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Pam Thomason

Huntsville City Schools Opt Out of Girls Inc.

Curriculum with abstinence focus adopted instead

HUNTSVILLE, AL – The Huntsville City Schools have replaced a comprehensive sex education program sponsored by a national organization called Girls Inc. with “Choosing the Best Life,” an abstinence-focused curriculum for grades 9-12. An eight-member curriculum committee made up of health teachers, parents, the Nursing Health Services Coordinator, and the Huntsville City Schools’ Director of Secondary Education, voted unanimously Feb. 19 to approve the new curriculum.

This turn of events may not have come about without the persistence of registered nurse and concerned parent, Pam Thomason, who discovered that the Girls Inc. curriculum was in violation of Alabama’s 1992 abstinence law and the 1997 State Board of Education Resolution calling for supplementary materials that comply with the law.

Alabama code 16-40A-2 states: “Any program or curriculum in the public schools in Alabama that includes sex education or the human reproductive process shall, as a minimum, include and emphasize” that “abstinence from sexual intercourse is the only completely effective protection against unwanted pregnancy, sexually transmitted diseases, and AIDS when transmitted sexually.” The Girls Inc. curriculum, called “Taking Care of Business” (TCB), does include abstinence, but students are also taught the concept of “safe sex” or the use of “protection.” As Pam Thomason points out, these are opposing concepts.

Alabama law also states: “Abstinence from sexual intercourse outside of lawful

marriage is the expected social standard for unmarried school-age persons.” The Girls Inc. curriculum does not include “expected social standards” of premarital sexual behavior. “Students are taught to decide for themselves what is right for them,” reports Thomason. “Unwed sexual activity is acceptable as long as it is planned and contraception is used. This is considered ‘safe’ or ‘protected’ sex.”

The Alabama abstinence law further states that homosexuality is “not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under the laws of the state.” Girls, Inc., however, considers homosexuality to be an acceptable lifestyle and discourages “homophobia.” “The website provides resources for teens who think they are homosexuals,” Thomason notes. “It also encourages people to write their Congressmen asking them to vote against federal funding for abstinence-until-marriage education.”

The Girls Inc. curriculum is a comprehensive sex education program used in schools across the country. According to Thomason, TCB’s goals are to prevent teen pregnancy, STDs and HIV transmission through “abstinence” and “smart choices.” These “smart choices” include: (1) Abstinence from sexual activity until one is “older,” “ready,” and/or “responsible” (marriage is not a prerequisite); (2) preparing for planned or spontaneous sexual activity by using condoms and/or other contraceptives, or having them available “just in case”, even if unmarried. TCB does not specifically pro-

(See Huntsville, page 2)



Fear of Phonics

NCLB mandates worry educrats

Rumblings are emanating from the education establishment about the growing encroachment of the federal government into the public school classroom. Objections are being raised to the mandates of the No Child Left Behind (NCLB) law impacting curriculum.

“There is more federal muscle around curriculum and other aspects of school than heretofore has been thrown around,” Larry Cuban, professor of education at Stanford University, commented in *Education Week* (2-5-03). University of Florida Education Professor Richard Allington has charged the federal government with “intrusion” into local affairs and with the coercion of state departments of education.

Are critics really worried about preserving local control and ensuring the right of parents and local school boards to direct the education of children? Are they concerned that, since 1965 and the passage of the first Elementary and Secondary Education Act (ESEA), the rights of parents and local educators have gradually been stripped away by the enactment and re-enactment of increasingly burdensome and controlling federal education laws? Are they fearful that, with the passage of Goals 2000, School-to-Work, and the soon-to-be reauthorized Workforce Investment Act (WIA), America is in danger of losing not only our locally-controlled public school system but our free market economy as well?

From all indications, the source of these educrats’ fears is none of the above, but rather, that old bugaboo – phonics! While NCLB incorporates the system of federalized education established by the above-mentioned laws, it also ties the federal purse strings to the teaching of phonics reading programs. If the Bush Administration has its way, phonics will replace guessing at words, and children may also learn to write and spell.

