

School District of Palm Beach County

The School District of Palm Beach County is well known for its overzealous application of zero tolerance school discipline policies. The most publicized incident occurred in 1998 when Anthony Laster, a fifteen-year-old mentally challenged boy, was charged with armed robbery and forced to spend seven weeks in jail for stealing \$2 from a classmate.⁶² It was only after several months of public criticism that the State Attorney ultimately dropped the charges.⁶³ Further, the School District of Palm Beach County has been the subject of criticism based upon documentation of its harsh and racially disparate disciplinary and arrest practices.⁶⁴ As a result of this public scrutiny, Palm Beach County school officials only recently reported a decrease in the number of suspensions it issued. Also, it has reported a steady decrease in the number of school-based arrests administered from 2001 to 2004. Yet, years later, stories of unjust discipline practices dominated the Palm Beach County Public Hearing on School Discipline, held on October 17, 2005 at the Coalition for Independent Living Options, Inc.

In a crowded room, parents, juvenile court officials, school officials, and police officers shared disturbing stories about school discipline. One parent talked about her grade-school-aged daughter who received a three-day out-of-school suspension and was questioned by school police about bioterrorism for bringing a concoction of shampoo, barbecue sauce, and bleach to school.⁶⁵

Another participant spoke about a child who was given a plastic bottle with dry ice in it by some friends during lunchtime. When he accidentally dropped it and it exploded, he was expelled for having an explosive device in school.⁶⁶

Overall, participants expressed concerns about the involvement of school police in trivial discipline matters, racial disparities in school discipline, and the discipline of students with disabilities.

“We’re not allowing children to grow up and make mistakes. Instead what we do is criminalize their mistakes. And it’s becoming a very devastating thing in this county.”

-Barbara White, Assistant Public Defender, Palm Beach County

⁶² *The Littlest Felons; Book ‘em Dano! ‘Superpredators’ with pebbles and raw eggs get zero tolerance in Palm Beach County Schools*, Broward-Palm Beach New Times, Dec. 15, 2005.

⁶³ *Id.*

⁶⁴ Community Alliance for Reform in Education, *A Gathering Storm III* (Oct. 2000); Judith A. Browne, *Derailed! The Schoolhouse to Jailhouse Track*, Advancement Project (May 2003); Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track* (May 2005).

⁶⁵ Transcript of the Palm Beach County Public Hearing on School Discipline, Part 1, at 13 (Oct. 17, 2005).

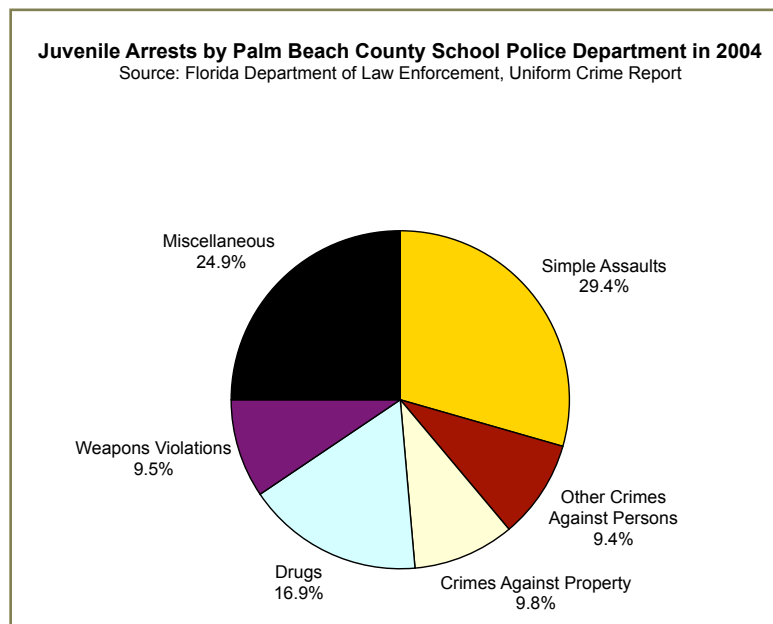
⁶⁶ *Id.* at 27.

