation in the crime-ridden neighborhood of City Heights.

Among the benefits Feinstein estimated would accrue to San Diego were \$36 million in matching funds for new officers, \$19 million for jails and boot camps, \$6 million for drug courts, \$5 million for domestic-violence programs and nearly \$1 million to hire judges, prosecutors and public defenders.

"Bottom-line, what this means is a new era of federal cooperation," Feinstein told a phalanx of beaming police department officials.

In addition to financing that could put another 10,000 police officers on the streets of California, the bill contains an assault-weapons ban that Feinstein, a freshman Democrat, maneuvered through the Senate against strong opposition from the National Rifle Association.

Defending the bill's controversial crime-prevention programs, which were derided as "pork" by congressional Republicans, Feinstein said GOP opposition was prompted by the gun ban. She said the disputed programs "were actually put together with police help and were, many of them, Republican-oriented and -authored."

"It costs a lot less to keep a kid out of a gang and out of drug activity than it does to incarcerate them for 10 or 15 years," she said, speaking above the din from an adjoining room where community service officers fielded telephone calls in a variety of Southeast Asian tongues.

Feinstein later visited nearby Horace Mann Middle School, where she praised the San Diego Unified School District's zero-tolerance approach to weapons on campus, a policy that will become law if her Gun-Free Schools Act of 1994 becomes law.

Under that legislation, students who bring guns to school would be expelled for at least one year. The San Diego policy extends to all illegal weapons, and Feinstein was shown a sack-load of confiscated weapons, including a set of functional ballpoint pens that conceal small but potentially lethal knives.

Meanwhile, Feinstein's Republican opponent, Rep. Michael Huffington, visited McClellan Air Force Base in Sacramento and decried Feinstein's votes to cut \$122 billion from the defense budget.

"Since she took office, Dianne Feinstein has voted for cuts that will kill 179,000 defense jobs in California," Huffington said yesterday outside the base, which is in danger of being closed next year.

Huffington accused Feinstein of election-year hypocrisy for supporting heavy cuts in military spending and then rallying to the defense of California bases and weapons programs endangered by the Pentagon's tight budgets.

Asked to respond, Feinstein termed Huffington's allegation "bizarre," given that the congressman voted against all appropriations bills last year, contending they cut defense spending too deeply.

"If his vote had been the majority, we wouldn't have a soldier, we wouldn't have a fighter plane, we wouldn't have a base. We would be kaput," Feinstein said. "So for him to make that statement is absolutely bizarre. It's a man-from-Mars accusation."

**CORRECTION-DATE:** September 7, 1994 Correction Appended

**CORRECTION:** CORRECTION A caption with a photograph of Sen. Dianne Feinstein that appeared yesterday incorrectly said the weapons shown were confiscated from Horace Mann.

Middle School. In fact, the weapons were confiscated from other schools throughout the San Diego Unified School District. The San Diego Union-Tribune regrets the error.

GRAPHIC: 1 PHOTO; Weapons confiscated: Frank Till, deputy superintendent of the San Diego Unified School District, and Sen. Dianne Feinstein are shown a variety of weapons taken from students at Horace Mann Middle School.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: September 7, 1994



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY

**FAX TRANSMITTAL**

**TO:** Bruce Reed

**ORGANIZATION:** The White House

**PHONE NUMBER:** 456-6515

**FAX NUMBER:** 456-7431

**FROM:** Paula Roberts

**PHONE NUMBER:** \_\_\_\_\_

**MESSAGE:** Releasat Portion of Calif Code.

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**PUBLICATION: DEERING'S CALIFORNIA CODES ANNOTATED  
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1994 REGULAR SESSION  
CHAPTER 1014 (Assembly Bill No. 1045)**

1994 Cal ALS 1014; 1994 Cal AB 1045; Stats 1994 ch 1014  
[Approved by Governor September 28, 1994.] Urgency legislation is effective immediately. Non-urgency legislation will become effective January 1, 1995

To the Members of the California Assembly:  
I have signed this date Assembly Bill No. 1045, which strengthens expulsion requirements and provides for alternative placement for pupils who are expelled.

