

EDUCATION WEEK

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The Long Arm of the Law

In Mobile County, Ala., the district attorney believes fighting juvenile crime starts where children are: in the schools.

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Mobile, Ala.

John M. Tyson Jr., the district attorney in Mobile County, Ala., has a prosecutor's zeal for convicting felons and a social worker's compassion for helping troubled people.

That's why Mr. Tyson, the top prosecutor here for 12 years, is burrowing into Mobile County's 65,000-student public school system to root out and redirect the students he believes could become the next generation of troublemakers and criminals.

For the past three years, thousands of Mobile County students—most of whom have been suspended from school—and their families have been referred to a program he created called the Helping Families Initiative.

A Democrat who is on next month's ballot to become Alabama's attorney general, Mr. Tyson calls his program a unique strategy for dealing with disruptive schoolchildren and the family circumstances that usually contribute to their misbehavior. And though he regularly promotes the program, part of his campaign platform and something he would replicate statewide if elected, the Helping Families Initiative has so far received little attention outside Alabama.

The initiative grew out of Mr. Tyson's effort to predict who was likely to end up in juvenile court after he noticed that his office was prosecuting an increasing number of juveniles.

"That took us right to the schools," said Mr. Tyson, who asked his staff to begin compiling data on suspensions, expulsions, and attendance records. At the same time, Mr. Tyson had started an aggressive campaign against truancy, personally talking with students and parents about school attendance and then taking legal action against parents whose children continued to miss school.

"We are targeting the kids who we feel confident are on the wrong road if we don't do something," Mr. Tyson said in an interview at his downtown Mobile office last month. "I'm not saying these are future criminals, but if we don't arrest these behaviors now, they could be."

And that is what makes some civil liberties watchdogs and education law experts uncomfortable about the Helping Families program and the school district's cooperation with the district attorney's office in running it. At the same time, they say Mr. Tyson's program represents a fresh approach to student discipline in an era of strictly punitive zero-tolerance policies.



IN THE RUNNING: John M. Tyson Jr., a candidate for Alabama attorney general, has used a 1927 state law to gain unusually broad access to students' records in an effort to address juvenile misbehavior.

—Photo by Sevans

“In general, I think there’s a concern when the default way of dealing with children in trouble at school is with the criminal-justice system, and that is what the district attorney is,” said Dennis D. Parker, the director of the Racial Justice Project for the national American Civil Liberties Union.

Last month, the Helping Families team—social workers, counselors, an assistant superintendent from the school district, a school nurse, police officers, and parent and youth advocates—considered a brand-new referral. This one had come from an elementary school.

A teacher there had spied two handguns, one of them loaded, in a 1st grader’s book bag. Expulsion, usually automatic when students bring weapons to school, was ruled out for the 6-year-old boy. He hadn’t intended to harm anyone.

Cheryl A. Turk, a Helping Families case officer, had a trove of information to share about the 1st grader and his family.

His mother, 23 and single, has four other children. She’s functionally illiterate, unemployed, receives \$722 a month in food stamps, and gets a Section 8 housing voucher to help with rent. The guns, Ms. Turk said, had been on a shelf beneath a TV in the living room and belonged, according to the boy’s mother, to an adult cousin. The mother has no criminal record. The boy, Ms. Turk said, was a “sad, quiet child,” who’d had no behavior problems in school.

Team members quickly settled on the first steps of an “individualized intervention plan” to help the boy and his family: basic parenting skills, early-childhood services for the three youngest siblings, and enrollment of all the children in Alabama’s free health-insurance program for the poor.

Ms. Turk and her supervisor, Jayne Carson, who leads the Helping Families team, would keep close tabs on the family and the boy’s performance and demeanor at school. Also, the mother would be informed that child-endangerment charges stemming from the boy’s access to the guns could be filed against her.



A DAY’S WORK: Ms. Carson, left, talks with Larissa Dickinson, a social worker at the Mobile County school district offices, as they wait for information on a child Ms. Carson was trying to identify. She and Ms. Dickinson were able to learn his name and figure out what school the boy attends.

—Photo by Sevans

In most instances, students and their families get involved with Helping Families after district officials notify the team that the child has been suspended. Depending on the severity of the situation or offense that prompted the suspension, the Helping Families team “opens a case.”

Case officers usually start at the student’s school or at the district’s central office, collecting attendance records, class schedules, grades, and any records of past disciplinary actions. They also consult with teachers, counselors, principals, and district social workers to gather details. The next step is to contact the family and conduct a lengthy assessment that measures “family functioning.”