Supporters of phonics instruction have traditionally been accused of promoting ideology, and some critics are currently leveling that accusation against the federal government. “Right now, we have one voice and one perspective about reading,” Deborah A. Dillon, professor of curriculum and development at the University of Minnesota-Twin Cities and president of the National Reading Conference, told *Education Week*. “The stakes are high, and if you don’t follow that perspective . . . that means you won’t get funding.”

Some educators are worried that the basic-skills trend will spread to mathematics and other subjects as well. As *Education Week* noted: “Critics suggest that a \$400,000 U.S. Department of Education grant to researchers who back basic-skills math curriculum signals that the administration may eventually set its eye on the math curriculum in the same way it has with reading.”

Strip-Searching Schoolchildren Okay, Court Rules

ATLANTA, GA — The 11th Circuit U.S. Court of Appeals last month threw out a lawsuit filed on behalf of students who were strip-searched by a teacher and a police officer in Clayton County, Georgia in 1996. The then-5th graders were searched after an envelope containing \$26 disappeared from teacher Tracey Morgan’s classroom. The cash belonged to a student who had earned it selling candy.

According to the plaintiffs, Ms. Morgan was concerned that the loss of \$26 would be a significant blow to any of her mostly low-income students. She instituted a search of their desks, purses and other personal belongings. When the money did not turn up, Morgan asked the assistant principal for permission to search the students themselves. Assistant Principal R.G. Roberts allegedly

granted her request, and also permitted her to enlist the aid of Clayton County Police Officer Zannie Billingslea, who had arrived on the scene to conduct a DARE class.

Billingslea accompanied the boys to the boys’ restroom and proceeded to drop his pants in demonstration of what the children were to do. They complied, and some of the boys even pulled down their underwear. Ms. Morgan took the girls

into the girls’ restroom where they were directed to lower their pants, pull up their skirts, and even to lift up their shirts and brassieres. Some of the girls complained of inappropriate touching during the searches, which failed to yield the missing money.

When the children’s parents found out about the strip searches, they were enraged. They complained to the principal and to the Clayton County Police Department. Both the school district and the

(See Strip-Search, page 4)

EDUCATION BRIEFS

A biology professor will not write letters of recommendation for his students unless they believe in evolution. Texas Tech University's Michael Dini says no one should practice in a biology-related field without accepting the theory of evolution. He refuses to recommend students who do not "truthfully and forthrightly" apply a "scientific" explanation to the question: "How do you think the human species originated?" A university student and a religious freedom group called Liberty Legal Institute filed a complaint against Dini and the university, accusing them of "religious bigotry." So far, Texas Tech is backing Dini, claiming that his policy is not subject to regulation by the university, and is a matter to be resolved between the professor and his students.

Des Moines, Iowa teacher Paul Mann issued a political handout to his students called "Rules for Being a Good Republican." The handout describes Republicans as "people who hate AIDS victims, embrace pollution for the sake of profit, and believe women can't be trusted to make decisions about their bodies." Parents complained, but Mann argued that the handout was political satire. There is no word on whether Mann will be disciplined for the incident, but school policy prohibits employees from using school property or time to promote their political views.

Lombardy Public School near Smiths Falls, Canada, banned the word "gun" from the first-grade spelling list after one student's parents complained. School board director Gino Giannandrea later reversed that decision, and instead gave teachers the option of dropping a word from an individual student's test if the parents objected to that word. The other students will still be tested on the offending word.

Proposals to change the national science curriculum in Great Britain would shift course focus from teaching basic scientific principles to debating "pop science" topics such as cloning and evolution. The proposals are a response to the asser-

(Continued on page 3)

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Huntsville (Continued from page 1)

mote *abstinence until marriage* as required by Alabama law.

After gathering evidence to demonstrate how the Girls Inc. curriculum violates Alabama state law, Thomason began her campaign to create awareness among school officials, school board members, and parents. When it appeared that school officials were not concerned about the problem, she even contacted non-profit legal organizations, one of which, the Alliance Defense Fund, recommended that she contact the State Attorney General's office for advice on the issue.

When she wrote to the school superintendent saying that she was planning to contact the Attorney General's office, a meeting was finally arranged in October with school officials to allow her to present her case against the Girls Inc. curriculum. When it appeared that no further action would be taken, Thomason questioned the school board about sex education policies on Jan. 2, 2003. Of particular concern was whether or not there were any policies regarding the approval of supplemental curriculum such as "Taking Care of Business" from Girls, Inc.

