

# Duval County Public Schools

Duval County Public Schools has a history of controversial school discipline practices. While most schools in Florida, and indeed the country, abandoned corporal punishment decades ago, Duval County's school board decided to "spare the rod" only ten months ago, after the County became notorious for paddling more students than any other school district in the state.<sup>43</sup> Also, in response to community pressure, the school district reportedly abandoned yet another contentious practice—the MARS (Monitoring At Risk Students) Program, through which Duval County Public Schools provided the Jacksonville Sheriff's Office ("JSO") with weekly downloads of all levels of school discipline information. Utilizing these school records, the JSO ran criminal history checks on the students, ranked the top conduct "offenders," and targeted the identified students for increased monitoring and contact by SROs. Incredibly, the vast majority of students labeled as "top offenders" and subjected to police intervention under this program never even broke a law: the leading offenses that landed a child onto the MARS list were failure to follow directions, classroom disobedience, and disruption in class.<sup>44</sup>

The latest egregious school discipline practice Duval County parents and students face is JSO's plan to arm school police officers with tasers, also known as stun guns, as early as the 2006-07 school year. This plan appears to be moving forward despite community concerns that officers may misuse the weapon, as was the case a year ago, when a Jacksonville police officer used a stun gun on a thirteen-year-old, sixty-five-pound girl who was handcuffed and sitting in a patrol car.<sup>45</sup>

These issues were among the many topics raised at the Duval County Public Hearing on School Discipline on October 13, 2005. Approximately 80-100 people attended the three-and-a-half hour hearing, including parents, students, sheriff's deputies, elected officials, school administrators, and other concerned community members.

Overwhelmingly, the testimony and information presented at the hearing described a school system in trouble, where too often school police arrest students for typical discipline matters, and are seemingly too aggressive in their law enforcement tactics.



43 Beth Kormanik and Tia Mitchell, *Paddling students in Duval: Good Discipline or a Relic; Swats have long been used here, but tonight's vote could end that?*, Florida Times-Union, June 7, 2005, at A-1; Mark Woods, *No. 1 Ranking Hits Depth of Problem*, Florida Times-Union, June 8, 2005, at B-1.

44 Michael Hallett, *Children, Not "Offenders": Why Jacksonville Sheriff's Office's "MARS" Program is Inappropriate*, University of North Florida Center for Race & Juvenile Justice Policy (Mar. 24, 2004).

45 Ronald L. Littlepage, *Taser of 65-pound girls won't aid Rutherford's case*, Florida Times-Union, Mar. 3, 2005, at B-7.

Additionally, even though Duval County Public Schools reported a decrease in the number of suspensions it administered, hearing participants believed that there is a connection between Duval County's high rates of retaining students in grade and its large number of out-of-school suspensions.

## *School Discipline*

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

**“The administrators, faculty, and teachers have to take an active role [in school discipline]. They must do their jobs by seeking ALL other options before they involve the JSO.”**

**-Cornisha Corley, Parent**

Even though Duval County Public Schools has its own police department, the school district pays the JSO over \$1 million annually for its SRO program, which assigns approximately 48 sheriff deputies to local middle, high and alternative schools.<sup>46</sup> The SRO program was initiated in 1990 through a contract between the school district and the JSO with the primary purposes of “developing a rapport between students and police and providing law enforcement assistance to principals, faculty, parents and students.”<sup>47</sup> It appears, however, that SROs are engaging in rough policing tactics to address minor offenses rather than developing productive relationships with students.

For example, Patricia Davis, the mother of a fifteen-year-old high school student, reported that her son was arrested, “punched in the mouth and pressure applied to his throat ... by a resource officer for disturbing the class and talking back under his breath.”<sup>48</sup> Another parent, Amy Booker, testified that her fourteen-year-old daughter returned to school after completing two days of suspension and was confronted by an SRO who “pinned her down, handcuffed, and arrested her for trespassing.”<sup>49</sup>

Perhaps the most telling testimony about the mistreatment of students at the hands of SROs was that of Shaneka Pinkard, the mother of an eighteen-year-old son and sixteen-year-old daughter who, along with eleven other Black students, “were arrested, handcuffed, shackled, and hauled off to jail in front of television cameras” for allegedly stealing \$60 worth of sodas and other items from the school cafeteria.<sup>50</sup> While it appears that students of other races were involved in the incident, only Black students were interrogated and arrested by police officers two days later with little to no evidence to support the arrests. School records indicate that at least one of the arrested students was absent from school on the day of the incident.

