

Pinellas County Schools

More than 200 people from Pinellas and Hillsborough counties gathered at the James Weldon Johnson Library in St. Petersburg on October 11, 2005 to begin the somber and difficult work of discussing and addressing school discipline concerns and challenges. One family member after another testified to their own school discipline nightmare: a daughter's dislocated shoulder caused by an angry school resource officer, and a grandson's arrest by a police officer for being in a schoolyard fight.

Overall, the public hearing revealed that Pinellas County Schools' reliance on police officers to handle minor occurrences of student misbehavior has resulted in several instances of unnecessary use of force upon students, particularly Black students. In addition, although Pinellas County Schools has succeeded in reducing the number of out-of-school suspensions in the district, racial disparities continue and suspensions at "exceptional centers," which educate students with severe mental, emotional or behavioral disabilities, have increased.

"My first impression of the Pinellas school where I taught was that it looked and felt like a correction facility for youth. ... The physical structure supported this impression by the look and arrangement of rooms, including the police presence and the use of keys and locks for everything. ... Control over students was the paramount focus and concern at this school. Threats of punishment, steps toward punishment, and eventual suspension were the most prominent aspects of discipline at this middle school." -G. Joyce Salvage, Former Teacher

School Discipline Trends in Pinellas County

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

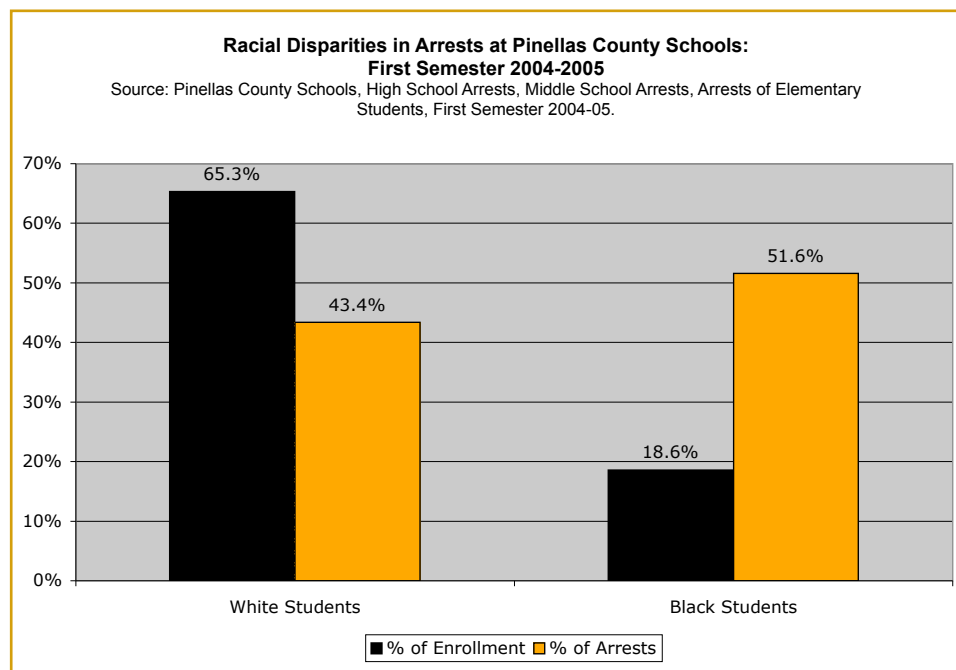
"The harsh discipline policies in our schools MUST change! Student misbehavior is not a crime! Let's provide the guidance that our children need. Let's help them make good choices. If you are not outraged, you are not paying attention!" -Cathy Corry, JUSTICE4KIDS.ORG Volunteer

Like many school districts across the country, Pinellas County Schools contracts with the local sheriff to implement a School Resource Officer (SRO) Program. Under this agreement, the school district pays approximately \$1 million for two sheriff deputies to be assigned to each of nine high schools and twelve middle schools. The primary responsibilities of the SROs are to conduct criminal investigations of violations of law on school property, make arrests and referrals, and teach law enforcement education at the principal's request.¹⁵

¹⁵ School Resource Officer Agreement and Addendum No. 1 between the School Board of Pinellas County and Everett S. Rice, Sheriff of Pinellas County (Feb. 5, 2004).