That meeting led to the formation of a curriculum review committee, and Thomason managed to obtain a slot on the committee. "This committee was to have been established six years ago when the Girls Inc. organization first brought TCB into the Huntsville schools," Thomason explains. "Incredibly, no one in the school system had actually read the curriculum. They did not realize that the curriculum did not comply with the 1992 Alabama law or the State School Board resolution from 1997. The teachers wanted to keep the program in the schools because they felt it helped students to 'open up' and talk about sexual issues that they may be uncomfortable discussing with their parents."

Thomason adds that TCB was not

readily available for parental viewing either, and that, after the curriculum review committee was formed, parts of it were replaced, switched, or stricken altogether. For example, last year a student complained of "learning things in health class" that she "wished she had never known." The girl described objectionable magazine pictures that were passed around the classroom and video clips suggestive of oral sex and other sexual activities that were shown. While these were not part of the curriculum itself, they were used as supplementary materials by a program "facilitator."

Parents also learned that facilitators were allowed to offer sexual advice and refer students to community agencies such as the health department without parental knowledge.

It is legal in Alabama for community agencies to provide medical services such as STD testing at age 12, contraception at age 14, and abortions at age 16 without parental knowledge or consent.

For now, Girls Inc. and TCB are not allowed in the Huntsville schools. "While this is a clear victory for abstinence education, there are still issues that need to be resolved regarding sex education in the schools," says Thomason. "This week the school board will take up the discussion of how to handle such issues. Meanwhile, 'Choosing the Best Life' is an excellent abstinence curriculum, and it conforms with Alabama state law."

Although Thomason faced considerable opposition from health teachers and school district officials when she began her crusade, she says there were always people "behind the scenes" who encouraged her. In the end, the Director of Secondary Education for the Huntsville School system "was very vocal in her objections to the Girls Inc. curriculum in that it did not comply with the law or the Alabama Health Course of Study. She did not take sides," notes Thomason, "and we were able to install the abstinence curriculum by a unanimous vote." 🍏



The Huntsville schools chose an abstinence-centered program.

Book of the Month



The Worm In The Apple: How the Teacher Unions Are Destroying American Education, Peter Brimelow, 2003, 296 pgs., \$24.95

In *The Worm in the Apple*, CBS Marketwatch columnist Peter Brimelow steps into the "What's Wrong with American Education" fray and points his finger at a big target: the teacher unions.

The book details Brimelow's investigation of the connection between American education's downward spiral and the unionization of teachers. He focuses especially on the NEA, which currently boasts a membership of about three million.

"For 30 years, taxpayers have met union demands, for increased spending, smaller class sizes, and across the board pay raises — measures the Teachers Trust assured us would remedy public education," Brimelow writes. "But the results by every measure are stagnant or worse — and the costs are vastly higher."

American education standards and performance have lagged behind other industrialized nations and some Third World countries for years, even as exorbitant amounts of money have been poured into the system promising improvement. Is it a coincidence, Brimelow asks, that these problems came about at the very same time the teacher unions were created?

In Chapter One, the author describes the NEA's annual "Representative Assembly" and includes a few of its resolutions. He attended the convention in California in 1999, and recalls that NEA delegates were "extraordinarily fat." "Not all of them of course," he quickly clarifies, "but as you stand looking out across the cavernous Orange County Convention Center," at what the NEA boasts "is the largest democratic deliberative body in the world — you can't avoid the curious feeling that you've stumbled into a sort of indoor rally for human hot-air balloons." Brimelow's point here is to poke fun at the NEA's perpetual pretention of perfection.

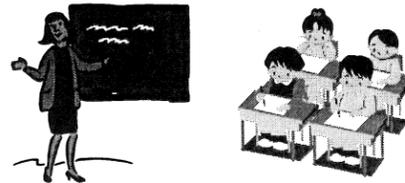
Worm in the Apple does much more than offer commentary, tongue-in-cheek or otherwise. Brimelow provides actual solutions to the education crisis based on a free market system and economic sense.