46 Tia Mitchell, *District Looks at Options for Security at Schools; The cost for hiring sheriff's officers is becoming an issue in talks for a new contract*, Florida Times-Union, Nov. 1, 2005, at A-1.

47 School Resource Officer Program Agreement Between Duval County School Board and Jacksonville Sheriff's Office (Oct. 1, 1990).

48 Written Statement of Patricia Davis, submitted for the Duval County Public Hearing on School Discipline (Oct. 13, 2005).

49 Witness Statement of Amy Booker, submitted for the Duval County Public Hearing on School Discipline (Oct. 13, 2005).

50 Transcript of the Duval County Public Hearing on School Discipline, at 16-17 (Oct. 13, 2005).

The Pinkards were successful in getting the charges dropped but only after their children were “treated like hardened criminals.” Reflecting upon the experience and the night he had to spend in jail for a crime he did not commit, Travis Pinkard testified that “instead of me leaving school with great memories, I left with a record.”<sup>51</sup>

The incidents parents described at the hearing do not appear to be isolated. During the 2004-05 school year, there were 1,616 school-related referrals to the Florida Department of Juvenile Justice from Duval County.<sup>52</sup> Arrest data from the sheriff’s office supported parents’ testimony, indicating that the most common offenses for which students are arrested in Duval County are minor offenses—disruption of school function, battery on another student (i.e, typically schoolyard fights with no injuries), and trespassing.<sup>53</sup>

Parents complained further that they were not promptly notified of their children’s arrests by the school or sheriff’s office. Some parents did not learn of their children’s arrest until seven or eight hours after it occurred. When State Senator Tony Hill asked school officials who attended the public hearing why the school is not promptly notifying parents about school-based arrests, Dr. Levi McIntosh, Superintendent for Region I of Duval County Public Schools, explained that school personnel was not required to do so, stating, “once police take action, our school does not necessarily interfere. Our posture is contact the parent as soon as ... the youngster is going to be removed from that campus. That’s a courtesy. That’s just being considerate.”<sup>54</sup>

Recent news reports indicate that Duval County Public Schools and the JSO have been operating the SRO program under the terms of the 1990 contract, which does not clearly state the circumstances or school incidents that require police involvement. A school administrator reported at the public hearing that “school resource officers are not [at schools] for the purpose to serve as arrest agents. If youngsters are violating the law and the infraction is witnessed by a SRO, they are legally bound to take appropriate action.”<sup>55</sup> The problem with this stance is that almost any student misbehavior can be deemed a crime, especially under vague offense categories, such as “disruption of school function.”

Unfortunately, Duval County school administrators seem to take a passive role in their relationships with JSO. For example, despite community outrage about the JSO’s decision to arm SROs with tasers, Duval County school administrators claimed that it is unnecessary to formally review the issue until the sheriff’s

**“We cannot continue to have the tremendous number of out-of-school suspensions and truants. ... [T]he G5C`0GhUhY`5hhcfbYm0g`CZÜWYQ` \Ug` a responsibility to take notice of the relationship between high crime and poor academic performance. ... [C]ompared to the schools in [other urban Florida] counties, Duval schools received the lowest FCAT scores, ... had a far higher percentage of high school students receiving out of school suspensions, ... [and] had [one of] the lowest graduation rates.”**

**-Harry L. Shorstein, State Attorney, Fourth Judicial Circuit**

51 *Id.* at 18-19.

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

53 Office of the Sheriff Consolidated City of Jacksonville, *School Resource Officers Arrests, Years 1997/98 through 2002/03*.

