

Broward County Public Schools

More than 100 parents, students, police, and school and juvenile court officials filled the Mizell Center in Fort Lauderdale on October 18, 2005 to raise concerns about racial disparities in discipline in Broward County Public Schools. Racial inequities in education have haunted the school district for years. Consequently, the district was sued in the 1990s for failing to provide Black students equal access to books and other resources, and for subjecting them to racially discriminatory disciplinary practices.⁸⁷ That lawsuit was settled in 2000, and as part of that settlement Broward County Public Schools currently is required to work toward eliminating racial disparities in school discipline.⁸⁸

“The teachers no longer call the administrators when there is an altercation or a problem in the classroom: they call the police. ... They are handling the discipline in these schools.”

—Ron Mahugh, Retired Principal,
Broward County Public Schools

It was against this backdrop that Verenda Daniels expressed shock at hearing that her son was suspended from school for 10 days, and almost arrested, for throwing a piece of paper into the waste basket that accidentally hit his teacher’s arm.⁸⁹ Andrenette Morris, the mother of a child who had no previous dealings with the juvenile justice system, tearfully shared her story about her son who was suspended, recommended for expulsion, convicted of aggravated battery, and committed to a juvenile facility for being involved in a school bus fight.⁹⁰ Similar stories were heard throughout this public hearing on school discipline, causing all who attended to confront the vast impact of current school discipline policy and, in particular, to wrestle with two pressing issues: 1) the proper role of school police; and 2) the effectiveness of Broward County Public Schools’ discipline matrix.

School Discipline Trends in Broward County

I. School Police and Student Referrals to the Juvenile Justice System

Unlike its neighboring counties, Broward County Public Schools does not have its own police department. Instead, it contracts with local police departments to provide SROs. The District has 181 SROs and employs another 116 “security specialists” and 269 “campus monitors.”⁹¹ It spent over \$12.5 million on school security in 2004-05, a 15 percent increase over the year before and a 37 percent increase over the expenditures from 2001-02.⁹²

87 Susan Ferrechio and Lisa Walter, *Black Students Assured Equal Access; Broward Board Settles Lawsuit*, Miami Herald, Aug. 2, 2000.

88 *Id.*

89 Transcript of the Broward County Public Hearing on School Discipline, at 18 (Oct. 18, 2005).

90 *Id.* at 22-24.

91 Letter from Superintendent Frank Till to Advancement Project (Feb. 17, 2006).

92 *Budget Appropriations for Safety and Security Measures as of June 30*, Attachment to Letter from Superintendent Frank Till, *supra* note 91.

Even though the relationship between Broward County Public Schools and local police departments is defined in contracts, a review of agreements with the Broward County Sheriff's Office and the Fort Lauderdale Police Department, along with testimony from police personnel, reveals a lack of clarity in their role and responsibilities as school police officers.

For example, Superintendent Frank Till stated that school administrators do not play an active role in determining whether a student should be arrested. He explained that, "very honestly we in the school system don't arrest. We refer police officers and let them determine, in their opinion, if it's criminal and the State's Attorney then determines whether it's criminal or not."⁹³

However, Captain Michael Gregory of the Fort Lauderdale Police Department testified that it is the principal who provides the guidance to the police officers: "The SRO officer there works hand-in-hand with the school principal at that campus to set the tone for what will be acceptable and what will be unacceptable behavior. We work hand-in-hand with them to respect what they desire. We're their guests on campus, for the most part, to enforce what they feel is acceptable or not acceptable."⁹⁴

Apparently, there is confusion between the District and local law enforcement agencies regarding the role police should play in school discipline. This type of miscommunication is problematic and can result in the needless criminalization of youth.