Ms. Carson, for example, devoted several hours one morning last month to tracking down information on a boy—a possible child-abuse victim—whom a Mobile police officer had asked her to check on. She started her search knowing only his age, that he had a twin brother, and that he had come to school recently with a bruise on his face and a battered lip.

After placing dozens of phone calls and making the rounds to various school officials, she had his name, the school he attended, and a copy of his records that raised several red flags: 38 absences last year, behavior problems, and enrollment in a special education program.

“We have access that may be unprecedented,” Ms. Carson said. “We do get resistance from certain places, ... but we can work around that.”

The breadth of student information that the Helping Families team relies on getting from the schools raises questions for some legal experts, however.

A federal student-privacy law—known as the Family Educational Rights and Privacy Act, or FERPA—prohibits schools from disclosing some information about students. Exceptions are allowed, though, including for law enforcement.

“FERPA does protect education records, which would include information like whether the student is in special education and their disciplinary records,” said Lisa Soronen, a staff lawyer with the Alexandria, Va.-based National School Boards Association. “In most cases, schools could not release that information unless the parent or a student who is at least 18 agrees to disclose it.”

But in Alabama, Mr. Tyson said, a state law gives him the authority to intervene with students and obtain their records from schools. A 1927 statute, the Mandatory School Attendance Act of Alabama, says that parents must ensure that their children enroll, attend school, and behave well while they are there. District attorneys, the statute says explicitly, are to “vigorously enforce” the act.

Harold W. Dodge, the Mobile County superintendent, said he had reservations initially about sharing student information with the district attorney, worrying that the program would be viewed as overly punitive for parents whose children get into trouble at school.

The enrollment in the district, Alabama’s largest, is split evenly between white and African-American students. Roughly 70 percent qualify for free- or reduced-price lunches.

His concerns disappeared, Mr. Dodge said, when he saw the number and diversity of public and private agencies that had joined in to provide services to students and families referred to the program. And when 80 percent of the students who participated in the

The Intervention Process



Back on Track

Rachel Foster, right, a 17-year-old senior at LeFlore Preparatory Academy in Mobile, was referred to Helping Families at the end of 10th grade for skipping school and running away from home. It was a defiant reaction, she says, to her mother’s re-emergence after eight years of drug addiction and recovery. Her mother, Reenie Kidd, left, credits the family

first year were not suspended again, Mr. Dodge said, he and other school leaders became convinced the approach was working.

Last school year, the Helping Families team arranged for more than 3,200 intervention services that were provided by 150 organizations, from private family counseling to clothing and transportation assistance from churches, said Ms. Carson, who is a professional counselor.

The focus on family issues and the wide range of services offered has impressed one advocate for at-risk youths, who says that Helping Families could become a model for other communities. In fact, Colbert County in northeastern Alabama launched its own version of the program this school year.

“We have all this research showing that programs for at-risk kids won’t be successful unless the child is treated within the context of the whole family and problem,” said Danielle J. Lipow, the co-director of the Southern Juvenile Defender Center, which is part of the Southern Poverty Law Center in Montgomery, Ala. “This really does seem to be about helping families, and the range of partners they have pulled into this to help out is the kind of approach we’d like to see more of.”

Ms. Lipow said such programs “are unusual for a prosecutor’s office, but by the same token, the district attorney’s office holds the power and prestige to really call on the entire community to shift the way we are dealing with our at-risk youth.”

Mr. Dodge, who has been the schools superintendent for eight years, said that in addition to reducing suspension rates, Helping Families has helped bridge gaps for overwhelmed school counselors and administrators who don’t have the time and resources to address a misbehaving child’s family problems.

“When a child is in trouble at school,” he said, “so often it’s because of the baggage that they bring with them from their homes.”

The program focuses on the roughly 60 percent of children who have been suspended for serious violations, such as fighting and bringing drugs to school, but haven’t yet been arrested and adjudicated in Mobile County’s juvenile-justice system. Participation is required, and most families cooperate, said Ms. Carson. If they don’t, and the child continues to cause trouble at school, the case can be turned over to an assistant district attorney to review for possible legal action, she said.

“People tend to pay attention when they hear that we are with the district attorney’s office,” she said. “But we tell them right up front that we are not here to judge them. We are here to help.”

counseling and close attention from their case officer with keeping Rachel from dropping out.

*Click image to see the full chart.