School Discipline Trends in Palm Beach County

I. School Police and Student Arrests

For decades, the School District of Palm Beach County has had its own police department, which currently employs 169 officers, including three K-9 officers, a full service detective bureau, and a training unit. Every school has a SRO assigned to it.⁶⁷ Additionally, the police department has its own fleet of police vehicles and uses video surveillance cameras and palm scanning devices to identify students as they get on school buses and enter classrooms and cafeterias.⁶⁸ With such a substantial law enforcement presence, there is a tendency for every act of student misbehavior to result in police involvement, even for those incidents that otherwise would be handled by school personnel.

In 2004, the Palm Beach County School Police Department reported 946 arrests of youth, which is a 26.5 percent decrease from the number reported in 2001 (1287).⁶⁹ A majority of the arrests were for minor offenses. More than 50 percent of the arrests made in 2004 were for simple assault, which often involves nothing more than a schoolyard fight without injury, and “miscellaneous” offenses, a catch-all category that typically includes very low-level misconduct.⁷⁰ Even the weapons violations are characterized by exaggeration, as the story below indicates.



67 *Id.*

68 Lynda Edwards, Palm Beach Daily Business Review, Vol. 03, No. 5-27, at 1 (May 2003).

69 Florida Department of Law Enforcement, *Uniform Crime Reports Arrests Form*, January-December 2003 and January-December 2004.

70 *Id.*

Barbara Briggs, a Staff Attorney with the Legal Aid Society of Palm Beach County, spoke about a former client, a middle school student, who put a can of soda on a rail of a chain link fence and threw rocks at it. However, because there were portable classrooms in the area, he was arrested and charged with throwing a “deadly missile,” which is a second degree felony.⁷¹

Deborah Robinson, a Palm Beach County school board member, stated that she believes that school administrators needlessly call upon police to assist them with managing their classrooms.⁷² Captain Jim Cummings of the Palm Beach County School Police Department agreed with Robinson’s position that school officials are the driving force for many of the arrests. He stated that “we are run by victims, people that want to press charges. ... If a teacher is adamant, if they say, I demand that somebody be arrested for the charge of battery on a school board employee, the police officer is hard-pressed to say no. I mean, victims have rights.”⁷³ But, Captain Cummings admitted that his involvement in some cases is unnecessary, explaining that police were called because teachers wanted “to exact some degree of punishment to help manage their class.”⁷⁴

Nevertheless, SROs appear to have substantial discretion in making decisions to arrest students. Captain Cummings explained one case where, according to him: “[i]t was clear that the child’s mental status would not allow me to look at him and say, you need to be arrested, you’re a criminal. ... That made me say, no, I’m not going to arrest the child. It’s not going to happen. This is what we’ll do: we’ll mediate this.”⁷⁵

It seems clear from the testimony that the role of school police must be clarified.

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

In addition to school-based arrests, there were some discussions at the hearing about racial disparities in out-of-school suspensions. Amidst scathing reports documenting the rising number of out-of-school suspensions,⁷⁶ the Palm Beach County School Board adopted a discipline matrix which was intended to “create a consistent, district-wide disciplinary system,” and “reduce some of the subjectivity in [administrators’] decision-making” by requiring minimum mandatory consequences for certain misbehavior.⁷⁷ During the 2004-05 school year, the School District of Palm Beach County reported a slight decrease in the number of out-of-school suspensions issued (28,203) when compared to the previous year (28,883).⁷⁸

71 Transcript of the Palm Beach County Public Hearing on School Discipline, Part 1, at 28-29 (Oct. 17, 2005).

72 *Id.*, Part 2, at 25-26.

73 *Id.*, Part 1, at 60.