Indeed there were 1,777 school-related referrals from Broward County to the Department of Juvenile Justice in 2004.⁹⁵ Testimony from hearing participants indicated that many, if not most, of those arrests are for minor misconduct. For example, Melinda Blostein, an attorney with the Broward County Public Defender's Office, testified that she sees many students being arrested for the offense of "disruption of a school function," even though the conduct is often very minor. She explained that the offense covers "everything that you can think of that you did as a kid," and that such actions are "[d]isrespectful, but they are not criminal."⁹⁶ Blostein described one alarming case where a student simply yelled out "WHOO-WHOO" during a fight between two other students, and was arrested, charged with disrupting a school function, and had to face trial.

Maria Schneider, an assistant State Attorney for Broward County who prosecutes juvenile cases, confirmed that many of the school cases she receives are so minor that she has no other choice but to decline (dismiss) them, especially the "disruption of a school function" cases.⁹⁷ She explained: "The zero tolerance policy ... does affect our office in that we end up spending a significant amount of our resources reviewing cases that perhaps could be better handled elsewhere."

Several witnesses lamented the disproportionate effects these policies have on children of color. For example, Schneider described "the tremendous over-representation of Black and Hispanic children in the [juvenile justice] system." Superintendent Till also acknowledged the racial disparities in school discipline, but contended that initiatives such as the use of the school discipline matrix would eliminate these disparities and create equity in school disciplinary measures.⁹⁸

⁹³ Transcript of the Broward County Public Hearing on School Discipline, at 65 (Oct. 18, 2005).

⁹⁴ *Id.* at 71.

⁹⁵ Florida Department of Juvenile Justice, *2004-05 School-Related Referrals*, *supra* note 1, at 4.

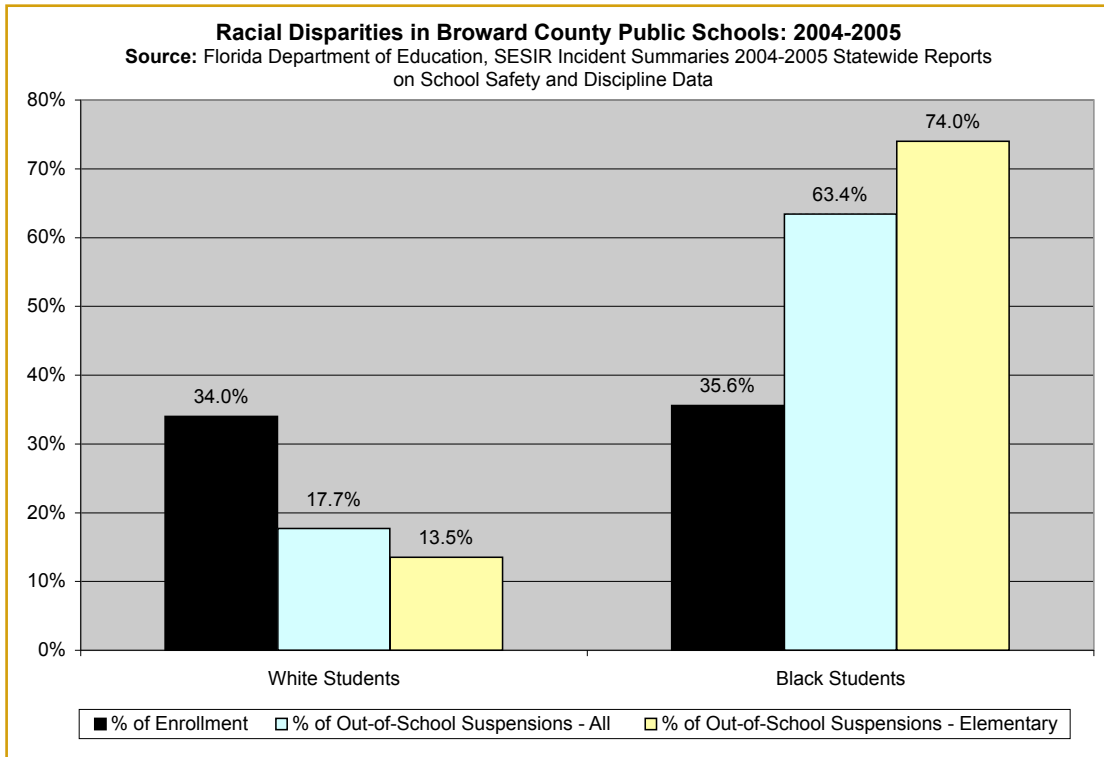
⁹⁶ Transcript of the Broward County Public Hearing on School Discipline, at 34-35, 56 (Oct. 18, 2005).

