REDEFINING ZERO TOLERANCE IN FLORIDA’S SCHOOLS:

An Analysis of Options

AN ACTION REPORT SUBMITTED TO THE FACULY OF THE
COLLEGE OF SOCIAL SCIENCE IN CANDIDACY FOR THE
DEGREE OF MASTER OF PUBLIC ADMINISTRATION

REUBIN O’D. ASKEW SCHOOL OF PUBLIC ADMINISTRATION
AND POLICY

BY

MICHELLE RENEE TARBUTTON

TALLAHASSEE, FLORIDA

December 4, 2006
December 4, 2006

Chancellor Cheri Yecke
K-12 Office of the Chancellor
325 West Gaines Street, Suite 514
Tallahassee, FL 32399

Dear Chancellor Yecke:

It is my pleasure to submit to you *Redefining Zero Tolerance In Florida's Schools: An Analysis of Options*. This report was derived from extensive research on the unintended consequences placed on students by zero tolerance policies and the actions that could be taken to lessen these negative effects. Florida’s vaguely-defined state law, 1006.13, allows for radically varying interpretations of zero tolerance policies for each local school district resulting in harsh penalties being applied to minor and major student misconduct alike.

After examining four alternative policy options, my recommendation is that Florida should amend the current state law to include: (1) mandatory training for school resource officers and (2) alternatives to suspension and expulsions for all school districts. These policy alternatives are recommended based on the use of three evaluative criteria: administrative feasibility, political support, and school impact.

Both options score highly on political support and school impact. Increasing education through either alternative measures or professional training appears to be supported by all pertinent stakeholders and school safety looks to be improved by positively shaping a renewed school climate. A reduction in suspensions, expulsions, and arrests also seems likely if the criteria are applied correctly. Administrative feasibility was found to be uncertain for alternatives to suspension and expulsion due to a complete overhaul of current school discipline structures that would be necessary in addition to differential funding and resource availability among districts. However, mandatory school resource officer training again scores high due to the number of organizations willing to implement the training thereby causing little to no strain on the local school districts.

Together, mandatory training for school resource officers and alternatives to suspension and expulsion for all school districts, mandated by state law, would create a renewed school environment and provide new ways to discipline, while still keeping order and structure in the classroom. The other two options, a graduated system of discipline and a case-by-case approach, may be helpful in providing guidance for school districts, however as state law, are not feasible.

These recommendations have the potential to improve the school discipline crisis in Florida that are hindering today’s youth, by bringing about dialogue between all parties to redefine the state law on zero tolerance.

Respectfully,

Michelle R. Tarbutton
MPA, MSW
# TABLE OF CONTENTS

**LETTER OF TRANSMITTAL**

**TABLE OF CONTENTS**

**LIST OF TABLES**

**EXECUTIVE SUMMARY**

Chapter

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>PROBLEM STATEMENT</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>BACKGROUND AND LITERATURE REVIEW</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Background</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Literature Review</td>
<td>6</td>
</tr>
<tr>
<td>III</td>
<td>METHODOLOGY AND EVALUATIVE CRITERIA</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Methodology</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Evaluative Criteria</td>
<td>13</td>
</tr>
<tr>
<td>IV</td>
<td>POLICY OPTIONS</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Graduated System of Discipline</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Alternatives to Suspension and Expulsion</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Case-by-Case Basis</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Mandatory Training for School Resource Officers</td>
<td>32</td>
</tr>
<tr>
<td>V</td>
<td>CONCLUSIONS</td>
<td>38</td>
</tr>
<tr>
<td>REFERENCES</td>
<td></td>
<td>41</td>
</tr>
<tr>
<td>APPENDIX A</td>
<td></td>
<td>46</td>
</tr>
<tr>
<td>APPENDIX B</td>
<td></td>
<td>48</td>
</tr>
<tr>
<td>APPENDIX C</td>
<td></td>
<td>53</td>
</tr>
<tr>
<td>ABOUT THE AUTHOR</td>
<td></td>
<td>56</td>
</tr>
</tbody>
</table>
LIST OF TABLES

Table

1. Summary of Alternatives and Evaluative Criteria 37
EXECUTIVE SUMMARY

Zero tolerance policies in Florida and across the nation are hindering today’s youth. Much of the problem is rooted in vaguely-defined state laws which allow for radically varying interpretations by local school boards. Although most agree on a policy of zero tolerance for students who bring firearms to school, consensus then fades and policies range from those with minor disciplinary sanctions to others with major sanctions. The problems with zero tolerance policies arise, however, when the same harsh penalties are applied to minor and major student misconduct alike.

In particular, Florida has recently been criticized for its use of zero tolerance policies state-wide. The state’s ill-defined law, Florida Statute 1006.13, results in 67 different zero tolerance polices for each school district in the state, all punishing students in varying and conflicting manners. Reports show that zero tolerance policies are administering harsh penalties to students for minor misconduct and punishing a disproportionate number of minority and special education students. In addition to failing to improve school safety, these policies are also pushing more children into the juvenile justice system and causing a higher number of student suspensions, expulsions, and arrests. Therefore, the purpose of this Action Report is to examine alternative solutions to the current state law on zero tolerance, in order to address the school discipline crisis plaguing Florida.

Information for this report was compiled using academic literature and scholarly journals; popular media, interest group and governmental reports; federal, state, and local polices, rules and laws; and semi-structured interviews and telephone contacts (n=20) with a representative sample of stakeholders such as, the Florida Department of Education staff, legislators, key education actors, and published professors. Each method used provided significant information regarding the history of zero tolerance and the current practices found in school discipline, as well as
provided invaluable insight to how zero tolerance policies could be rewritten to better serve students in the educational system.