According to Nobel Laureate economist Milton Friedman, "Peter Brimelow demonstrates beyond a shadow of a doubt that the teacher unions, through their control of the government education monopoly, are the major source of the gross deficiencies in our government school system."

(Visit www.harpercollins.com.)



FOCUS: A Class-ic Mistake



By David W. Kirkpatrick

Periodically, public education is seized by a fad whether or not the fad has any real effect. One such fad is reducing class size to some arbitrary number.

Let it first be acknowledged that class size does make a difference. But that difference depends on many variables, including grade level, the types of students, the subject matter, the skills of the teacher, the teaching method, etc.

Under former Gov. Pete Wilson, California mandated smaller class sizes in some grades. An initial cost of \$1.5 billion has now grown to \$4 billion, resulting in a mad scramble to find teachers and classroom space.

Even child-care centers and libraries were converted to classrooms, hardly a net gain. Peter Jennings on ABC-TV's "World News Tonight," Feb. 17, 1998, reported that 21,000 noncertified teachers were hired. Jennings also cited a school district that reduced class size only to have student achievement go down, and another did not do so because eight new teachers and eight new classrooms would cost more than \$1,000,000, money the district did not have.

A little historic perspective might be helpful. On May 19, 1806, the Free School Society opened its first school, adopting the Lancasterian (or monitorial) system developed in England, whereby one teacher, using student monitors, was placed in charge of a school of 1,000 students.

By the 1860s, the public school system had smaller classes, although one New York City teacher had a class of 269

pupils and another had 162. The superintendent said classes of 60 students or more were acceptable but they should not exceed 100 students. It was common for even a young female teacher just out of grammar school to be given a class of nearly 100 six- and seven-year-olds.



David Kirkpatrick

A generation ago, then-Sen. Daniel P. Moynihan cited a study by James C. Coleman which concluded that class size, by itself, is unimportant. Moynihan commented that this was consistent with findings over the previous 40 years.

Students in other nations are commonly in larger classes. The children of the "boat people" from Vietnam

in the 1970s performed very well in our public schools, scoring, for example, in the 95th percentile in mathematics. Yet in Vietnam they had been in schools where the average class size was 75. Japanese high school classes typically have 50 students. A Chinese immigrant, who is a computer scientist in Maryland, has said her classes in China typically had 50-60 students. South Korea's students ranked first in math among 20 nations, yet the average class size there is 43 students.

Oddly enough, the argument that classes are too large has intensified at the same time that the student-teacher ratio and average class size have declined. The average dropped from about 37 students per teacher in 1900 to 27 in 1955 to 18 in 1986. Today, the ratio is about 17 students per teacher.

Eric Hanushek, former chairman of the Economics Department at the Univer-

sity of Rochester, looked at 152 class size studies. He found that only 14 — less than 1 in 10 — reported positive relationships with smaller class sizes. About an equal number showed negative results, while most showed no significant difference either way.

Assume that reducing classes to 15 in the first two grades would bring gains in achievement of 14%, as one study suggests. To reduce the current average of about 25 students per class to 15 means

During World War II, the U.S. Army taught typing in rooms so large that the instructors used microphones, and students listened on headphones.

that there must be five teachers and five classrooms for every 75 students, compared to the present three of each. Such a class size reduction means a cost increase of 67%, nearly five times the increase in achievement.

What does a 14% gain mean? If stu-

dents rank in the 35th percentile as a group, for example, a 14% gain, or one-seventh, would move them, at great expense, from the 35th to the 42nd percentile, still well below average.

Furthermore, class size is almost invariably discussed in terms of classes being too big. But many classes are too small. Enlarging those classes could save more money that could be spent where smaller classes could be proven useful.

During World War II, the U.S. Army taught typing in rooms so large that the

instructors — non-certified soldier-teachers — used microphones, and students listened on headphones. This worked because typing is a mechanical skill requiring only repetition until it becomes a habit.

Not only could a public school do this, at least one has. During the 1960s, a Melbourne, Florida high school adopted this methodology. One typing teacher had 125 students per class, five classes per day, for a daily student-load of 625. Principal B. Frank Brown said, "The surprising thing is that we never thought of this before." Few other high schools have thought of it yet.

