

Conclusion

School safety and academic excellence are unquestionably important goals of education policymakers. Students learn best when they are in classrooms that are free of needless disruptions. The discipline practices, however, used by many school districts in Florida demonstrate a zero tolerance approach to school discipline that has gone too far.

Ultimately, there is no evidence that zero tolerance measures alone are effective in changing misbehavior or preventing violence. Research has shown that prevention and intervention programs are the most effective methods for maintaining safe schools and creating a productive learning environment. Such programs are more cost effective than hurling students into the juvenile justice system.¹³²

At each of the public hearings, participants expressed the desire to work collaboratively toward improving school climate, eliminating racial disparities in discipline, and reducing out-of-school suspensions and school-based arrest rates. Initial recommendations include:

Local officials should:

- Limit zero tolerance school discipline procedures to conduct that poses a serious threat to school safety;
- Create or Expand Prevention and Intervention Programs. Each school district should evaluate its current prevention and intervention programs to determine whether or not they are effectively addressing school discipline concerns. If the current programs are ineffective, then the school district should work with the community to identify effective programs such as:
 - In-school suspension classrooms that provide adequate instruction in core subjects and counseling to address the problem behavior;
 - Peer mediation programs;
- Clarify the roles and responsibilities of school police. Any agreements between school districts and police departments for SROs should be reviewed by parents, community members, and school board members before they are finalized. These should:
 - State that police will not be involved in conduct that violates a school discipline code, e.g., disruptive behavior. To the extent that a violation of a school discipline code may also be interpreted as a crime (e.g., the misdemeanor offense of disturbing school functions), then school police should be required to construe the offense category narrowly and consult with parents and school administrators before any arrests or juvenile court referrals are made;
 - Require police to receive training on how to effectively interact with youth and children with disabilities;
- Create and enforce school board policies that require parents to be contacted and present during police interrogations;
- Increase or divert funding for more guidance counselors and social workers who are available to address students' academic and behavioral problems; and

¹³² David Osher, et al., *Deconstructing the Pipeline: Using Efficacy, Effectiveness, and Cost Benefit Data to Reduce Minority Youth Incarceration*, at 91-120 (Fall 2003).

- Establish school discipline oversight committees, which would include school officials, parents, students, and interested community members. The responsibilities of these committees could include handling complaints about school discipline practices and conduct of security and police officers, and reviewing discipline and arrest statistics and the school districts efforts to maintain safety in a fair and nondiscriminatory manner.

State and local officials should:

- Expand teacher training and professional development to improve classroom management, conflict resolution skills, and the ability of teachers to interest children in challenging curriculum;
- Adopt legislation that redefines the State's "zero tolerance policy" in a manner that will clearly state that school districts should involve police as a last resort and only for serious violent offenses;
- Adopt legislation requiring school discipline data collection and the reporting of arrests in schools disaggregated by offense, age, gender, grade, race, ethnicity, disability, and disposition. Legislation should also require school districts to show decreased rates of suspensions, expulsions, arrests, referrals to juvenile court, and racial disparities; and
- Develop incentives for schools to demonstrate reductions in school disciplinary actions and the effective implementation of alternative discipline programs that keep students in school and learning.

Juvenile court personnel should:

- Interpret criminal laws narrowly, when possible, so that petty acts of school misconduct may be diverted out of juvenile courts;
- Collaborate with education advocates when confronted with school-related cases involving students with special needs; and
- Advise children and youth of the opportunity to expunge (destroy) juvenile court records and assist them with the process.

Parents and education advocates should:

- Demand a parent-teacher conference right away if a child is disciplined at school. Participate in these conferences (in-person or via telephone) regularly to stay abreast of the child's academic progress;
- Contact the principal, school district area office, and school board members if a child has been treated unfairly and document concerns in writing;
- If a child is arrested or receives a referral, do not allow the child to accept a plea unless the parent understands all options and services that are available. The local public defender's office may be able to assist with identifying options;
- Monitor the discipline of students with disabilities to ensure that administrators are complying with federal and state laws and procedures relating to the discipline of these students; and
- File a formal complaint with the U.S. Department of Education Office for Civil Rights if the school district is applying school discipline policies in a discriminatory manner based on race, color, national origin, disability, and gender.

The inappropriate mistreatment of Ja'eisha Scott was yet another painful wake-up call to the priorities and policies that have gone disastrously astray. Five-year-olds are not criminals. Schools need to handle the trivial, provide counseling to those who need it, coach youth in changed behaviors, and only remove students from schools as a last resort. Our children need our help, not handcuffs.