There were four potential alternatives evaluated to combat the school discipline crisis: (1) a graduated system of discipline; (2) a case-by-case basis; (3) alternatives to suspension and expulsion and; (4) mandatory training for school resource officers. Each alternative involved rewriting or amending Florida Statute 1006.13, the current state law on zero tolerance, to accommodate the suggested changes. The alternatives were each evaluated against three criteria: administrative feasibility, political support, and school impact.

Based on the assessment of the alternatives using the three criteria, alternatives to suspension and expulsion and mandatory training for school resource officers are recommended. Both recommended options score highly on political support and school impact. Pertinent stakeholders believe that increasing education through either alternative measures or professional training would be beneficial to all involved and school safety would be improved by positively shaping a renewed school climate. A reduction in suspensions, expulsions, and arrests also would be likely if the criteria were applied correctly. Administrative feasibility was found to be questionable for alternatives to suspension and expulsion due to a complete overhaul of current school discipline structure that would need to take place, and some districts would have an easier time then others depending on funding and resource availability. However, mandatory school resource officer training again scored high due to the number of organizations willing to implement the training causing little to no strain on the local school districts.

The other two options may be helpful in providing guidance for local school districts, however, as state law, are not feasible. Instead, mandatory training for school resource officers and alternatives to suspension and expulsion for all school districts, mandated by state law, would create a renewed school environment and provide innovative ways to discipline, while still keeping order and structure in the classroom.
I. PROBLEM STATEMENT

Zero tolerance policies in Florida and across the nation are hindering today’s youth. Much of the problem is rooted in vaguely-defined state laws which allow for radically varying interpretations by local school boards. Even the term *zero tolerance* is broad and lacks a universally accepted definition. However, for the purpose of this report *zero tolerance* will be defined as:

a philosophy or policy that mandates the application of predetermined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the apparent severity of the behavior, mitigating circumstances, or situational context. Such an approach is intended to deter future transgressions by sending a message that no form of a given unacceptable behavior will be tolerated under any circumstances (American Psychological Association, 2006, p.26).

Given its lack of legal or regulatory definition, zero tolerance takes on many meanings and is interpreted differently by states, school districts, and even individual schools. Although most agree on a policy of zero tolerance for students who bring firearms to school, consensus then fades and policies range from those with minor disciplinary sanctions to others with major disciplinary sanctions. The problems with zero tolerance policies arise, however, when the same harsh penalties are applied to minor and major student misconduct alike. Too often, the punishment does not seem to fit the crime and the stages of child development are all but forgotten.

In particular, Florida has recently been criticized for its use of zero tolerance policies state-wide. Reports show (Advancement Project, 2003 and 2005; Florida Department of Juvenile Justice, 2006; Florida State Conference National Association for the Advancement of Colored People, Advancement Project, and National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., 2006; The Civil Rights Project at Harvard University, 2000) that zero tolerance policies are administering harsh penalties to
students for cases of minor misconduct and punishing a disproportionate number of minority and special education students. In addition to failing to improve school safety, these policies are also pushing more students into the juvenile justice system and causing a higher number of student suspensions, expulsions, and arrests.

During the 2004-2005 academic year, there were 28,008 school-related referrals to the Florida Department of Juvenile Justice, 76% of which were for misdemeanor offenses (Florida Department of Juvenile Justice, 2006). In the same year, suspensions reached an all-time high of 441,694 (Florida Department of Education, 2006). Yet, out-of-school suspensions have garnered the most attention, increasing 14% over the last five years, whereas the overall student population grew by only 8.4%.

Zero tolerance policies appear to have the greatest effect on Black students. Last year, they received 46% of all out of school suspensions and school police referrals in Florida, but comprised just 22.8% of the student population (Florida Department of Education, 2006; Florida Department of Juvenile Justice, 2006). The statistic becomes more shocking when compared to disciplinary cases with White students, who made up 49% of the student population but received approximately 36.5% of all out of school suspensions and school police referrals. Minority overrepresentation in school discipline seems evident.

The state’s ill-defined law, Florida Statute 1006.13 (2002), adds to the problem by requiring each school district to adopt a policy of zero tolerance for broadly-defined words like crime and victimization. The lack of clear definitions of such words allows for the broad interpretation of these policies state-wide. This, in turn, results in 67 different zero tolerance polices for each school district in the state, all punishing students in varying and conflicting manners.
The threat posed by zero tolerance policies in Florida cannot be overstated. Removing children from schools and entering them in mass into juvenile justice programs does nothing to address the underlying cause of behavioral problems and student misconduct. School safety cannot be ignored. It seems logical that an institution charged with educating young and impressionable minds should do so in a just manner. Therefore, the purpose of this Action Report is to examine alternative solutions to the current state law on zero tolerance, in order to address the school discipline crisis plaguing Florida. This report will examine the three best policy options for addressing the problems presented by zero tolerance. Pertinent literature will be discussed and evaluative criteria will be applied to determine which policy option will best improve zero tolerance policies in Florida’s school system.

II. BACKGROUND AND LITERATURE REVIEW

Background

The history of zero tolerance policies is brief, but quite involved. This section reviews the evolution of zero tolerance, the Gun-Free Schools Act of 1994, Florida’s zero tolerance statutes, and local school district policies on zero tolerance.