Unfortunately, this bill will not become operative because its enactment is contingent upon enactment of SB 1645, which I have vetoed today. SB 1645 would condition the operation of this bill on full funding of the K-12 cost-of-living adjustment in 1995-96.

I find it incredible and unconscionable that the Legislature would condition the enactment of zero-tolerance policies on funding issues that will not be addressed until next year. The issue of our children's safety should be beyond political leveraging and gamesmanship. To say I am disappointed is a considerable understatement.

I will ask the author, whose diligence I commend, to re-introduce this needed protection for school children and teachers as an urgency bill when the Legislature convenes for the new session in December.

Cordially,  
**PETE WILSON, Governor**

**DIGEST:  
AB 1045, Allen, Education.**

(1) Existing law authorizes county boards of education to establish and maintain one or more community schools.

This bill would require the superintendent of schools of a county that does not maintain a community school to develop a plan with the governing board of the school districts in that county to ensure that pupils in that county who need an alternative school placement are served. This requirement would impose a state-mandated local program.

(2) Existing law authorizes a county board of education to enroll in a community school a pupil who has been expelled for (A) causing serious physical injury to another person, except in self-defense, (B) possessing a designated dangerous object, (C) selling a

designated controlled substance, (D) committing robbery or extortion, or (E) possessing a firearm, and specifies certain levels of apportionments for those pupils.

This bill would specify the same level of apportionment for pupils that are expelled for the 5 reasons stated above and would authorize the county board also to enroll pupils who are expelled for a specified related act.

(3) Existing law provides that community school apportionments may be claimed only for pupils enrolled in grades 7 to 12, inclusive.

This bill would provide that these apportionments may be claimed also for pupils who are enrolled in kindergarten and grades 1 to 6, inclusive, and are expelled from a school district.

(4) Existing law contains provisions relating to school safety, but makes no specific provision for the installation of 2-way communication devices in public school classrooms.

This bill would state the Legislature's intent that each school district and each county superintendent of schools equip classrooms with 2 way communication devices that a teacher can use if a medical emergency or violent crime occurs in a classroom.

(5) Existing law requires a principal or superintendent of schools, except in certain circumstances, to recommend the expulsion of a pupil for the acts listed in (A) and (D) of paragraph (2) above, and authorizes the governing board, upon recommendation as specified, to expel that pupil or a pupil who commits specified related acts. Existing law requires a principal or superintendent of schools to suspend immediately and recommend for expulsion a pupil found in possession of a firearm at a school or at a school activity off school grounds and also requires the governing board, when certain conditions are met, to expel that pupil or refer that pupil to a specified program of study.

This bill would require a principal or superintendent of schools to recommend the expulsion of a pupil for an act listed in (A), (B), and (D) above, or for unlawful possession of a designated controlled substance, and would authorize the governing board, upon recommendation as specified, to expel that pupil upon specified findings. The bill would require the immediate suspension and a recommendation of expulsion of a pupil in grades 7 to 12, inclusive, for possessing, selling or otherwise furnishing a firearm, except as specified, for causing harm to, or threatening harm to, another person with a knife, as defined, or for unlawfully selling a controlled substance, as specified, and would require the governing board to expel that pupil upon a finding that the pupil committed the act. The bill would require that the expelled pupil be referred to a specified program of study. The bill would apply certain of these suspension, expulsion, and referral requirements to a pupil in kindergarten and grades 1 to 6, inclusive. By increasing the circumstances when suspensions and expulsions are required, this provision would impose a state-mandated local program.

(6) Existing law prohibits a pupil expelled from school for an act listed in (A) through (D) above from enrolling in any other school or school district during the period of expulsion unless it is a community or juvenile court school.