Here's another example that should be obvious but is similarly overlooked. The most common teaching method to this day is the lecture. A high school teacher may have six classes per day of 25 students (I used to have about 33). Presenting a lecture multiple times, once to each class, is highly inefficient. Would it not be better for the teacher to give the lecture once to 150 students as a group, leaving five periods available for other subjects?

Finally, even if the money is available, to spend billions of dollars on an ineffective fad such as arbitrary class sizes, consumes funds that could be better used where there are demonstrated needs or more efficient options.

The fact that people believe something doesn't make it true. If it did, the world would be flat.

David W. Kirkpatrick, a retired public school history teacher, is Senior Education Fellow with the U.S. Freedom Foundation in Washington, DC. An education researcher and writer, he currently emails his original writings to individuals and groups throughout the U.S. and 12 other nations.

The Lost Art of Writing Research Papers



By Donna Garner

Students no longer need the excuse "The dog ate my research paper" because in a large majority of our nation's schools, no research papers are assigned for the dog to eat. Many high-school teachers around the country have stopped teaching research-paper writing because they simply do not know how to keep their students from plagiarizing on the internet. Rather than face the problems that arise when students cheat, many teachers are backing away from assigning a full-fledged research paper at all.

Meanwhile, businesses are clamoring for employees who can do quality research and who can then document their research in such a way that there is no chance of litigation being filed against their companies.

Colleges and university professors are complaining because their students no longer know how to do independent research. When papers are assigned, many college students are taking the easy way

out by plagiarizing because they really do not know a systematic way to approach the research process.

After teaching in the public schools for over 27 years, I have spent several years teaching in a private Christian school where we have required our students to research both contemporary and literary topics using the fifth edition of Joseph Gibaldie's *MLA Handbook for Writers of Research Papers* (ISBN 0-87352-975-8, c. 1999).

Fellow educator Montie Smith and I have developed two research-paper packets — one for English I-II and another for English III-IV. The process is very explicit and sequential. Students are monitored at each step in the research process and during the writing of their papers. We

believe we have found a way to make sure students do their own independent research.

We want to offer our research packets (plus an important document entitled "Steps to Research Paper" free to anyone who would like to use them. For this reason, the packets have been uploaded onto our school's website <http://www.ctcsions.com> under English Research Papers I-IV. We want public schools, private schools, charter schools, and homeschoolers to make use of our materials. The papers are available in PDF, Microsoft Word and HTML files for easy accessibility.

By downloading the papers onto their computers, teachers can change the content to make them specific to their students' needs. CTCS is a private Christian school, but educators in the secular setting can easily utilize these materials by making a few changes on their computers. We are not claiming authorship or copyright privileges.



Donna Garner

Briefs (Continued from page 2)

tion by the Parliamentary Commons Science and Technology Select Committee that traditional science courses are so mundane that students become disinterested. The new curriculum would supposedly keep students interested in science and help increase their retention of "important life concepts." Although no longer required, traditional science courses would still be available as options. The curriculum changes are not expected until 2005 or 2006, but a pilot program entitled "Science in the 21st Century" will be introduced in 50 schools in September.

A new sex education course in Britain called "A Pause" encourages students to experiment with oral sex as an alternative to "full sexual intercourse." The stated goal is to cut teenage pregnancy rates in the country, which are the highest in Western Europe. Many parents and teachers oppose the explicit course, noting that it encourages sexual behavior. A bill currently in the House of Lords could eventually ban "A Pause."

Zero Tolerance Follies Update

Lethal Weapon?

At LaSalle Middle School in Greeley, Colorado, a 2 1/2-inch laser pointer dangling from a keychain is considered a "firearm facsimile," and earned three 13-year-old boys one-year suspensions. One of the students bought the pointer, which shines a small bright orange laser beam, at a local store and brought it to school. The boys were suspended when one of them was caught with the toy in class.

The parents of Mitch Muller, one of the students who played with the pointer "for a few minutes," tried to fight back. They hired an attorney and appealed their son's suspension, first to the school district's hearing officer and then to the full school board. They also objected to the fact that principal Bruce Hankins had pressured their son into signing a confession without another adult present.