74 *Id.*, Part 2, at 3.

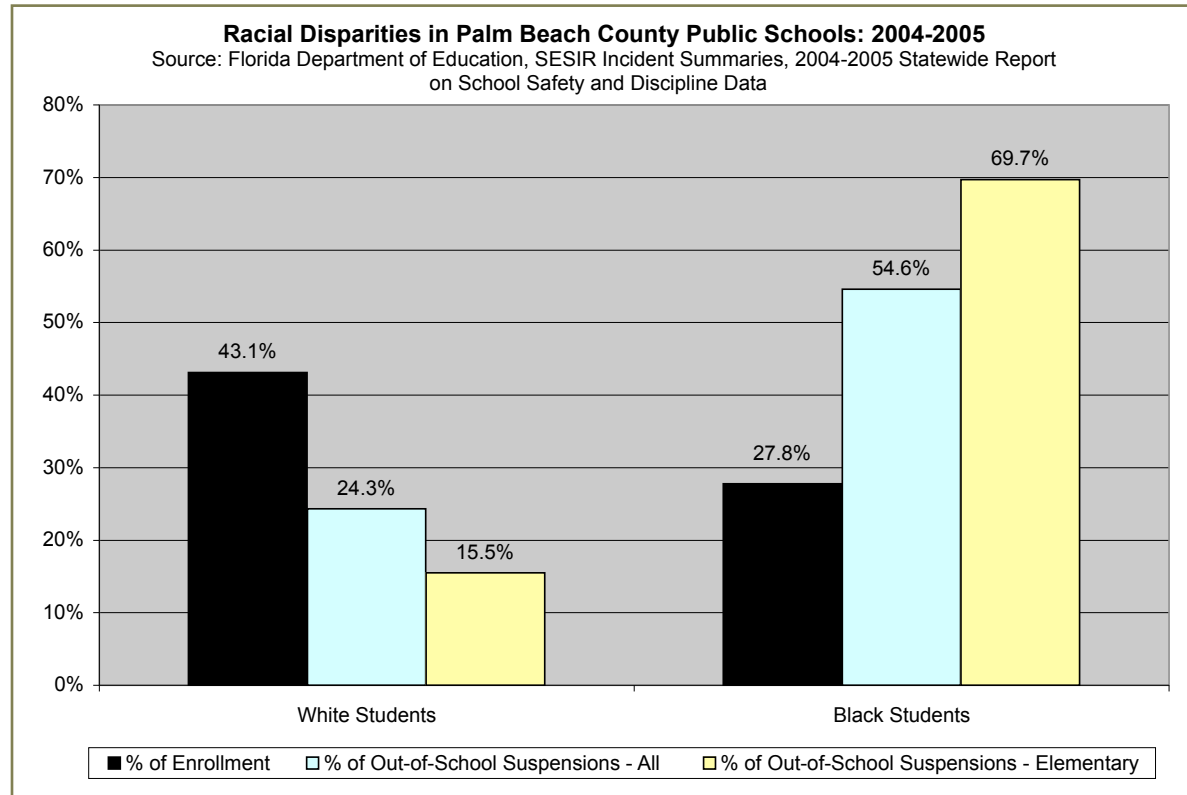
75 *Id.*

76 National Coalition of Advocates for Students and the Community Alliance for Reform in Education, *A Gathering Storm II How Palm Beach County Schools Fail Poor and Minority Children* (June 1999); Community Alliance for Reform in Education, *A Gathering Storm III* (Oct. 2000).