This bill would apply this prohibition also to a pupil expelled from school for a specified related act and for possessing, selling, or furnishing a firearm.

(7) Under existing law, an expulsion order of a pupil remains in effect until the governing board of a school district orders the readmission of the pupil according to specified circumstances. Existing law expressly authorizes the governing board of a school district to recommend a plan of rehabilitation.

This bill would authorize, if the expulsion is for specified acts, a pupil to apply for readmission not earlier than the last day of the semester following the semester in which the expulsion occurred. The bill would require the governing board of the school district to recommend a plan of rehabilitation for the pupil, as specified, thereby imposing a state-mandated local program.

(8) Existing law requires written notice of a governing board's decision to expel a pupil to be given to the pupil or the pupil's parent or guardian, accompanied by a notice of the right to appeal, as specified.

This bill would also require the pupil, or the parent or guardian of the pupil, to receive notice of the education alternatives available to the pupil during the time of expulsion.

To the extent that these requirements would impose additional duties on governing boards of school districts, the bill would impose a state-mandated local program.

(9) Existing law provides that pupils may be suspended or expelled for specified reasons and requires certain procedures to be followed if a pupil is to be suspended or expelled. Existing law requires the parent or guardian of a suspended pupil to be given written notice of the suspension and requires a pupil to be given written notice of an expulsion hearing.

This bill would require the posting, at a school's on a bulletin board that is accessible to all pupils, a notice of the suspension and expulsion policy of the school and the governing board of the school district or the county superintendent of schools, as appropriate. This requirement would impose a state-mandated local program.

(10) This bill would state the intent of the Legislature that specified federal funds be used to offset any costs to school districts imposed by Section 5 of the bill.

(11) This bill would incorporate additional changes in Section 48915 of the Education Code, proposed by SB 1645, to be operative only if SB 1645 and this bill are chaptered and this bill is chaptered last.

subdivision (d) or (f) of Section 48915 may apply for readmission not earlier than the last day of the semester following the semester in which the expulsion occurred.

The governing board shall recommend a plan of rehabilitation for the pupil, which may include, but not be limited to, periodic review as well as assessment at the time of application for readmission. The plan may also include recommendations for counseling, employment, community service, or other rehabilitative programs.

The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission. Upon completion of the readmission process, the governing board shall readmit the pupil unless the board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to cause danger to the physical safety of the pupil or others. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

[\*11] SECTION 11. Section 48918 of the Education Code is amended to read: (2)  
48918.

The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These provisions shall include, but are not necessarily limited to, the following: (a) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 school days of the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48909, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall require that the pupil shall be entitled to at least one postponement for a period of not more than 30 calendar days of an expulsion hearing. Thereafter, any additional postponement may be granted at the discretion of the governing board.

A decision of the governing board whether to expel a pupil shall be made within 10 school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the district governing board does not meet on a weekly basis, the governing board shall make its decision about a pupil's expulsion within 40 school days after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

In the event that compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable, the superintendent of schools or the superintendent's designee may, for good cause extend the time period for the holding of the expulsion hearing for an additional five school days. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the

hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. The notice shall include: the date and place of the hearing; a statement of the specific facts and charges upon which the proposed expulsion is based; a copy of the disciplinary rules of the district which relate to the alleged violation; a notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) of Section 48915.1; and notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or employ and be represented by counsel, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf including witnesses.

(c) Notwithstanding Section 54582 of the Government Code and Section 15145 of this code, the governing board shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least three days prior to the date of the hearing that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board may meet in closed session for the purpose of deliberating and determining if the pupil should be expelled.

If the governing board or the hearing officer or administrative panel appointed under subdivision (d) to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil shall also be allowed to attend the closed deliberation.