Common sense failed, however, and the Mullers are now paying off thousands of dollars in lawyer's fees while their son, a good student who had never before been in trouble, attends an alternative program with young criminals and juvenile delinquents. In lieu of academics, the boy is forced to take "anger management" and "conflict resolution" classes, and is being "educated" about gangs.

"Even hardened felons get three strikes before they're out," Jon Caldara, president of the Independence Institute in Golden, Colorado, pointed out in an editorial in the *Boulder Daily Camera* (1-26-03). "Colorado has a new political prisoner," he wrote. "Someone call Am-

nesty International. Free Mitch Muller!"

No Vitamins Allowed

When a 3rd grader at O'Rourke Elementary School in Mobile, Alabama took a multivitamin with his lunch, administrators slapped him with a five-day suspension for violating the district's substance abuse policy. Students reported to principal Karen Mohr that they had seen the student, Ryan Wright, take "a purple pill."

The child's father told the Associated Press that the pill was actually "a green multivitamin," and his wife, a registered nurse, did not think their son was wrong to take the pill at school.

But school officials defended the five-day suspension. The principal explained that school policy prohibits students from bringing vitamins and "look alike candies" to school.

10 Days for Plastic Knife

A 1st grader at Struthers Elementary School in Youngstown, Ohio was suspended for 10 days on Feb. 28 for attempting to take a plastic knife home from the school cafeteria. Six-year-old Kevin Long wanted to show his mother that he had learned how to spread butter on his bread. Another student spotted the knife in Kevin's book bag and called it to the attention of a teacher.

The boy's mother, Donna Long, told the *Youngstown Vindicator* (3-4-03): "I didn't know he could get suspended for something like that. He wasn't waving [the knife] around or threatening anyone." She said that her son was not allowed to use knives at home, plastic or otherwise.



At Wisconsin High School, Students Behave As They Eat

APPLETON, WI — The Central Alternative High School in Appleton instituted a new healthy lunch program in 1997, administered by a private group called Natural Ovens. Suddenly, the revolving discipline plans, metal detectors, security officers, and all the other tactics schools currently use to deal with rowdy students were no longer needed.

Could the answer lie in what students eat? According to a newsletter called *Pure Facts*, eliminating behavior problems was as simple for Central Alternative's principal LuAnn Coenen as eliminating junk food. School lunch menus changed drastically. All the soda and junk food vending machines were removed. Fast-food hamburgers, fries, and burritos were tossed out, and replaced with healthy alternatives including fresh salads, meats, whole grain breads, and fruits.

The results have been impressive. *Pure Facts* reports that "grades are up" at the high school, "truancy is no longer a problem, arguments are rare, and teachers are able to spend their time teaching."

Principal Coenen has been turning in stellar annual reports to the state of Wisconsin since the program began. The number of drop-outs and expulsions, as

well as the number of students using drugs, carrying weapons, and committing suicide, is zero.

The improvement in student behavior is obvious to all. Teachers report fewer daily discipline issues and classroom disruptions. One teacher from a nearby middle school, which also adopted the program, even decided to teach for another year rather than retire, because "teaching more well-behaved students is so much fun."

Where did this novel food concept come from? In 1976, a non-profit organization called the Feingold Association began creating awareness for the work of Dr. Ben F. Feingold, a pediatrician and allergist. Feingold discovered a relationship between certain synthetic additives in foods and behavior, learning, and health problems in children. The Feingold program is based on a diet that eliminates synthetic food colors, synthetic flavors and additives such as MSG, and the preservatives BHA, BHT, and TBHQ.

A main goal of the Feingold Association is to create awareness of these discoveries in the hope that diet alternatives can be found to treat behavior problems in children instead of administering dangerous drugs such as Ritalin.

The March 5 issue of the *Vindicator* opined that in suspending Kevin, "Struthers School officials reacted in typical zero-tolerance fashion, which means near-zero thought." The editorial added that "in practice in schools, zero tolerance has produced a litany of cases that make most people shake their heads in disbelief. . . . It is time to say 'enough.'"

Zero Tolerance for Life

A student at Chardon High School in a suburb of Cleveland, Ohio received two Saturdays of detention in January for wearing a sweatshirt stating: "Abortion is Homicide." The back of the shirt read: "You will not silence my message. You will not mock my God. You will stop the killing of my generation. Rock for Life."