The concept of zero tolerance debuted in the 1980’s as part of the federal drug policy, but the term gained broader acceptance in the early 1990’s when educators became concerned about the overwhelming increase in school violence (American Psychological Association, 2006). In 1990, school districts in California, New York, and Kentucky became the first to create policies on zero tolerance that mandated expulsion for drugs, fighting, and gang-related activity (Skiba and Peterson, 1999). Shortly thereafter, school boards across the country adopted zero tolerance policies. However, in addition to zero tolerance for drugs and weapons, schools’ policies were often broadened to include smoking and school disruption. By the mid 1990’s, Heaviside,
Rowand, Williams, and Farris (1998) found that 94% of all schools had zero tolerance policies for weapons or firearms, 87% for alcohol, 79% for tobacco, and 79% for violence.

As awareness of violence in schools rose, pressure increased on legislators to take action against weapons in schools. In 1994, the federal government demonstrated its support of zero tolerance policies by enacting the Gun-Free Schools Act, signed into law under the Clinton Administration. This legislation, as shown in Appendix A, made Elementary and Secondary Education Act funds contingent on states enacting a zero tolerance law with the goal of producing gun-free schools. In addition, the act required the states to: (1) enact a law requiring local educational agencies to expel from school any student who has possessed a firearm at school for no less than one year; (2) enact a law allowing the chief administering officer of a local educational agency to modify expulsion requirements for students on a case-by-case basis; and (3) report the number of students expelled to the United States Department of Education annually (American Psychological Association, 2006). Furthermore, the law allowed exceptions for firearms lawfully stored in locked vehicles on school property and for firearm activities authorized by the local educational agency. The act also contained a provision for the protection of students with disabilities by requiring that the law be construed in a manner consistent with the Individuals with Disabilities Education Act.

In response to the federal Gun-Free Schools Act (1994), both the Florida State Board of Education and the Florida Legislature moved to make zero tolerance policies a priority for the state. The Board of Education was the first to act, creating a policy entitled Zero Tolerance for School Related Violent Crime (1994). This policy, as shown in Appendix B, required school districts to: (1) invoke the most severe consequences when dealing with students who have engaged in violent criminal acts such as homicide, sexual battery, armed robbery, aggravated battery, battery or aggravated battery on a teacher or other school personnel, kidnapping, arson, or
possession of any firearm on school property, on school-sponsored transportation, or during school-sponsored activities; (2) include zero tolerance policies in the student code of conduct; (3) notify a local law enforcement agency of any student offenses; and (4) assist teachers and other school personnel act decisively and effectively when dealing with violent and disruptive youth.

In 1997, the Florida legislature passed its first zero tolerance law, entitled Policy of Zero Tolerance for Crime (Chapter 97-234, Florida Laws). This new law required each school district to adopt a policy of zero tolerance for crime and substance abuse. Additionally, school districts were required to report violations to local law enforcement. Since 1997, however, the state’s policy has been rewritten three times to accommodate proponents of a harsher policy. In 2000, the Policy of Zero Tolerance for Crime was amended to include language from the federal Gun-Free Schools Act (1994) stipulating that a student who brings a firearm or weapon to school will be expelled for a period of one year and referred for criminal prosecution. Furthermore, the Legislature also listed making a threat or false report at school as an offense, requiring automatic expulsion and criminal prosecution. Renamed Policy of Zero Tolerance for Crime and Victimization in 2001, the state’s law was once again amended to require that all school districts adopt a policy of zero tolerance for victimization of students as well as crime and substance abuse. Finally, the last amendment to the state’s policy was made in 2002 when all school laws in Florida were rewritten. This time the zero tolerance policy, as shown in Appendix C, was revised to prohibit policy violators from visiting or attending any school attended by their victims or sibling of their victims.

Other state legislation, not found in Florida Statute 1006.13 but pertaining to zero tolerance policies and reasons for expulsion, has led local school districts to expand their zero
tolerance policies beyond possession of firearms, crime, substance abuse, and victimization. For instance, Florida Statute 1006.09 (c) gives principals the right to expel any student who “has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school” (2005). Currently, local school districts such as Hillsborough, DeSoto, Clay, and Broward (2006), have amended zero tolerance policies in their student code of conduct to include such acts as disruption to school functions, disorderly conduct, willful disobedience, profanity, and other offenses determined by the principal. Punishments range from parent contact to suspension, expulsion, and referrals to local law enforcement.

Overall, zero tolerance policies have expanded over the last fifteen years. What began as a way to address school safety by punishing students with weapons who threatened others on school property has now evolved into policies with serious consequences that address almost any type of student misconduct. Therefore, although zero tolerance policies proliferated in a period of heightened concern about school violence, it seems they now have less to do with their actual effect than the image they project of schools taking strong measures to prevent violence (Atkinson, 2005).

**Literature Review**

The pertinent literature on this topic addresses two themes: the effectiveness of zero tolerance policies and the unintended consequences resulting from those policies. Unintended consequences consist of three components: (1) suspension and expulsion; (2) criminal referral and; (3) minority and disability overrepresentation. The works discussed below highlight these issues.
Literature in support of zero tolerance claims that the policies are necessary to emphasize that schools are tough on crime and that these laws bring a sense of order to schools (Blair, 1999; Indiana Education Policy Center, 2000). However, little, if any data exist that show zero tolerance policies increase school safety or reduce school violence (Ashford, 2000; Hyman and Perone, 1998; Skiba, 2000; Skiba and Peterson, 1999; Skiba and Peterson, 2000; The Civil Rights Project at Harvard University, 2000). In fact, there are almost no studies that evaluate the effectiveness of zero tolerance and, to date, the most comprehensive study on these policies fails to provide much support. The NECS report, *Violence and Discipline Problems in U.S. Public Schools: 1996-1997* (Heaviside et al., 1998) found that schools relying heavily on zero tolerance policies were likely to be less safe than schools that implemented fewer or no components of zero tolerance policies. Out of the schools surveyed, 79% reported having a zero tolerance policy for violence. Yet, “schools with no crime reported were less likely to have a zero tolerance policy for violence (74%) than schools that had reported one or more serious crime (85%)” (Heaviside et al., 1998, p.18).