(d) In lieu of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207 of this code, for a hearing officer to conduct the hearing. The governing board may also appoint an impartial administrative panel of three or more certificated persons, none of whom shall be members of the board or employed on the staff of the school in which the pupil is expelled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three school days following the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil shall be immediately reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be made by the superintendent of schools or the superintendent's designee after consultation with school district personnel, including the

pupil's teacher, and the pupil's parent or guardian. The decision not to recommend expulsion shall be final.

(f) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the governing board may order.

The decision of the governing board to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely upon hearsay evidence. The governing board or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or the hearing officer or administrative panel. Copies of these sworn declarations which are relied in such a manner as to delete the name and identity of the witness, shall be made available to the pupil.

(g) A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

(h) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900.

(i) Whether an expulsion hearing is conducted by the governing board or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board in a public school. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil's parent or guardian and shall be accompanied by notice of the right to appeal the expulsion to the county board of education and of the parent, guardian, or pupil's obligation pursuant to subdivision (e) of Section 48915.1, to inform the new school district of an enrolling pupil's expulsion, upon enrollment, in a new school district. The notice to the pupil or the pupil's parent or guardian of the decision to expel also shall be accompanied by a list of education

alternatives available to the pupil during the time of expulsion, so that the pupil's education is disrupted to the least possible extent.

(j) The governing board shall maintain a record of each expulsion, including the cause therefor. Records of expulsions shall be a nonprivileged, dispositive public record.

The expulsion order and the causes therefor shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

[\*12] SECTION 12. Section 48926 is added to the Education Code, to read: @  
48926.

The principal of a school shall post, on a bulletin board at the school site that is accessible to all pupils, a notice of the suspension and expulsion policy of the school and the governing board of the school district or the county superintendent of schools, as appropriate.

[\*13] SECTION 13. It is the intent of the Legislature that federal funds appropriated to school districts for school safety purposes be used to offset any costs to school districts imposed by Section 5 of this bill.

[\*14] SECTION 14. Section 6.5 of this bill incorporates amendments to Section 48915 of the Education Code proposed by both this bill and SB 1645. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1995, (2) each bill amends Section 48915 of the Education Code, and (3) this bill is enacted after SB 1645, in which case Section 6 of this bill shall not become operative.

[\*15] SECTION 15. This act shall not become operative unless Senate Bill 1645 of the 1993-94 Regular Session is enacted and becomes operative, in which case this act shall become operative on August 1, 1995.

[\*16] SECTION 16. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$ 1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

# Schools to Get Wide License On Spending Federal Money Under New Education Law

By WILLIAM CELIS 3d

The nation's public schools have long grumbled about the rigid spending rules that accompany Federal aid. But under legislation to be signed tomorrow by President Clinton, they will receive broad freedom in how they spend such money.

Under the Elementary and Secondary Education Act, which Congress reauthorized earlier this month, \$60 billion will be spent on the nation's public schools over the next five years, and educators herald the measure as the most extensive revision of the legislation since 1965, when it was enacted as part of President Lyndon B. Johnson's Great Society program.

It gives schools more flexibility in spending Federal dollars and requires a much-needed overhaul of the Government's main program for helping poor children reach grade level in reading and mathematics.

**A revamped plan  
that provides more  
flexibility but fails to  
send more money to  
urban districts.**

The program, once called Chapter 1, used to require that students who needed academic assistance were to be pulled from their regular classes and tutored, often for only a few minutes a week.

The revamped program, now called Title 1, strongly discourages the pullout program and requires that all students in schools that receive Title 1 money — not just those needing help in math and science — be required to perform at higher academic standards.

But some educators complain that for all its improvements, the legislation still fails to send enough money to school systems. The aid comes in the form of several programs: special education, bilingual education,

vocational education, aid for children of migrant workers and things like Christa McAuliffe fellowships and Eisenhower math and science grants.

School districts maintain that their allocations do not cover the growing number of students in special education or bilingual classes.

