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- Column: Schools on fine-line, ill defined

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Schools on fine line, ill-defined

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Attention Denver kids: It's now a crime to snap a bra, bestow a wedgie or lift a skirt at school.

At least law enforcers are pretty sure. Sort of.

What prosecutors deem criminal is confounding educators since Skinner Middle School's principal was charged for failing to call police when two seventh-grade boys inappropriately touched a girl in class.

Most would assume principal Nicole Veltze drew the proper line between horseplay and harassment when she promptly suspended the boys for five days and reported to the district.

But without clear direction, principals fear a witch hunt by a DA more willing to charge one of their own than define what qualifies as a prosecutable assault.

"Where's the common sense?" asked Greenwood School principal Ruth Frazier. "How can they hold us accountable when what we're getting from the DA is so unclear that it's

without value?"

It was Feb. 4 and District Attorney Mitch Morrissey's deputy, Lamar Sims, explained to principals his office's hard-line — some might say Draconian — read on Colorado's broadly worded child-abuse law.

The meeting was a disaster.

Sims said principals must call police whenever kids explore themselves or make even slight contact with "intimate parts" or clothes covering those areas.

The principals balked, citing cases when it would be absurd to call the cops — such as when second-graders play doctor or an eighth-grader gets pantsed in gym.

Inappropriate? Yes. Criminal? Hardly.

"The response from the police would be 'Why are you calling us? It's silly,' " Frazier said.

The group was clamoring for guidance, yet Sims likened their questions to inquiries about poker's legality: "I'll tell you what I tell them: I don't know. Run the game. If the cops arrest you, I'll decide."

The low point came when he covered the microphone so principals couldn't hear him debate with Denver Police Chief Gerry Whitman about when, *really*, schools should call the cops.

Principals are chilled by the DA's prosecution of Veltze.

In December, when two boys at her school touched a girl's breast and inner thigh in computer class, Veltze checked the district's policy defining sexual assault as a "violent physical attack." Deeming the incident nonviolent, she suspended the boys, who are now being prosecuted.

She was charged days after Sims remarked to a DPS staffer that the district is "sweeping a lot under the rug" and "needs a wake-up call."

DAs should not use criminal charges to make "wake-up calls." Veltze could lose her career if convicted. How else should we view her case but as an inquisition, given that a simple policy meeting between DAs and district officials could have sufficed?

And get this.

One month after the incident for which she's being prosecuted, Veltze called police about two students twisting each other's nipples. She was bluntly told she needn't have bothered.

On Tuesday, a week after Sims' talk, Valverde Elementary phoned police about 15 fourth-graders playing "mush-mush" — grabbing one another's buttocks and breasts — on the playground. After trying to send the case to another agency, police did not take a formal report.

And in August, Casey Burton, a counselor at Denver Online High School, reported a suspected gang rape. Police chastised him for not investigating the details himself.

"You're damned if you do and damned if you don't call in these cases," Burton said.

Schools should be able to use reasonable discretion. It wouldn't hurt if the DA used some too.

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