Although the literature has shown no reliable studies on the success of zero tolerance policies, it has recognized indirect impacts that serve as proxies to help measure their effectiveness. According to Blumensen and Nilsen (2003), if zero tolerance policies were effective, they would constitute such a powerful and efficient deterrent that almost all students would be well-behaved and a scarce few would require the sanctions that the policies impose. Therefore, the literature surrounding the unintended consequences of strict implementation provides valuable insight into the ineffectiveness of zero tolerance policies.

*Suspensions and expulsions.* Numerous sources show a significant increase in the number of school suspensions and expulsions due to the implementation of zero tolerance policies in schools across the nation (Adams, 2000; American Psychological Association, 2006; Blumensen
and Nilsen, 2003; Daniel and Coriell, 1992; Schiraldi and Ziedenberg, 2001; Skiba and Rausch, 2006; The Civil Rights Project at Harvard University, 2000). In 2000, there were over three million suspensions and more than 97,000 expulsions in schools (United States Department of Education, 2004). As previously mentioned, Florida alone suspended 441,694 children in the 2004-2005 school year (Florida Department of Education, 2006). Blumensen and Nilsen (2003) attribute this increase to a change in policy. Where as a wide range of minor student misconduct had previously used after-school detentions, withdrawal of privileges, counseling, and mediation for discipline, suspension and expulsion are now used instead. Two other authors (Daniel and Coriell, 1992) reinforce this assertion citing the estimation that no more than three percent of expulsions and suspensions are for major offenses. Many infractions result from misdemeanor and trivial offenses such as schoolyard fights, tardiness, cursing, disrespect, and defiance (Blumensen and Nilsen, 2003).

Literature also shows suspensions and expulsions to have negative consequences on student behavior and academic performance. Three studies (Bowditch, 1993; Costenbader and Markson, 1998; Massachusetts Advocacy Center, 1986) found between 35.2% and 42% of suspended students had been suspended at least once before. Therefore, current practices do not seem to reduce future misbehavior, but may in fact reinforce it while further contributing to student withdrawal of educational services. The Civil Rights Project at Harvard University (2000) explains that suspended and expelled children are at a higher risk of falling through the cracks. They often receive failing grades in each class they miss as a result of the disciplinary measure, and sometimes fall too far behind to ever catch up. Finally, studies have shown this observation, in turn, may help explain findings that school suspension increases a child’s chance of being retained in a grade, dropping out, committing a crime, and/or ending up incarcerated as
Criminal referrals. Literature shows that many school districts have simply assigned their disciplinary authority to law enforcement officials by illustrating the sheer increase in criminal charges filed against children for in-school behavior (American Psychological Association, 2006; National Association for the Advancement of Colored People [NAACP] Legal Defense and Educational Fund, Inc., 2006; The Civil Rights Project at Harvard University, 2000; Wald and Losen, 2003.) According to the Florida Department of Juvenile Justice (2006), 19%, or 28,008 of the referrals received by the Department were school-related. However, the most surprising data from the Department was found in those referrals: 63% were for school misdemeanors while only 33% were for felonies. The misdemeanor category primarily consisted of assault charges (20%), which typically amounted to nothing more than a schoolyard fight and disorderly conduct (17%). Literature states that these policies create a “School-to-Prison Pipeline,” pushing children out of school and into the juvenile, and sometimes even the criminal justice systems, oftentimes for non-violent offenses (Advancement Project, 2005; Casella, 2003; NAACP Legal Defense and Educational Fund, Inc., 2006). As a result, typical, developmental student behavior is labeled as criminal (American Psychological Association, 2006). The Civil Rights Project at Harvard University (2000) reports that, once referred, students often miss multiple days of school to make court appearances. In addition, educational services offered by the juvenile justice system are frequently disconnected from the school system. Compounding the problem, some children may again be suspended or expelled as a result of their arrest, yielding two punishments for one crime (American Psychological Association, 2006).

Minority and disability overrepresentation. Literature points out that, on the surface, zero tolerance policies should result in equitable disciplinary treatment. However, minority students
and students with disabilities continue to be overrepresented in school suspensions and expulsions (American Psychological Association, 2006; Florida State Conference National Association for the Advancement of Colored People et al., 2006; NAACP Legal Defense and Educational Fund, Inc., 2006; The Civil Rights Project at Harvard University, 2000). Nationally, Black students are 2.6 times as likely to be suspended as White students (Wald and Losen, 2003) and in 2000, they represented 17% of the student population, but 34% of those suspended (United States Department of Education, 2000). Florida’s statistics mirror those nationwide. In the 2004-2005 school year, Black students represented 23% of the student population but accounted for 46% of out-of-school suspensions and school-based referrals to the Florida Department of Juvenile Justice (Florida State Conference National Association for the Advancement of Colored People et al., 2006).