"We made some giant steps forward in this legislation," said Ramon C. Cortines, the Schools Chancellor in New York City, referring to flexibility in spending and the overhaul of Chapter 1. "But the downside is that we won't get enough money we need."

How the revamping of Chapter 1 will unfold in schools is still unclear, given that there are no deadlines. In New York, the nation's largest school district, each of the 1,095 schools will have the latitude to develop individual programs, Mr. Cortines said. The schools that do receive Title 1 money — a majority of those in school districts in the South Bronx, parts of Brooklyn and Queens and upper Manhattan — will have untold flexibility in spending the money as they see fit.

This will enable school administrators to be more creative in retooling academic programs, Mr. Cortines said. A school could design courses, for instance, to teach mathematics and science using art, an interdisciplinary approach gaining in popularity.

Such innovations were virtually impossible under the old program, which was criticized in two reports in the last two years as increasingly ineffective. The reports said the program was falling short of its goals because it pulled slower students out of their regular school day — allowing them to fall further behind — and because Chapter 1 students were not held to the same standards as other students.

The old program also penalized schools that brought students up to grade level. Once a student no longer needed the extra help, the school lost aid. Under the revisions to the legislation, schools with high concentrations of poverty will continue to receive Title 1 aid, but schools must excel or face takeovers by their school districts or states.

One potential flaw in the revision

is that schools with their new-found flexibility may shift money away from programs like bilingual education or special education.

All these revisions will be financed with less money in New York and other urban school systems. Mr. Cortines said such systems required more money to meet the burgeoning needs of students who are coming to school poorer and hungrier and, as a result, are more difficult to teach.

The New York City school system will receive \$376.5 million in the fiscal year 1995, which began on Oct. 1, under the reauthorized legislation, only slightly higher than the \$373.7 million it received in the previous year. Both amounts are eclipsed by the \$431.6 million that the city's schools received in fiscal 1993.

"This would be a better news scenario if there was more money," said Leonard Hellenbrand, the district's budget director. "We are being boxed in, even though services cost more and we have more kids in need."

# U.S. to Aid Big 3 in Cleaner-Car Research

By MATTHEW L. WALD

Special to The New York Times

WASHINGTON, Oct. 18 — A year-old Government partnership with the Big Three auto makers has developed "a road map" for building a car that would go 80 miles on a gallon of gasoline with no loss in performance, safety or carrying capacity, Vice President Al Gore said today.

But smaller competitors in the race for high-technology clean cars are complaining that the three giants could squeeze them out of the effort. That is because the plan calls for the Government to coordinate its

research and development spending by seven Federal agencies with Ford, Chrysler and General Motors. Much of the research involves using electricity to power cars, a technology that the Big Three have opposed, at least for now.

Sheila Lynch, the director of the Northeast Alternative Vehicle Consortium, a Boston-based agency that makes research grants to producers of vehicles with less pollution than gasoline-powered cars, said it was "as if the Federal Government decided in the early 70's to develop personal computers and to give all the money to I.B.M., and I.B.M. said, we're not interested in PC's."

The Government spends about

\$300 million a year on research and development in the field, an amount roughly matched by the private sector. The effort, called the Clean Car Initiative when it was announced a year ago and recently renamed the Partnership for a New Generation of Vehicles, is to develop a hybrid vehicle, probably with electrically driven wheels, but the balance of the system is not clear.

At a White House ceremony this morning, auto company executives laid out a list of possibilities, including fuel cells, flywheels, capacitors and other energy-storage devices to

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## U.S. to Aid Big 3 in Cleaner-Car Research

Continued From First Business Page

be used in a vehicle constructed with super-strength lightweight structural materials. They also described a schedule for winnowing the possibilities and building a prototype.

Some of the money goes directly to the Big Three auto makers; for example, each now has a program to develop a fuel cell, a device that makes electricity directly from petroleum or natural gas without combustion. Other grants have gone to auto industry suppliers, and some money is paid so the Department of Energy's national laboratories will carry out research of interest to the industry.

