

Hillsborough County Public Schools

On the day that police officers arrested Ja'eisha Scott, one of her peers in neighboring Hillsborough County experienced a similar fate: Latrell Brassfield's ten-year-old son was arrested for "disruptive behavior." Ms. Brassfield explained, "[My] son is a good student. ... He always does very well in his class work ... [but] he has an anger issue and he might refuse to talk." Because Ms. Brassfield lived close to the school, she told school administrators to contact her if her son became angry, place him in "time out" and let him cool off. On that fateful day, her son did not return home from school. Frantic, she went to the school and told a SRO, "I'm worried about my child." When she told the officer her son's name, the officer replied, "I had him arrested ... for disruptive behavior." Shocked, Ms. Brassfield replied, "did he throw anything? He said, no. I said, did he kick anybody? He said, no. I said, was he yelling, screaming, cursing, anything like that? No. I said, disruptive behavior? You don't even know the meaning of disruptive behavior."²⁹

Ms. Brassfield shared this emotional story as her son sat next to her weeping at the joint Pinellas/Hillsborough County Public Hearing on School Discipline held on October 11, 2005. Overall, the testimony and discipline data gathered at the hearing revealed that Hillsborough County Public Schools is excessively arresting, making referrals to juvenile courts, and issuing out-of-school suspensions to students who engage in even the most minor acts of misconduct. At least one facet of this problem seems to be the district's discipline code, which has applied "zero tolerance"—a policy meant to be used only for the most egregious and dangerous offenses—to arguably minor infractions, such as disruptive behavior.

School Discipline Trends in Hillsborough County

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

Like Pinellas County, Hillsborough County Public Schools contracts with local police departments to assign SROs to public schools. During the 2004-05 school year, the Tampa Police Department assigned one officer to each of 18 middle schools and 9 high schools, costing the school system over \$1.3 million.³⁰ While this agreement does not clearly define the roles and responsibilities of the SROs, a review of arrest data and testimony shared at the public hearing suggests that SROs were involved in numerous minor disciplinary matters.

It is important to note that Hillsborough County, the third largest school district in Florida, has earned the unfortunate distinction of having the highest number of school-related referrals to the Florida Department

²⁹ Transcript of the Pinellas and Hillsborough County Public Hearing on School Discipline, at 26-30, 45-47 (Oct. 11, 2005).

³⁰ Agreement between the City of Tampa and the School Board of Hillsborough County for the Provision of School Resource Officers (Aug. 1, 2004).

of Juvenile Justice (DJJ) when compared to other counties throughout the entire state. According to DJJ statistics, during the 2004-05 school year, there were 2,245 school-related referrals in Hillsborough County.³¹ Although DJJ does not provide county-by-county statistics showing the reasons for the referrals, statewide the most common school-related offense that resulted in a referral to DJJ was disorderly conduct, making up 26 percent of the referrals.³²

Also, according to data provided by the Hillsborough County Public Defender's Office, the school district's exceptional centers for students with disabilities arrest a large number of students. Seven exceptional centers, most of which have student populations of under 150 students, were the source of 47 arrests during the 2004-05 school year. Centers with the highest arrest rates were: Dorothy Thomas (14 arrests), Eisenhower (14 arrests), Carver (9 arrests) and Mendez (4 arrests).³³

Patti Pieri, Assistant State Attorney in Hillsborough County and Chief of the Juvenile Justice Division, confirmed that more and more cases that are filed with her office come from schools. Pieri commented, "Hillsborough County [has] the highest number of referrals of any circuit in the state of Florida. We beat Dade County. ... I just don't believe that the kids in Hillsborough County are that much worse than kids anywhere else. ... I think that we need to get some programs in the schools, and we need to get some interventions in the schools, and we need to address a lot of these issues as discipline issues."³⁴

Some school administrators acknowledged that police should not be involved in some discipline cases. Lewis Brinson, Assistant Superintendent for Hillsborough County Public Schools, remarked that "there are some incidents that should never be brought to law enforcement. So we need to get together with law enforcement and see where do we draw the line."³⁵

"We are getting children that have been diagnosed bipolar, schizophrenic. They have bona fide serious mental health issues. We put them in a special center because of their problem, and then, when they act out, they're acting consistent with their problem, we charge them with a felony. There's something wrong with that. There's something very, very wrong with that."
 -Theda James, Chief of the Juvenile Justice Division, Hillsborough County Public Defender Office

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

32 *Id.* at 6.