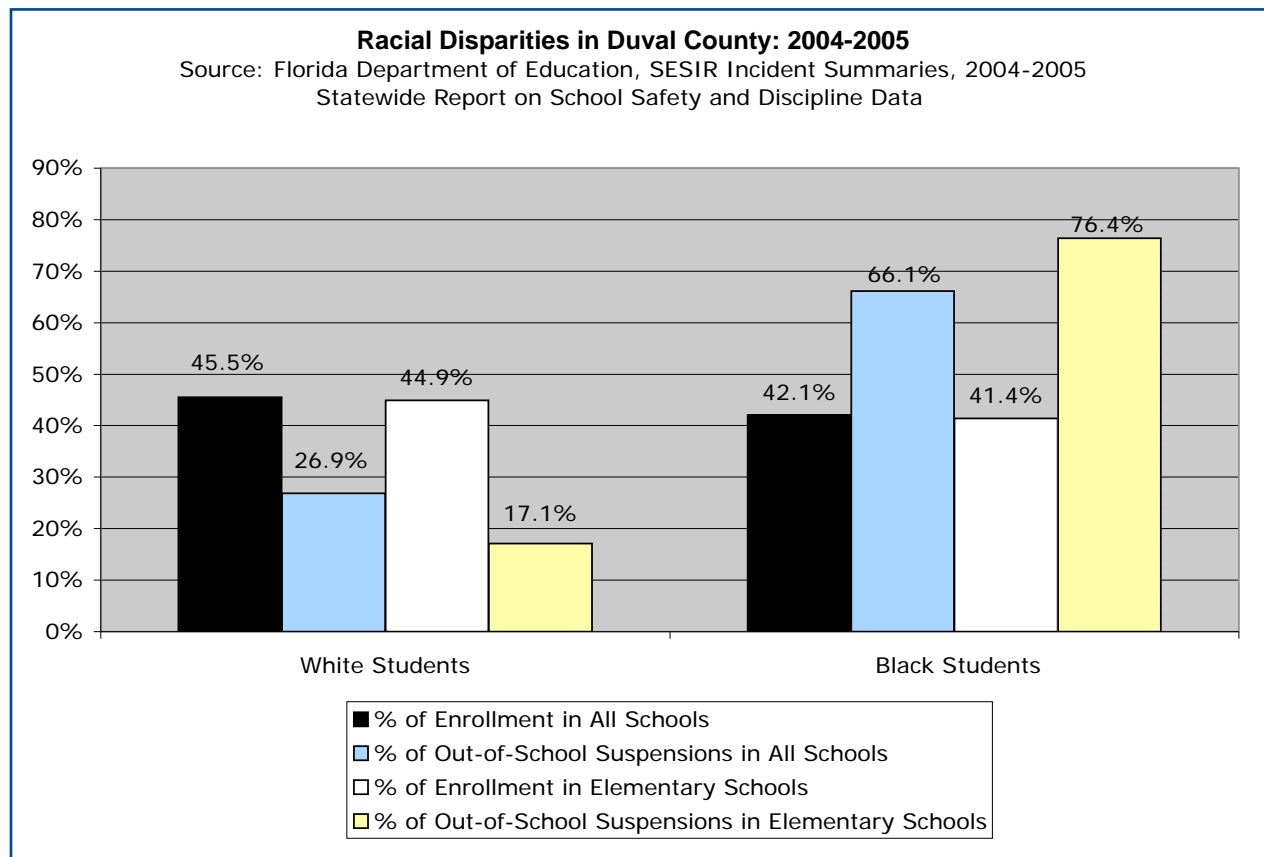
54 Transcript of the Duval County Public Hearing on School Discipline, at 62 (Oct. 13, 2005).

55 *Id.* at 61-62.

office finalizes its taser policy. Elder Lee Harris, a pastor and community activist, put it best when he said that by not definitively taking action on such issues from the very beginning, “it appears as though the school board is allowing other organizations or entities to define who you are and what you are supposed to be about.”<sup>56</sup>

## II. Out-of-School Suspensions and Academic Failure—Which Comes First?

In addition to arresting students, Duval County is also aggressively disciplining students through out-of-school suspensions. Although the school district reported a 17 percent decrease in the number of out-of-school suspensions it meted out in the 2004-05 school year (48,139) compared to the previous school year (58,096),<sup>57</sup> it stands in second place for the highest number of out-of-school suspensions issued by any school district in the state. Twenty-one percent of high school students and 26 percent of middle school students were suspended at least once that year. Although Black students made up 42 percent of the student population, they were 66 percent of students who received out-of-school suspensions.



<sup>56</sup> *Id.* at 64.

<sup>57</sup> Florida Department of Education, SESIR Incident Summaries, 2002-2003, 2003-2004, and 2004-2005 Statewide Report on School Safety and Discipline Data.

During the hearings, participants proffered reasons for the high suspension rates. Some believed that the suspension rates may be the result of frustration acted out in classrooms by students who are failing academically. For example, former Duval County juvenile court judge Brian Davis indicated that the children who appeared in his court disproportionately had learning disabilities and literacy problems that should have been identified and addressed earlier by the school system. Judge Davis put himself in the child's shoes adding, "I'm in school and can't read in third grade. And what am I going to do? I'm going to start misbehaving. ... That misbehavior [is] ... a reaction to not being able to learn, to feel as if you are fitting in. It's compounded over the years."<sup>58</sup>

### Two Strikes—Retention and Suspension

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58 Transcript of the Duval County Public Hearing on School Discipline, at 96 (Oct. 13, 2005).  
59 *Id.* at 19-21.