Numerous sources also report that Black students are suspended and punished for behavior considered less serious when done by other students (McFadden, Marsh, Price, and Hwang, 1992; Shaw and Braden, 1990; Skiba and Rausch, 2006; The Civil Rights Project at Harvard University, 2000). Furthermore, in a study by Skiba, Michael, Nardo, and Peterson (2002), White students were often punished for easily documented offenses such as smoking, vandalism, leaving without permission, and obscene language. In contrast, Black students were often disciplined for more subjective offenses such as disrespect, excessive noise, threat, and loitering. Reasons for such racial disparity are not fully known, but the American Psychological Association (2006) credits some of the responsibility to “cultural discontinuity, insufficient training in culturally responsive classroom management practices, or implicit or unexamined biases” (p. 64).

Literature also characterizes students with disabilities as unfortunate targets of zero tolerance policies. One study (Wagner, Kutash, Duchnowski, Epstein, and Sumi, 2005) showed
that students with disabilities usually account for 20-24% of suspended and expelled students but only represent 11-14% of the total school, district, or state population. In 1997, the Individuals with Disabilities Education Act was amended to ensure that children would not be punished for behavior that was characteristic of their disability. Yet, disparity still exists, as exemplified by the case in Escambia County, Florida where an autistic child hit a teacher, was expelled, and charged with battery, a third degree felony (The Civil Rights Project at Harvard University, 2000).

In summary, the literature has provided numerous insights into the effectiveness of zero tolerance policies and the unintended consequences resulting from their implementation. However, the literature does not provide adequate information regarding the breadth of state zero tolerance laws and their effect on local school districts. This report builds upon the literature by using specific criteria to critically evaluate three options suggested to improve the state of Florida’s law on zero tolerance.

III. METHODOLOGY AND EVALUATION CRITERA

Methodology

Information for this report was collected using the following methods:

- analysis of zero tolerance-related academic literature and scholarly journals 1975-present from the databases Academic ASAP, ERIC, and Wilson Web;
- analysis of popular media, interest group, and government reports;
- review of federal, state, and local polices, rules, and laws; and
- semi-structured interviews and telephone contacts (n=20) with a representative sample of stakeholders such as, the Florida Department of Education staff,
legislators, key education actors, and published professors around the country who specialize in zero tolerance research.

Academic literature and scholarly journals provided significant insight to the history of zero tolerance and the current practices found in school discipline. Analyses of popular media, interest group, and governmental reports helped to define the problem by providing statistical information, case studies and the unintended consequences of zero tolerance policies. The review of federal, state, and local laws illuminated the inconsistency between various policies and validated that confusion in handling zero tolerance may be warranted. Furthermore, a review of these policies provided invaluable insight to how zero tolerance policies could be rewritten to better serve students in the educational system.

Semi-structured interviews were conducted in-person or by telephone contact with the Florida Department of Education staff, legislators, education stakeholders, and professors around the country. Conversations with the Florida Department of Education staff focused on the legislative history of zero tolerance policies as well as alternatives to suspension and expulsion within the school system. Conversations with legislators, key education stakeholders, and published professors examined different aspects of the policy options to determine which would best fit for the state of Florida. Interviews consisted on average of 20-60 minutes of questions and answers. Typical questions consisted of ones such as: (1) Would you support this policy option? Why or why not?; (2) How would the policy option increase school safety and reduce school suspensions?; (3) What are alternatives to school suspension and expulsion and; (4) How would you see this policy option affecting local school districts and individual schools.
Evaluative Criteria

Three criteria will be used to evaluate each policy recommendation: administrative feasibility, political viability, and school impact.

- Administrative feasibility. This assesses the practicality and the acceptability of an alternative. Would the recommendation completely change current school discipline structure, or will it cause minor changes? Would education actors such as teachers, principals, schools administrators, and school boards find the alternative easy to implement? Administrative feasibility will be assessed using current literature, semi-structured interviews with education actors, and interest group reports.

- Political support. This assesses the desirability of the alternative to the public, politicians, interest groups, and education actors. It examines the political environment surrounding the recommendation. Is it likely that the governor and state-level legislators would support the alternative? Could the alternative be easily adopted during session? Would key stakeholders and education actors lobby in support of the alternative? Political support will be assessed using current literature, and semi-structured interviews with state legislators and interest groups.

- School impact. This assesses an alternative’s potential effect on school safety as well as suspensions, expulsions, and arrests. Would the alternative improve school safety? Would the alternative decrease school suspensions, expulsions, and arrests? School impact will be assessed using academic literature and semi-structured interviews with education actors and interest groups.

The selected criteria represent considerations made in the evaluation of policy options. The option(s) with the highest cumulative ranking(s) from the three criteria will be considered the most effective. Each criterion will be ranked as high, medium, or low. Other criteria such as
reduction in minority and disability overrepresentation and cost were considered but could not be evaluated at this time. Reduction in minority and disability overrepresentation could not be directly evaluated since they are dependent on the outcome of the analysis in this report. Cost could not be assessed because fiscal impact of the changes could not be measured until a bill analysis was conducted. These criteria should be considered in future studies when data are readily available.

The one limitation of this study was the difficulty in conducting fruitful interviews with state legislators and key education stakeholders. Due to recent controversies surrounding zero tolerance policies, the issue has become quite sensitive. While interviews were obtained, state legislators and key education stakeholders provided cautious answers sometimes lacking in detail. As a result, in an effort to acquire more information, a majority of the interviewees are cited in text as anonymous. Despite these constraints, the answers provided direction and similar recommendations might have resulted from a study with more detailed responses, provided the methodology outlined in this section remained the same.