President Clinton, who attended the ceremony with Vice President Gore, said that the super car project was as important to the environment and American economic competitiveness "as anything else we could be working on." The chairman of Ford and the vice chairmen of Chrysler and G.M. and the vice president of the United Auto Workers also spoke glowingly of the ef-

fort.

But the three auto makers, acting as the American Automobile Manufacturers Association, have filed suit in New York, Massachusetts and Maine to block those states from requiring electric cars. They argue that they do not know how to build a car that the public will want to buy. They are also trying to prevent the Federal Government from imposing California's strict emission standards on those states and nine others in the Northeast.

Ms. Lynch, who attended the ceremony, said the Government was mistaken in going to the Big Three for the effort, since they have demonstrated hostility to requirements for cleaner vehicles, and a strong interest in staying with current technology.

"Why are the three companies that are suing getting control of all the Federal funds?" Ms. Lynch said. "There are companies out there without this dual agenda."

Bill Van Amburg, a spokesman for Calstart, a private, nonprofit group that is trying to develop an electric vehicle industry in California, was

also critical of the program. "All this money is tied up in one pot with the veto power of the Big Three," he said. "How do you get innovation that way?"

Some military contractors and other big companies that are not automobile manufacturers but would like to enter the auto business have complained to him, Mr. Van Amburg said, "that they can't seem to participate in this supposedly participatory Partnership for a New Generation of Vehicles."

Auto industry executives defended the participation of the Big Three. William E. Hoglund, executive vice president of General Motors, said cooperative work with the Government and other auto companies "is far more rational than legislating technology; legislating technology is very expensive."

And Dr. Jack Gibbons, the Presidential science adviser, said that efforts would be made to reach out to start-up companies with good ideas. "We're trying to keep the net cast widely," he said.

But the two sides are separated by a philosophical difference: though the larger companies say they are open to all sorts of ideas, they are looking for advanced technology for the long term; some smaller companies hope to refine existing technologies and put them on the road quickly.

Many of the start-up companies with vehicles now on the road are looking toward the 1996 model year. By then, New York, Massachusetts and California will require that 2 percent of the cars offered for sale within their borders be electrically powered.

"There is always going to be a scramble between the near- vs. the far-term investments," Dr. Gibbons said.

At the ceremony, Ford, G.M. and Chrysler each showed off a "concept vehicle," futuristic designs of various types. But an invitation to an electric pickup truck converted by a small Massachusetts manufacturer, Solectria, and equipped with a flywheel from United Technologies, of East Hartford, Conn., was withdrawn late the previous night. The pickup sat on a flatbed truck across the river in Arlington, Va.

Anita Rajan, president of Solectria, said in a telephone interview that she feared companies like hers would be squeezed out. "They've got the White House saying yes, this is a great idea, take all the money away from other programs right now, from all these little guys doing their own stuff, and put it to the Big Three."

In a briefing after the ceremony, Government officials and executives of the Big Three stressed that that they were open to ideas from any quarter.

THE NEW YORK TIMES, WEDNESDAY, OCTOBER 19, 1994

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UNITED STATES DEPARTMENT OF EDUCATION

THE DEPUTY SECRETARY

October 2, 1994

OCT 6 1994

To: Carol Rasco  
cc: Jose Cerda  
From: Madeleine Kunin *Madeleine Kunin*  
Subject: Youth Violence Prevention Strategies and Activities

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Safe and disciplined schools are an integral part of the Department's school improvement strategy, imbedded in both Goals 2000 and the Elementary and Secondary Education Act. Our conclusion is that families are primarily concerned about discipline and safety, making it critical for us to link academic improvement and violence prevention in all our outreach activities.

