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Texas Senate Education Committee
Texas Senate Criminal Justice Committee

Re: Testimony for Hearing related to School Discipline

Dear Senators:

My name is Julia Hatcher, and this is my son, who is in the 6th grade at Central Middle School, in Galveston. I have practiced law for almost fifteen years, yet I had no idea that the situation of Class C ticketing in our schools was so prevalent. All of the juvenile cases I have defended have been prosecuted in the Juvenile Court, where children are given Constitutional protections, and are adjudicated rather than convicted of a crime.

About ten days ago, I received a call from a Galveston Independent School District police officer, who had called to tell me that he had given my son a ticket because he had "hit" another student with his notebook. Now, let me preface this by telling you that my son had been bullied by this student he was accused of hitting, basically since school started in August. My son complained about him almost every day, the teachers had reported the bullying to me, and I had reported it to the administration, yet I know of nothing that was done about the bullying. The officer originally issued him a ticket for "disorderly conduct," but after I pointed out to several administrators that sixth graders couldn't be cited for disorderly conduct, the officer re-issued the ticket for simple assault. The other child laughed, and was clearly not offended.

It is important to note that the school administrators did not feel it necessary to discipline my son for this minor infraction, because they were aware of the consistent bullying he has endured. Yet, the police officer felt the need to do so, and even commented that the provision in the anti-bullying statute might be an affirmative defense.

I guess this is what is meant by "zero tolerance." The police officer did not know that my son had just been called a "Barbie doll," and wasn't aware of my son's disabilities documented in his 504 plan.

This officer pulled my 11 year old son out of class, took him to his office, and questioned him about the incident, without reading him his rights. I wasn't called until after he had issued the ticket. When I questioned the Chief on this, he told me that the Transportation Code allowed him to do that. He tried to tell me that my son wasn't in custody. Really? To make matters worse, he was pulled out of class a second time when the officer re-issued the ticket.

Why are the School Police officers writing tickets to students when the administrators at the school determine that no discipline is necessary? The Assistant Principal who is in charge of discipline did not even know that my son had been given a ticket until we met later that day.

We teach our kids to trust the police, to go to them for help, etc. Now, I have told my son not to talk to the police, and to ask for his mother/lawyer if he's questioned by them. The threshold question you should ask yourselves- should the police be in the schools in the first place? Please act to mandate that discipline be handled in the schools where it should be.