IV. POLICY OPTIONS

There are four alternatives that can be used to combat the school discipline crisis in Florida: (1) a graduated system of discipline; (2) a case-by-case basis; (3) alternatives to suspension and expulsion and; (4) mandatory training for school resource officers. Each alternative involves rewriting or amending Florida Statute 1006.13, the current state law on zero tolerance, to accommodate the suggested changes. Other policy options that did not revolve around state law change (i.e., changes in individual school district policy) were also considered. However, it appears that reform is needed due to the inconsistent application of zero tolerance policies throughout the state. Future studies should consider other options more
comprehensive than state reform. As noted, all alternatives will be evaluated by: administrative feasibility, political support, and school impact. The policy options are designed to guide policy makers toward the most strategically viable option in an effort to lessen the harm on Florida’s students resulting from zero tolerance.

**Option One: Graduated System of Discipline**

Currently in Florida, there are 67 different zero tolerance policies: one for each school district, all of which punish students in varying and conflicting manners. However, one pattern that remains the same occurs with disciplinary removals, which are consistently used for both minor and major student misconduct. This alternative would replace the one-size-fits-all ideology by rewriting Florida Statute 1006.13 to include a statewide graduated system of discipline, in which predetermined consequences would be appropriated to the seriousness of a student’s offense. The most serious infractions (i.e., possession of a gun, weapon, or illegal drugs on school grounds) would be met with severe punishments such as expulsion, referral to law enforcement, or suspension. Accordingly, less serious infractions (i.e., attendance issues, classroom disruption, or minor schoolyard fights) would be met with less severe consequences such as in-school suspension, community service, counseling, or parent/teacher conferences. To prevent unfair application of the policy, detailed definitions would be written for all behaviors included in the graduated system of discipline.

*Administrative feasibility.* Currently, no state in the country has mandated a graduated system of discipline. However, it is not uncommon for local school districts to have their own discipline matrices. As a result, a statewide system of discipline could perhaps make local school districts modify their systems, but it would not introduce new ideology to the school discipline structure. According to a principal from South Florida,
Schools would have to become accustomed to following the new mandated matrix, but they should be able to adapt easily. However, the main struggle would be in implementation, being as school administrators would no longer have discretion over the situation; the ultimate authority would now lie in the state’s graduated system of discipline (Anonymous, personal communication, October 9, 2006).

Many stakeholders expressed concern over the development and implementation of such a matrix. A representative from the Advancement Project (Anonymous, personal communication, October 26, 2006) mentioned that writing such a matrix would be somewhat of a hornet’s nest, due to the many incidents that would need consideration. The representative thought it would be possible to develop, yet hard to do right. As an example, he cited a specific school district that their organization had assisted. For every possible scenario to be covered, the matrix included four different definitions for fighting, each with their own separate consequences. Officer Robert Tricquet, President of the Florida Association of School Resource Officers (personal communication, October 9, 2006), voiced similar concerns. He stressed that children’s behaviors are not always distinctive and therefore difficult to classify. Incidents will occur that are not covered in the matrix, and in these cases, there will be no guidelines on how to proceed. A few of the Florida teachers interviewed (Anonymous, personal communications, November 3, 2006) also expressed a lack of confidence that their school administrators would fully implement the state discipline matrix, even if it was mandated. The teachers disclosed that most administrators, believing they know what is best for their schools and communities, would find ways around using the required matrix and still use discretion when dealing with particular discipline situations.

Dr. Russell Skiba, of the Center for Evaluation and Education Policy at Indiana University liked the idea of a statewide graduated system of discipline, however warned that one system may not suffice for all ages (personal communication, October 14, 2006). He emphasized that age should be considered in the development and implementation of the
discipline system. For example, a kindergartner engaging in any prescribed behavior typically has radically different motives from those of a junior in high school. As a result, different punishments are needed. All interviewed teachers voiced similar concerns over the implementation of the matrix (Anonymous, personal communications, November 3, 2006).

The Texas Association of School Boards (2006) releases an Offenses and Consequences Chart each year to guide local school districts on how to handle disciplinary measures. Districts are not mandated by state law to follow such a matrix, but many find the model helpful. While not a truly graduated system of discipline, due to its lack of an explicit set of systematic consequences, the matrix has been a great help to many school districts. A representative for the Association (Anonymous, personal communication, October 19, 2006) said that it has been very well received by the school districts not only because it provides guidance and clarity, but also because it still allows for discretion. School Resource Officer Tricquet further suggested that perhaps guidelines in the form of a matrix provided, rather than mandated, by the state would be more administratively feasible in addressing those unpredictable incidents (personal communication, October 9, 2006). However, the American Psychological Association (2006) contends that a graduated system of discipline would be administratively feasible if it, “specifies both a continuum of possible actions and consequences, and provides guidance to school personnel regarding the permissible or recommended consequences for a given severity of behavior” (p.101). Therefore, while this alternative would be easy to adapt into the current school discipline structure, it seems implementation problems would arise.

Political support. Based on national trends, it appears that political support from the public for a graduated system of discipline in Florida would be well received. In response to the many zero tolerance incidents, communities have been turning to graduated systems of discipline to ensure school safety without sacrificing civil rights (Skiba, 2000). Furthermore,
many parents seem to favor the alternative for two main reasons (Dr. Russell Skiba, personal communication, October 14, 2006). First, due to the graduated system of discipline, minor offenses would not be subject to excessive punishments, as is the case with some incidents now. It would still apply consequences to inappropriate behavior, but the punishment would be more appropriate for the disciplinary act committed. Second, students would be treated consistently across the state regardless of circumstance or school district. Parents feel this alternative would level the playing field for all students in Florida’s schools.