The following are some events we are scheduling. The week of October 16 is celebrated as Safe Schools week in many States. During this week, we would like to sign our memorandum of understanding with the District of Columbia schools. This memorandum provides \$1 million to the school system for safe school activities. In addition, our Elementary and Secondary Education Act, which contains \$482 million in the Safe and Drug Free Schools and Communities Program, should have passed. Below I have outlined the components of the Safe Schools program and the timeline for making awards. We would welcome an opportunity to celebrate any of these successes with the President.

**Safe Schools Program:**

The Safe Schools Act passed as part of Goals 2000. There are three basic sections to the Act. One part provides discretionary funds to LEAs for a variety of violence prevention efforts; another part provides \$1m to the District of Columbia to establish a "model violence prevention program;" and the remaining part provides the Secretary with \$1m for discretionary "national leadership" activities.

The status of each of these three sections follows:

Safe Schools Discretionary Grants Program: The Safe Schools discretionary grants program was announced in the Federal

Register in August. The program closes September 30. ED expects to make approximately 30 grant awards totaling \$18m by the end of the year. In order to get to 30 grants we anticipate reviewing 500-600 applications. It is expected that the awards will be made by the end of the year.

District of Columbia Memorandum of Understanding: ED is in the process of negotiating a Memorandum of Understanding with the District of Columbia. We expect to make an award totaling \$1m no later than next week. The District is using their grant to target the Marshall Heights area of the District. Resources will be targeted to schools and students in the catchment area (3 elementary schools, one k-9 school, one junior high school, and one high school).

Funds will be used for activities in five broad areas: School-based violence prevention activities; neighborhood-based support for students; school security enhancement; capacity building through collaboration; and public education and involvement.

More specifically, examples of how the funds will be used are as follows:

- training teachers and students in principles of Community of Caring, a values-education program designed to integrate values in schools.
- developing community service programs. All students will be required to participate.
- holding student forums (once a week).
- providing students with an alternative to suspension and expulsion (an extensive 9-week program will be developed).
- hiring school neighborhood liaisons who will work to link community services, activities, and programs with the school.
- developing alternative after school programs.

National Activities: Of the total funds appropriated for the Safe Schools Program, ED can use \$1m for National Activities. While no decisions have been made regarding the use of these funds (except for approximately \$175,000 that is to be used for reviewing proposals that are submitted under the Safe Schools Program), we have several ideas on how to use the funds. Among the ideas are:

--for printing and distribution of material related to violence prevention (we have a lot of material from the National School Safety Center which we have not been able to reproduce because we haven't had authorization to do anything in the area of violence prevention).

--support of PAVNET. Justice has requested that agencies help support this on-line information system. If we do, it will cost approximately \$80,000.

--data collection. We need more information on the issue of school violence and are examining ways in which we can obtain it.

--study on information needs. Report language to Goals 2000 recommends that we conduct a study on the information needs of SEAs and LEAs.

--conflict resolution. ED and Justice are sponsoring a one-day meeting of conflict resolution experts. We will produce a booklet on how to select a conflict resolution program. We are splitting the costs with Justice (they are paying for development work and we are paying for printing and dissemination).

--Other ideas center around: alternatives to suspension, gun removal, and development of safe schools study.

We expect to circulate for review and approval a plan for these funds by the end of October.

## Other Violence Prevention Activities at ED

### Safe and Drug Free Schools and Communities Act:

Overview: The Safe and Drug Free Schools and Community Act (SDFSCA) just completed conference, and has been approved by the full House. It is awaiting approval by the Senate. SDFSCA is part of larger Elementary and Secondary Act reauthorization and therefore will have to face several huddles--in House and Senate--before it actually becomes law.

Comment: Bill would give SEAs and LEAs authority to fund violence prevention as well as drug prevention programs. Additionally, prevention is defined rather broadly, thereby allowing schools to use funds to develop and operate programs such as safe havens, conflict resolution, peer mediation, and anger management. Bill also targets funds at areas of highest need (as defined by SEA). SEAs must designate up to 10% of LEAs as high need areas, these areas will get additional funding (30% of total SEA funds to go to high need areas).