According to a 2004-05 contract, no SROs were assigned to elementary schools in the County, which explains the involvement of the St. Petersburg Police Department in the arrest of Ja'eisha Scott. But statistics obtained from the school district reveal that Ja'eisha was not the only elementary school student arrested that year. During the first and second semesters of the 2004-05 school year, there were 17 arrests of Pinellas County elementary school students.¹⁶ Many of these arrests were of third grade students. Perhaps most disturbing is that 13 of these 17 arrests occurred at schools that are solely attended by students with disabilities.¹⁷

Student arrests at Pinellas County's middle and high schools, where SROs are assigned, are alarmingly high. During just the first semester of the 2004-05 school year, there were 444 arrests made at high schools, and 244 arrests made at middle schools.¹⁸ The most common offense for which students were arrested was school disruption or disorderly conduct, accounting for approximately 25 percent of arrests at Pinellas County high schools and 35 percent of arrests at middle schools. Black students in Pinellas County overwhelmingly bear the brunt of its extreme school discipline policies. Although Black students accounted for approximately 19 percent of the student population in Pinellas County, they accounted for over 51 percent of the arrests in Pinellas County schools.¹⁹



The stories behind these statistics are telling. Edyth James testified about the arrest of her grandson, a student at Tyrone Middle School, who got into a fight in the schoolyard while defending a friend's younger

¹⁶ Pinellas County Schools, *Arrests of Elementary Students 2004-2005*. The official tally of 17 arrests is underreported by at least one incident and possibly more. The school district inexplicably appears not to consider what happened to Ja'eisha as an arrest, and therefore left the incident out of its official arrest tally.

¹⁷ *Id.*

¹⁸ Pinellas County Schools, *High School Arrests First Semester 2004-2005*; Pinellas County Schools, *Middle School Arrests First Semester 2004-2005*. The school district did not provide us with statistics on the second semester of the 2004-2005 school year for middle schools.

¹⁹ Pinellas County Schools, *High School Arrests First Semester 2004-2005*; Pinellas County Schools, *Middle School Arrests First Semester 2004-2005*; Pinellas County Schools, *Arrests of Elementary Students First Semester 2004-2005*.

sister. “To see my grandson put in handcuffs and taken in a police car to jail was something truly, truly unbelievable that could happen in this great America,” Ms. James said. “Never in my life, in my whole family was anybody ever arrested. I’m here because I cannot believe children should be put in handcuffs and taken to jail in a police car,” concluded James.²⁰

Similarly, Edyth Smith shared an incident in which her fifteen-year-old daughter, Latia, who is Black, was watching a fight between two girls, who were White, in the schoolyard. Instead of stopping the two girls from fighting, however, Ms. Smith explained that the SRO targeted Latia. He grabbed her roughly, dislocating her shoulder.

When Latia protested and tried to explain that she had nothing to do with the fight, he threatened her by screaming, “If you don’t shut up, I’m going to arrest you.” She ended up sitting in the principal’s office for an hour with a dislocated shoulder while the two girls who had been fighting got away without reprimand. This incident has had a lasting impact on Latia, who continues to struggle with the cruel treatment she suffered at the hands of the SRO.²¹

“This is her suffering. This is a Black girl’s Cry. The pain in which I feel, I cannot reveal. It is a hurt that I feel inside. I try not to cry. Holding onto the past is never to let go. This world is so cruel with not much to offer. I open up my heart, but yet the Black girl suffers. To say I will never forgive or to let go, yes. But not to forget the men that caused me to cry. I can live. And this Black girl will not have to continue to cry.” -Latia, age 15 (poem)

Additionally, hearing participants testified that the increase in school-based arrests is flooding the courts with cases that should have been handled within the school. Bob Gardner, Director of the Juvenile Division of the local Public Defender’s Office remarked: “I can tell you that I have done hundreds and hundreds of criminal trials involving juveniles, representing juveniles. And I can tell you that a certain percentage, I’d say maybe 20 percent or more, are what we characterize in the courtroom as ridiculous school actions. ... Once we get in trial, and we listen to the witnesses, and we cross-examine them, inevitably, even the judges roll their eyes and say ‘What are you doing in my courtroom? What are you doing wasting my time?’”²²

Gardner also acknowledged the lasting impact unnecessary school-based arrests have on students long after they leave the public education system. He noted “one of the consequences in the state of Florida for getting arrested as a juvenile is that you end up with a permanent record. The idea that juvenile records go away or are swept under the table ... is completely false.”²³

Some students are not arrested but referred to the State Attorney’s Office for possible prosecution. In many instances, parents believed that the referrals were either unfair or unnecessary. For example, Mary Hardy testified about an incident involving her son at a local high school. She explained that her son, who is Black, was play-fighting with his friend, who is White, during lunch. When the two boys stopped playing, Ms. Hardy reported that the SRO walked directly to her son, not his friend, grabbed her son “by the shirt, kicked his feet from under him, slamming him to the ground,” causing her son to injure his back, knee, and ankle. “Besides being injured, my son was punished,” Ms. Hardy commented. “He received one day of in-school suspension, and five days of out-of-school suspension.” Also, he was given a referral, resulting in a one-year probation with the Juvenile Arbitration Program.

20 Transcript of the Pinellas and Hillsborough County Public Hearing on School Discipline, at 30-31 (Oct. 11, 2005).

21 *Id.* at 25.

22 *Id.* at 58.

23 *Id.* at 59.