It also appears that a majority of teachers would lobby in support of a statewide graduated system of discipline (Anonymous, personal communications, November 3, 2006). Teachers favor this system because when it comes to discipline, they like to know what they are able to do. One teacher from Tampa (Anonymous, personal communication, November 2, 2006) stated that a graduated system of discipline would make her job easier. This is because the punishment would be predetermined and she could easily defend her disciplinary decisions to parents based on the statewide policy.

On the other hand, at the current time there seems to be little to no desire for change in Florida Statute 1006.13 from the majority of the state legislature or from the Florida Department of Education. Representative Loranne Ausley’s office (D, 9th District) commented that the alternative was an important one (personal communication, September 20, 2006). Given the current administration, however, change in the statute would be difficult since the legislature typically does not like to regulate local school district’s policies. Representative Dennis Baxley (R, 24th District), Chair of the House Education Council, also acknowledged the significance of the issue but reinforced that school boards have constitutional authority in Florida. He declared that it is the legislature’s responsibility to point schools in the right direction and provide guidance, but not to mandate a direct policy on them (personal communication, September 26,
He also mentioned that the original statute was written loosely so that the individual school districts would have leeway in developing their policies on zero tolerance. For this reason, mandating a graduated system of discipline for implementation would contradict the statute’s original purpose.

Mark Walsh, a representative for the Florida Department of Education also voiced disapproval of the alternative, stating that the “responsibility of operating, controlling, and supervising the public schools lies with the district school board and school superintendent” (personal communication, September 26, 2006). Furthermore, he stated that the alternative would be unnecessary since Florida Statute 1006.07 (2) addresses what schools must include in their student code of conduct and many districts already have their own disciplinary matrices in place. Therefore, while this alternative may receive political support from the public and some education actors, it appears that it would be hard to push through session with little to no support from the legislature and executive branch.

School impact. The likelihood of a statewide graduated system of discipline improving school safety is low. This is because the matrix has nothing in place to limit discipline acts; it simply defines those acts and assigns consequences. A majority of the interviewed teachers stated that it does not matter what discipline procedures are in place, because “kids will be kids” (Anonymous, personal communications, November 3, 2006). The principals interviewed agreed. One in South Florida mentioned that their school, like many in the state, has a discipline matrix printed in their Student Code of Conduct issued to every student. However, few students and parents actually read it. He went on to say, “It is a better tool for teachers and school administrators on how to discipline correctly, rather than a fix to increasing school safety” (Anonymous, personal communication, October 9, 2006).
While there is no statistical data on whether a statewide graduated system of discipline would lower rates of suspension, expulsion, and arrests, a representative from the Advancement Project believes the system would succeed in doing so. He reasoned that it would limit schools from pushing out students for minor disciplinary incidents (Anonymous, personal communication, October 26, 2006). Many of the cases whose unfairness often attracts media attention would be obsolete, since those cases would be handled with more fitting consequences. The Texas Association of School Boards agreed (Anonymous, personal communication, October 19, 2006), stating that their model Offenses and Consequences Chart has helped school districts reduce suspensions, expulsions, and arrests in incidents such as disruptive behavior, possession of over-the-counter medicine, and possession of look-a-like weapons (i.e., water guns, plastic toys). Therefore, it appears that, though this alternative would not enhance school safety, it could provide a reduction in suspensions, expulsions, and arrests.

In summary, the statewide graduated system of discipline does not score highly on any of the evaluative criteria. Its administrative feasibility scores weakest, presenting many problems in the implementation of the matrix. Political support and school impact rate slightly better, but are still questionable due to a lack of legislative and executive branch support, as well as an inability to improve school safety. However, if public and teacher support could gain momentum and exert more pressure, perhaps the legislature would be more willing to examine the issue. Though lacking in school safety, school impact is attractive since the alternative would help to reduce suspensions, expulsions, and arrests.

Option Two: Alternatives to Suspension and Expulsion

Due to the overwhelming number of student expulsions and out-of-school suspensions in Florida (Florida Department of Education, 2006), it appears that school disciplinarians may
be neither fully aware nor taking advantage of the many options available to them for handling disruptive or violent student behavior. This alternative would amend Statute 1006.13 to state that school districts would be required to provide alternatives to suspension and expulsion to address disciplinary behaviors. The law would grant individual school districts freedom in implementing whichever alternatives they deemed appropriate, based on student-body characteristics, funding, and so forth. However, alternatives such as restorative justice programs, bullying prevention, conflict resolution, detention, Saturday school, in-school suspension, community service, behavioral contracts, parent/teacher conferences, counseling, time out rooms, and teacher/student mentoring programs would be suggested by the state as viable options.

Administrative feasibility. Research shows (American Psychological Association, 2006; Ashford, 2000; Bergquist, Bigbie, Groves, and Richardson, 2005; North Carolina Department of Juvenile Justice and Delinquency Prevention, 2003; Peterson, 2005; Skiba and Rausch, 2006) that the implementation of alternative programs to suspension and expulsion improve school climate, increasing a student’s sense of belonging and school community. As a result, while some of the more traditional disciplinary actions such as suspension and expulsion would remain, many alternatives would require a complete overhaul of the current school discipline structure. This is because the alternatives would not only involve the implementation of new programs, but would require changing views on disciplinary ideology from the schools' current framework of solely reactive programming to include prevention and proactive programming as well.