Budget: The budget for FY 1995 is slightly higher than FY 1994. In FY 1995 we have been appropriated a total of \$482M (as compared to \$471m in FY 1994). Of this total amount \$457m will be distributed directly to SEAs and Governors (this is an increase over FY 1994 when the states received \$375m).

### Safe Schools Act:

Overview: The Safe Schools Act passed as part of Goals 2000. There are three basic sections to the Act. One part provides discretionary funds to LEAs for a variety of violence prevention efforts; another part provides \$1m to the District of Columbia to establish a "model violence prevention program;" and the remaining part provides the Secretary with \$1m for discretionary "national leadership" activities.

Comment: The Safe Schools discretionary grant program was announced in the Federal Register in August. The program closes September 30. ED expects to make grant awards totalling \$18m by the end of the year. Approximately 30 grant awards are anticipated (500-600 applications are expected under this grant

announcement). ED is in the process of negotiating a Memorandum of Understanding with the District of Columbia. We expect to make an award to the District no later than early October.

**Budget:** \$20m has been appropriated for the Safe Schools program for FY 1995. This is a one year effort, no funding has been appropriated for FY 95.

**Family and Community Schools Endeavor Program:**

**Overview:** This program passed as part of the Crime Bill. The program, is to be administered by the Department of Education. It calls for a competition among "eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs that are designed to improve academic and social development by instituting collaborative structures that train and coordinate the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students at selected public schools in eligible communities."

**Comment:** The Departments of ED and HHS are working together in the development of guidelines for these two programs. It is anticipated that both agencies will be ready to make grant awards by May or June of 1995.

**Budget:** \$11m has been appropriated for the FACES program in FY 1995.

**Gun Free Schools Act:**

**Overview:** The Gun Free Schools Act requires all schools to establish policies that mandate expulsion for one year for all youth who bring guns to school.

**Comment:** This bill was passed as an amendment to the Goals 2000 legislation. As the Gun Free Bill amends the current ESEA it essentially expires when ESEA does (Sept 30). The ESEA which is stuck on the Hill contains a similar amendment (Feinstein). This amendment also requires that schools pass zero tolerance policies--policies that require one year expulsion for those caught bringing guns to school. The only difference between the amendment pending and the one originally attached to Goals 2000, is that the Feinstein amendment gives schools one year to come into compliance.

Budget: No funding provided.

**Pro Childrens Act:**

Overview: The Pro Childrens Act requires all schools to ban smoking inside school buildings (other buildings housing children are also covered).

Comment: This Act which was included as an amendment to Goals 2000, was passed as a reaction to secondary smoke and the harm it causes children. While the Act will eventually impact all schools, those schools with labor agreements permitting smoking are given some leeway in implementing the ban. We expect an announcement to be issued in the Federal Register in the fall. The requirements of the Act become effective in late December. The Department of HHS has responsibility for enforcing the Act. Schools can be fined if they violate the provisions of the Act.

Budget: No funding provided.

**Ounce of Prevention Council:**

Overview: The Crime Bill establishes the Ounce of Prevention Council which includes the Secretary of Education along with the Attorney General, the Secretaries of HHS, HUD, Labor, Agriculture, Treasury, and Interior, and the Director of ONDCP. The President to appoint the chair. The Council has responsibility for coordinating prevention programs funded under the Violent Crime Control and Law Enforcement Act; for developing a crime prevention program catalog; providing assistance to communities seeking assistance in prevention programming and program integration; and development of strategies for program integration and grant simplification.

The Council is also authorized to make grants for summer and after-school education and recreation programs; mentoring, tutoring, and other programs involving adult role models; programs assisting and promoting employability and job placement; and prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy.

Status: The President appointed the Vice President chair of the Council. The Office of the Vice President is developing an operating plan for the Council.