33 Hillsborough County Public Defender Office, *Hillsborough Schools – Arrests by Charge*.

34 Transcript of the Pinellas and Hillsborough County Hearing on School Discipline, at 69-70 (Oct. 11, 2005).

35 *Id.* at 102.

A Box of Crayons

J.L., a fourteen-year-old student in Hillsborough County, submitted this written testimony for the hearing. It illustrates the devastating and long-term effect that an arrest for even minor misconduct can have:

I was charged with hitting my teacher ... one and a half years ago. The allegation was that I slapped her in the leg. I was not allowed to see the pictures of her bruise. What really happened was I was angry and hit a box of crayons off my desk, which hit her. That day I was arrested by the school officer. I was put in handcuffs in front of my classmates. They drove me to the JAC Center. My mother picked me up. I went home. I was given a court date and went to court. I took the Walker Plan.³⁶ I couldn't finish it. I went to 4 anger managements, but I did not have transportation to always go. I was 12. I had another court date—no ride. I was picked up again at school, this time at Dorothy Thomas School, a special school for kids with problems. This time I was handcuffed in the office. I went to the JAC Center, and I was taken to WT (Detention Center). Next morning, I went to court. I was given the Walker Plan again, but no ride. I went down to court when scheduled for court. My minister ... took me, but I was told it was rescheduled. They couldn't tell me when, because I didn't have picture I.D. I never got anything in the mail, but was arrested on November 9 for not showing up in court. I have to go to court on the 18th. All this stemming from one and a half years ago and a box of crayons.³⁷

II. Out-of-School Suspensions, Zero Tolerance, and the District Disciplinary Code

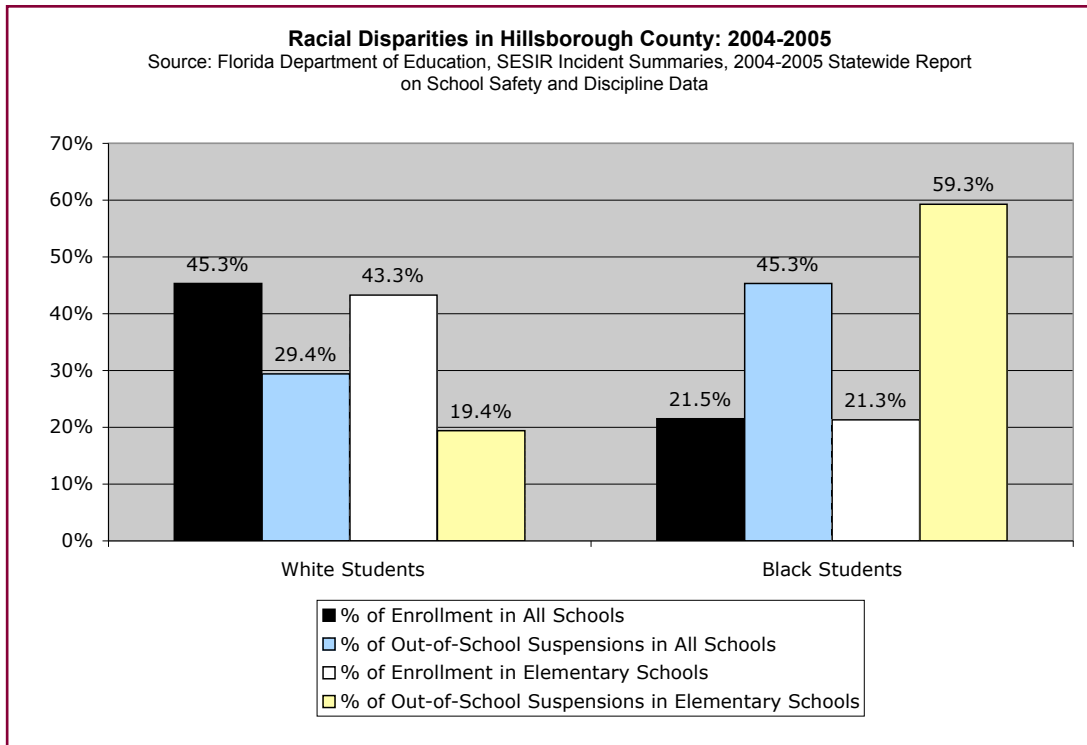
As in each of the target counties, more often than not, Hillsborough County students who are arrested at school are also suspended, essentially receiving two punishments for one act of misconduct. The number of out-of-school suspensions decreased slightly from 26,600 in 2003-04 to 24,606 in 2004-05.³⁸ However, racial disparities persist. Although Black students accounted for 21.5 percent of the student population overall and 21.3 percent of the elementary school population during that school year, Black students received 45.3 percent of the out-of-school suspensions overall and 59.3 percent of those issued in elementary schools.³⁹