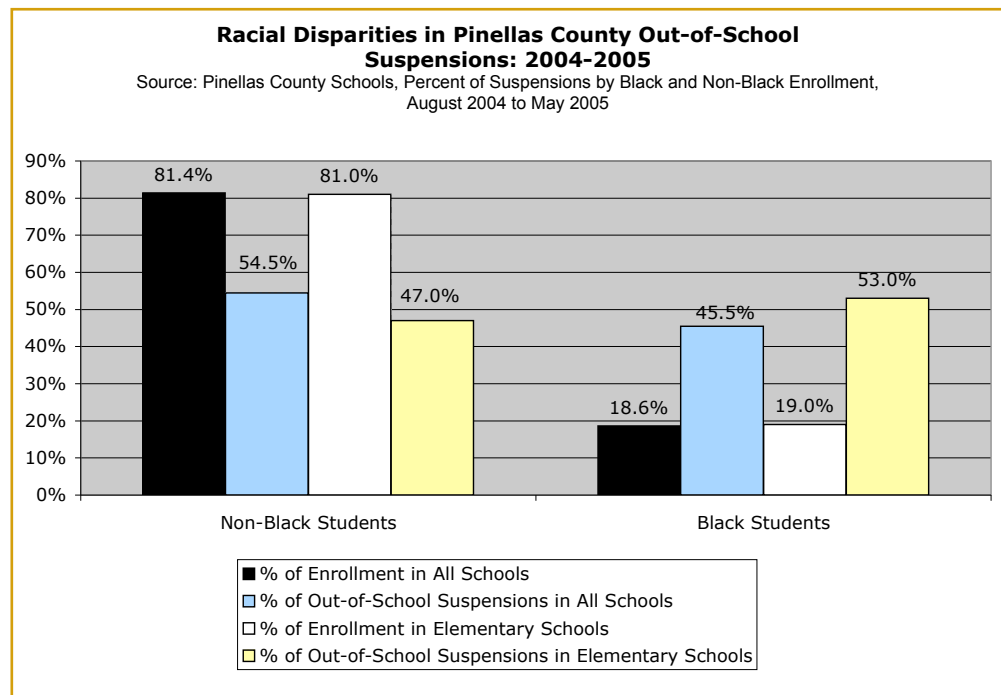
Ms. Hardy believed that the multiple punishments were excessive and that the situation could have been resolved if the SRO had taken the time to question the boys first.²⁴

Each of these witness accounts tells the story of school discipline gone awry and provides troubling revelations regarding the role of SROs and other law enforcement in minor school discipline matters, the seemingly excessive force used by school police, and the lasting impact arrest and juvenile court involvement have on students.

II. Out-of-School Suspensions and Children with Disabilities

Pinellas County Schools appears to have begun to make efforts toward reducing the number of out-of-school suspensions in the district. Overall, Pinellas County Schools reported a 22.7 percent decrease in the number of out-of-school suspensions issued during the 2004-05 school year (17,739) when compared to the year before (22,951).²⁵ However, racial disparities persist and the suspension of children with disabilities is on the rise.

Last school year, Black students accounted for 18.6 percent of student enrollment, but received 45.5 percent of out-of-school suspensions. The disproportionality was even more dramatic in elementary school, where Black students made up 19 percent of the student body but received 53 percent of the out-of-school suspensions. The most frequent reason for the suspension of elementary school students in 2004-05 was repeated misconduct (15.9 percent),²⁶ which begs the question whether other alternatives could have been used in these cases.



²⁴ Written Statement of Mary Hardy, submitted for the Pinellas and Hillsborough County Public Hearing on School Discipline (Oct. 11, 2005).

²⁵ Pinellas County Schools, *Suspensions from August 2004 to May 2005*, at 1.

²⁶ *Id.* at 1.

Additionally, the number of out-of-school suspensions at exceptional centers is alarmingly high, having almost doubled since the 1999-00 school year from 246 to 441.²⁷ At Hamilton Disston School, 69 percent of students were suspended at least once in 2004-05 and 57.4 percent of students at Richard L. Sanders School were suspended at least once as well.²⁸ Procedures for the suspension of students with disabilities are dictated by state and federal law, and thus school officials and others should closely examine these practices district-wide to ensure these students are not needlessly being removed from school.

IV. Recommendations

Public outrage by community and civil rights groups over the arrest of five-year-old Ja'eisha Scott has already led to some policy changes in Pinellas County. But as the hearing uncovered and as this report indicates, there is far more work to be done. Several hearing participants made suggestions for school discipline policy change:

- Schools districts should establish school discipline oversight committees, which would include parents and students, to handle complaints and review the school district's efforts to maintain safety in a fair and nondiscriminatory manner;
- Police assigned to schools from local departments should receive special training on how to interact with young people and children with disabilities; and
- Schools districts should limit zero tolerance school discipline procedures to conduct that poses a serious threat to safety.

Overall, the public hearing testimony made clear that parents, administrators, and law enforcement officials alike recognized that if channels of communication among these groups were open, and they were able to work cooperatively, the future of Pinellas County Schools would improve on multiple fronts.



²⁷ *Id.* at 2.

²⁸ *Id.* at 5.