77 Palm Beach County School Board Policy 6Gx50-5.1812 and 5.1813.

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

However, racial disparities in suspensions persist. In 2004-05, almost 70 percent of the out-of-school suspensions in elementary schools were of Black youth, and there were almost seven times as many out-of-school suspensions per Black elementary school student as there were per White elementary school student.⁷⁹



Parents who participated in the public hearing talked about multiple out-of-school suspensions their children received for conduct that should have been addressed in school. One troubling example was provided by the testimony of Nicola Thomas, whose twelve-year-old son received numerous out-of-school suspensions for cursing, disobedience and disruptive behavior.⁸⁰ During one incident, school administrators claimed that her son was disobedient toward the principal. “My son was placed in a chokehold by one of the police officers. ... He was shoved against the wall in the principal’s office” and then put face down on the floor, Thomas explained.

After these incidents, the school district recommended placing Ms. Thomas’ son in an alternative school, arguing that he was a threat to the welfare of others. Ms. Thomas opposed the placement. “I was in disagreement with the placement. ... I’m trying to get him tested for ESE (exceptional student education, special education services) because he has recently been diagnosed with ADHD (attention deficit hyperactivity disorder),” she explained. When asked whether the school district advised her of her due process rights with respect to an evaluation for special education services, Ms. Thomas stated, “I wasn’t informed of anything.”⁸¹

⁷⁹ *Id.*

⁸⁰ Transcript of the Palm Beach County Public Hearing on School Discipline, Part 2, at 32-35 (Oct. 17, 2005).

⁸¹ *Id.*

III. Discipline of Children with Special Needs

The inappropriate discipline of students with disabilities was a recurring theme at the hearing. Shelley Gottshagen, of the Coalition for Independent Living Options, stated “we see a real disproportionate number of minority students with disabilities being subjected to suspensions and expulsions.”⁸² Parents of students with disabilities echoed this sentiment.

For example, Darlene Foster testified about an ordeal involving her son, who is Black and has cerebral palsy and autism. She explained that in an attempt to manage her son’s conduct, the school developed a “behavioral plan” that required school personnel to instruct her son to give them items instead of taking them away from him because taking them would cause him to become frustrated. Unfortunately, his paraprofessional did not follow this plan.

According to Ms. Foster, her son’s paraprofessional gave him “an umbrella, and then decided that that could be a mistake and ... snatched the umbrella out of his hand.” The paraprofessional claimed that Ms. Foster’s son jumped on her and attacked her. Ms. Foster found this hard to believe given the fact that the slightly built nine-year-old’s disabilities prevented him from jumping or even maintaining his balance without a walker. Nevertheless, he was suspended and charged with battery of a school employee. Not only was Ms. Foster disturbed by the fact that school personnel did not follow her son’s behavior plan, she also questioned the appropriateness of involving the school police. “[My son] had never been arrested before. We’re talking about a child with a developmental disability,” she explained.⁸³

Barbara White, an Assistant Public Defender, also criticized the treatment of some of her juvenile clients with disabilities. She explained that many children who are charged with battery on school board employees “are not children that haul off and are punching teachers. ... Instead, they are having crises and someone touches them and they flail their arms, and even if they barely touch a school employee, that is technically a felony and punishable by up to five years in prison. Because the law was technically violated, even if no one was hurt, the children often lose at trial and get put into the system, where they don’t get the appropriate treatment.”⁸⁴