⁹⁷ *Id.* at 37, 42.

⁹⁸ *Id.* at 42, 64.

II. Out-of-School Suspensions and the Discipline Matrix

In recent years, Broward County Public Schools appears to have relied more on in-school suspensions than out-of-school suspensions. Between 1999 and 2005, it has reported a 12 percent decrease in out-of-school suspensions and a 74 percent increase in in-school suspensions.⁹⁹ During the 2004-05 school year, the school district issued almost 19,000 out-of-school suspensions. Sixty-three percent were of Black students even though Black students represented only 36 percent of the total student population. Among elementary students, 74 percent of the out-of-school suspensions were issued to Black children, and there were over five times as many out-of-school suspensions per Black child as there were per White child.



A recent research brief issued by Broward County Public Schools acknowledged these racial disparities, and went even further by concluding that Black students were suspended at higher rates than their Latino and White peers regardless of socioeconomic status, disability or limited English proficiency.¹⁰⁰ The brief concludes that the disparities were not due to any bias on the part of school administrators, “but rather the higher suspension rates among Black students are due to a greater frequency of behaviors that lead to discipline actions entailing suspensions.”¹⁰¹ In other words, the District’s position is that Black students are suspended more often because they misbehave more than their peers.

99 Florida Department of Education, SESIR Incident Summaries, 1999-2000 and 2002-2003, 2003-2004, and 2004-2005 Statewide Reports on School Safety and Discipline Data.

100 School Board of Broward County, Office of the Superintendent, *Student Suspensions in Broward County Public Schools*, Research Brief, at 16 (March 2006).

101 *Id.* at 21.



This conclusion is dubious and contradicts the District's own research findings. First, suspension rates for students were not similar across races. The District's research shows that administrators meted out different punishments to students in certain racial groups even when all groups of students engaged in the same behavior. The researchers noted, but chose to ignore, the finding that Black students were more likely to be removed from school for "inciting a disturbance (69.2%) than were Latino and White students (both 50%)."¹⁰² Also, 41 percent of Black students received internal suspensions for habitual tardiness, while only 14.6 percent of their White peers received the same punishment. This discrepancy does not appear to be due to White students receiving more severe punishments, because internal suspensions were the only consequences White students received for habitual tardiness, while Black and Latino students additionally received out-of-school suspensions and were placed in alternatives to external suspensions.¹⁰³

Because the District researchers ignored these racial discrepancies, they also failed to consider whether the disparities were due to an actual difference in the severity of the conduct between Black and White students, or to school administrators' perception of certain students based on racial biases or stereotypes. The brief also examined only the punishments meted out by administrators and ignored the huge racial disparities in the number of children referred to the office and the many potentially problematic explanations for that. In short, the study conducted by the District is wholly inadequate to support the conclusion reached. Additionally, the conclusion regarding the behavior of Black children seemingly blames Black children and excuses the District for any of its own failings, thus limiting possible solutions.

Under pressure from community advocates, parents, and lawsuits, the Broward County school board attempted to address racial disparities in school discipline by adopting a discipline matrix in the fall of 2004. This matrix was inspired by and fashioned on a similar matrix adopted by the School District of Palm Beach County years earlier. In theory, a discipline matrix can be effective in promoting fairness and equity in school discipline by clearly defining the types of actions administrators should take to address certain conduct. In practice, however, fairness and equity are largely lost when the disciplinary actions school administrators are required to impose are so severe. For example, in the 2004-05 version of the discipline matrix, school administrators are required to involve the police in school incidents that are either broadly defined, like "disruption of school function" and "disorderly conduct," or minor incidents, such as trespassing.