³⁶ The "Walker Plan" is a pretrial diversion "plan of proposed treatment, training or conduct" for youth. Fla. R. Juv. P. 8.075(b) (2005).

³⁷ Written Statement, submitted for the Pinellas and Hillsborough County Public Hearing on School Discipline (Oct. 11, 2005).

³⁸ Florida Department of Education, SESIR Incident Summaries, 2002-2003, 2003-2004, and 2004-2005 Statewide Report on School Safety and Discipline Data.

³⁹ *Id.*



Several participants at the hearing believed that the high number of out-of-school suspensions, arrests, and referrals to the juvenile justice system are due to Hillsborough County's "zero tolerance" policy, which includes the potentially minor and nebulous offense—"major disruption to a school function."⁴⁰ Including such offenses in a "zero tolerance" category suggests that school officials must refer all disruptive students to the police even though the disciplinary code gives them the discretion to refer students to police "as appropriate."⁴¹

"I think everyone's kind of gotten it jumbled up in their head, and I think some people at the schools actually think that they have to refer everything under zero tolerance. And they clearly, clearly don't."

-Patti Pieri, Chief of Juvenile Division, Hillsborough County State Attorney's Office

⁴⁰ School District of Hillsborough County, Student Handbook 2004-05, at 8a.

⁴¹ *Id.*

IV. Recommendations

The message at the hearing came through loud and clear—Hillsborough County Schools cannot continue to delegate its responsibility for discipline to the juvenile justice system.

The following suggestions for reform came out of the hearing:

- Schools should utilize all discipline interventions (such as parent-teacher conferences, mentoring, and counseling) before involving law enforcement; and
- Schools should adopt Neighborhood Accountability Boards, a pilot program that refers a child who has committed a relatively minor offense to a group in the community that then addresses all of the various issues that led to the child's behavior. By working through the underlying issues that cause a child's misbehavior, the program seeks to reduce the likelihood that the child will re-offend.



Since the public hearing and the release of the DJJ report of the number of school-based referrals, Hillsborough County school officials, in partnership with the State Attorney's Office, the Public Defender's Office, and law enforcement agencies, are considering a "civil citation program," where students perform community service at a school as restitution for crimes such as vandalism and petty theft.⁴² Currently, details of the program are in negotiations.

⁴² Josh Poltilove, *County Tops List of Juvenile Referrals*, Tampa Tribune, Jan. 17, 2006, at 1.