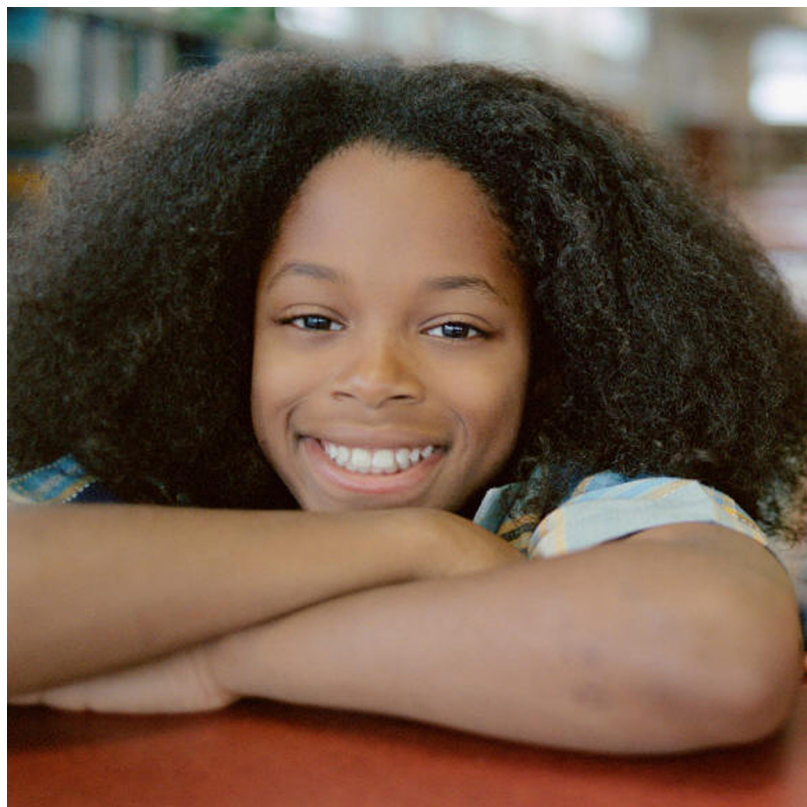
Legal Aid Staff Attorney Barbara Briggs described an experience of one of her clients that illustrated Ms. White’s point.⁸⁵ The student is a sixteen-year-old girl with severe mental illness. According to attorney Briggs, several years ago the student was in an inappropriate special education placement. Consequently, she experienced behavior problems at school causing her to be charged with battery on a school board employee on several occasions. Ms. Briggs explained that in most cases, this young girl was having a crisis, flailed her arms and came into contact with an employee of the school. Once she was assigned to an appropriate special education placement and received treatment, Briggs

⁸² *Id.*, Part 1, at 13.

⁸³ *Id.* at 38.

⁸⁴ *Id.* at 33-34.

⁸⁵ *Id.* at 29-31.



reports that her behavior improved, and no additional charges were filed against her. However, she is still in the juvenile justice system, on probation, and according to Ms. Briggs, is “having a difficult time extricating herself because her mental illness makes it very difficult for her to meet the conditions of the probation, which are to go to school without any unexcused absences, discipline referrals or tardies.”

Thomasina Lane, the parent of a teenage son with disabilities who attends an alternative school, complained that teachers often “provoke the kids,” causing them to “act out.”⁸⁶ For example, Ms. Lane’s son was late for class one day and the “teacher would not let him in,” even though the principal told her son to return to class. When Ms. Lane’s son attempted to enter the classroom, his teacher reportedly pushed him and “threw him to the ground.” Another student intervened to get the teacher off of Ms. Lane’s son and they were both charged with battery on a school employee, a felony.

Statistics on the discipline of students with disabilities are not readily available to the public, so it is difficult to determine any potential trends that may exist. But it seems clear that the discipline of these students deserves further investigation and discussion.

IV. Recommendations

There is no question that parents, teachers, students, and administrators in Palm Beach County want safe schools and support the school district’s efforts to keep guns and drugs out of school. But many wondered whether it is necessary to impose such harsh punishments as suspensions and arrests for conduct that amounts to typical student behavior.

Hearing participants offered thoughtful recommendations for improving the school disciplinary system in the School District of Palm Beach County:

- More teacher-parent conferences;
- More social workers and guidance counselors to work with students who are experiencing academic failure and behavior problems;
- Improved training for school staff and police on recognizing and managing the behavior of students with disabilities—which was described by one participant as “disability sensitivity training”; and
- Additional training for teachers on classroom management skills.

These recommendations can be accomplished if everyone affected by zero tolerance—parents, school staff, juvenile justice officials and students—makes a commitment to work diligently and collaboratively.

⁸⁶ *Id.* at 48-50.