Seventeen-year-old Bill Noyes was ordered to remove the shirt or turn it inside out after two students in the 1,200-pupil Chardon student body complained. Noyes refused, and the principal imposed the penalty. Later, the punishment was rescinded when the principal agreed to allow Noyes and the complaining students to work out a solution with the school's "peer mediation group."

A week earlier, a student in Pennsylvania was barred from wearing the same sweatshirt to a junior high school. His principal compared the shirt's message to a swastika. In that incident, a non-profit legal group stepped in to explain the student's First Amendment rights and threaten a lawsuit.

Kindergartners Suspended

In the troubled Philadelphia School District, 33 kindergarten children had been suspended as of December for a variety of violations, some serious, some silly. In Connecticut, more than 300 kindergartners were suspended for one to 10 days during the 1999-2000 school year. In Minnesota, 100 kindergartners were suspended during the 2000-2001 school year.

Some child psychologists question whether children that age can truly connect the crime with the punishment. Yale researcher and psychologist Walter S. Gilliam told the Associated Press that a

10-day suspension can seem like "a lifetime" to a young child. "They can't even fathom 10 days. It's like waiting for Christmas."

Gilliam found that the Connecticut suspensions were given mostly to minority boys, and suggested that zero tolerance policies are "disproportionately applied to minorities."

Critics observe that almost all zero-tolerance rulings punish boys and wonder if they are part of the feminist agenda to make little boys behave like little girls.

Zero Tolerance in Court

Increasingly, zero-tolerance cases are ending up in the courts. The Rutherford Institute presented oral arguments Feb. 3 on behalf of the family of a child who was suspended in March 2000 for playing cops and robbers on the Sayerville, New Jersey Elementary School playground. Plaintiff "A.G." and three friends were pointing their fingers like guns during the game and were suspended for three days.

In Philadelphia, another zero-tolerance case defended by Rutherford attorneys won't go away, despite the frustration of at least one judge. Now nine years old, Daniel Walz was a five-year-old kindergartner when he was barred from giving his classmates candy canes and pencils with Christian messages on them. In February 2002, a U.S. District Court ruled that the school did not deprive the child of his rights by forbidding the handouts. The family appealed, and the case is now before the Third U.S. Circuit Court of Appeals.

Rutherford lawyer Michael P. Laffey contends that the boy wanted to give his classmates the gifts outside of regular class time. "The gifts would have been the student's statement and not the school's," he argued.

Third Circuit Judge Maryanne T. Barry complained in *Newsday* (1-9-03): "There comes a point in time when children should be allowed to grow up without being used as pawns, without being named a plaintiff in this kind of lawsuit."

Strip-Search (Continued from page 1)

police department launched investigations. A school district investigator concluded that the strip searches had in fact taken place. The police department found that Billingslea had acted inappropriately without "probable cause" and issued him a letter of reprimand.

Some of the parents filed a lawsuit in U.S. District Court on behalf of their children. Without conducting a full trial, a district judge ruled that while the strip searches were unconstitutional, the school employees were shielded from liability by federal law.

The parents appealed to the 11th U.S. Circuit Court, which found in August 2001 that the strip searches violated the Fourth Amendment, but that the constitutional rules of immunity did apply to the school officials in the case.

In June 2002, the U.S. Supreme Court revived the case after overturning another 11th Circuit decision involving qualified immunity. According to the *Atlanta Journal-Constitution* (3-12-03), the High

Court also scolded the 11th Circuit for a "rigid overreliance" on prior court decisions that were factually similar.

The Supreme Court later directed the 11th Circuit to reconsider the Clayton County strip search case. On March 10, however, the Circuit Court stood by its initial ruling in *Thomas v. Roberts* on the strip searches of the 5th graders.

This case is troubling for concerned parents and educators who wonder whether a precedent of immunity has been set for school officials to conduct similar searches without fear of reprimand. Such searches have been reported in schools across the country.

Following the 11th Circuit Court's affirmation of its original ruling, the legal director of the American Civil Liberties Union's Atlanta office noted: "What happened to these children is a parent's worst nightmare. Any parent would be shocked that a federal court would say their children can be strip-searched without the slightest suspicion of wrongdoing."