Superintendent Frank Till contended that the matrix is often misunderstood or even disregarded by school principals. He explained that school administrators are trained on the matrix at the beginning of each school year and that "some people don't want to follow the matrix."¹⁰⁴ Till stated that the "disruption of school function" offense "does not imply that anybody who disrupts school is, in fact, going to be referred to a police officer," and his staff struggles with principals who fail to understand that they do have the discretion to decide whether or not a referral to police is necessary.

¹⁰² *Id.* at 19.

¹⁰³ *Id.* at 18.

¹⁰⁴ Transcript of the Broward County Public Hearing on School Discipline, at 82, 86 (Oct. 18, 2005).

Superintendent Till explained that the District analyzes data to determine how well the matrix is working. The review of data is conducted through the school district's Research, Evaluation, Assessment & Boundaries Department, which submits status reports to the Superintendent and Diversity Committee. The report describes, among other things, the progress schools have made in monitoring compliance with the discipline matrix as it relates to suspensions and whether schools are utilizing alternatives to suspensions.

In an August 15, 2005 status report, the school district noted that the data "suggests inconsistency in application and/or reporting to the Matrix."¹⁰⁵ Also, it appears that some schools, like Apollo Middle School, are not utilizing in-school suspensions and, as a result, have an extremely high number of out-of-school suspensions when compared to other schools.¹⁰⁶

Participants at the hearing urged school administrators to continue to monitor and evaluate the effectiveness of the discipline matrix.

IV. Recommendations

Overuse of out-of-school suspensions and racial disparities in school discipline have been a concern of Broward County residents for decades. As part of a lawsuit settlement agreement, Broward County Public Schools are required to utilize alternatives to out-of-school suspensions, such as in-school suspensions. Apparently, many schools are doing so as the number of in-school suspensions has increased 74 percent between 1999 and 2005 and the number of out-of-school suspensions has dropped. The involvement of school police in disciplinary matters is problematic and led to a high number of referrals from schools to juvenile courts.

Hearing participants commented that several recommendations for discipline reform were made over the years. For example, Roland Foulkes, former Chair of the Student Suspension Sub-Committee of the Diversity Committee of Broward County, testified that his committee suggested implementation of school-based programs district-wide designed to address discipline problems without police intervention, such as student peer court and peer mediation, but to no avail.¹⁰⁷

Juvenile court administrators, however, believe that many school-related cases have been diverted out of court through the Teen Court Program.¹⁰⁸ Teen Court is an alternative to formal juvenile court proceedings, where trained high school volunteers use a peer jury format to perform the courtroom roles of clerk, bailiff, advocate, and juror.¹⁰⁹ A hearing is held in a grand jury format in which the "defendant" admits wrongdoing and the jury panel chooses from among an array of sanctions, which includes counseling, drug treatment, Teen Court jury duty, and writing a letter of apology, among others. The program reportedly has resulted in very low recidivism rates for its participants. State Attorney Schneider, who refers cases to Teen Court, commented that she "would love to see teen-based type programs at each individual school."¹¹⁰

105 Memorandum from Katherine Blasik, Ph.D., Associate Superintendent Research, Evaluation, Assessment & Boundaries, at 33 (Aug. 15, 2005).

106 *Id.* at 39.

107 Transcript of the Broward County Public Hearing on School Discipline, at 107 (Oct. 18, 2005).

108 *Id.* at 40, 56.

109 Phone conversation with Teen Court Director Ernie Riland (Nov. 14, 2005).

110 Transcript of the Broward County Public Hearing on School Discipline, at 40 (Oct. 18, 2005).