The implementation of this alternative would vary according to individual school districts. For some larger school districts, implementation may be simple, since they may already have an assortment of alternative measures to suit the needs of their student population.
However, for smaller counties, this option may take a substantial amount of time to develop and even more time to implement. To ease the development process, several studies recommend conducting a self-assessment which includes defining the problem, identifying the possible root causes of the problem, acknowledging the skills within the school to address the root causes of the problem, brainstorming possible solutions, and locating outside resources to help address those root causes that can not be solved from within (American Psychological Association, 2006; North Carolina Department of Juvenile Justice and Delinquency Prevention, 2003).

Teachers and school superintendents agree that the implementation process of alternative disciplinary measures would be fairly easy if schools were provided with adequate resources in terms of funding, staffing, space, and training (Anonymous, personal communications, November 3, 2006). Yet, many times these resources are not provided, making the implementation process a continuous struggle. One teacher from Orange County mentioned the struggles her middle school is facing with the implementation of a time-out room for those students who are disrupting class (Anonymous, personal communication, October 27, 2006). She states that while the school views this alternative placement as a valuable substitute for suspension, they are having difficulties funding the position and staffing a licensed educator trained in conflict resolution. As a result, teacher’s aides take turns staffing the room during the day, the purpose of the alternative disciplinary measure is lost, no intervention is taking place, and the program is failing.

Joy Frank, general counsel for the Florida Association of District School Superintendents, mentioned that superintendents often become frustrated with the legislature’s tendency to mandate things without funding them, which hinders the implementation process (personal communication, November 6, 2006). However, Representative Ausley’s office responded that while this sometimes happens, the state would provide some or all funds to
cover the mandate if the passed amendment had a fiscal impact (personal communication, September 20, 2006). Yet, while the implementation of some alternatives would require a financial commitment, mainly in cases of expulsions when the act committed is severe, many strategies would not require large amounts of funds. For example, using community service as a punishment where students are giving back to the school through either manual labor or other service projects would cost nothing, improve school climate, and serve as more fitting punishment than suspension for minor disciplinary acts. Therefore, this option would enhance the current school discipline structure, but possibly pose some implementation problems for various districts if proper resources were not provided.

Political support. Many teachers and superintendents have expressed support for this option, as they almost always favor alternative interventions that keep children in school over punishments which prevent educational opportunities (Anonymous, personal communications, November 3, 2006). Furthermore, local school administrators’ preference for this option becomes even stronger when they consider their gained flexibility in selecting which alternatives would work best for their district. Yet, as previously mentioned, if mandated by law, teachers and administrators would want funding for implementation and operating costs. Joy Frank explained that the majority of superintendents are always in favor of alternatives to traditional disciplinary measures but three problems usually arise: cost, availability of personnel, and space (personal communication, November 6, 2006). Therefore, in order to run the program efficiently and effectively they would want security in knowing that some funds would be provided.

Teachers also want funding for alternative programs, but usually for different reasons. When availability of personnel is low, they become responsible for running the programs. The teachers interviewed expressed that they valued the programs and would appreciate the option
to use them as alternatives for student discipline; however, they simply did not want to be responsible for them, considering their already demanding workloads (Anonymous, personal communications, November 3, 2006). Despite these issues, it appears that teachers and superintendents would nevertheless be in support of such an amendment.

As in option one, the Florida Department of Education continues to declare that they would not support this alternative because they believe it is a decision that should be made at the local level and not mandated by the state (Mark Walsh, personal communication, September 26, 2006). Yet, in the same letter, it was also mentioned that while the Department did not believe a complete rewrite or repeal of the current statute was necessary, small fixes or changes, such as the addition of this alternative, would likely be supported. If the alternative ever presented itself, the Department would at that time review any specific suggested statutory changes, analyze, and comment on the alternative more thoroughly. Regardless, it also stated it would continue to aid school districts in developing alternative disciplinary programs to provide safe and equitable school environments for all students.

Representative Ausley’s office commented that this alternative would more likely be favored by the legislature because it would provide guidance to the school districts by mandating that they must have alternatives to suspension and expulsion, but still allow them local control in deciding what alternatives to use (personal communication, September 20, 2006). Her office felt that providing alternative disciplinary procedures would not only keep children learning in the classroom but also address other deficiencies in students’ lives. Representative Baxley, while usually sensitive to the issue of local control for school districts, also mentioned that alternative measures are reasonable practices and necessary to student achievement (personal communication, September 26, 2006). He believes that school climate
has a substantial impact on student behavior and alternative measures could help spur the needed change.

Finally, selected interest groups are among the biggest lobbyists in support of introducing school alternatives to suspension and expulsion, and have practical ways to fund such programs. For example, the American Psychological Association (2006) stated that it is “costly to schools to spend an inordinate amount of staff time on processing suspensions and expulsions, and costly to society to address issues of delinquency and incarceration among youth who are out of school” (p.108). Money used to fund those projects could be given to schools instead, to implement alternative measures. Therefore, while there may be a few obstacles, it appears the majority of education stakeholders and actors would lobby in support of this alternative before the legislature.

School impact. A representative from the Advancement Project (Anonymous, personal communication, October 26, 2006) and Dr. Russell Skiba (personal communication, October 14, 2006) both acknowledged that research has shown alternatives to suspension and expulsion have the ability to increase school safety by improving school climate. This is because many alternatives bring about a school climate that is supportive of positive behavior, builds positive interactions, uses appropriate instruction, and requires ongoing close supervision of students to prevent chances of misbehavior (Peterson, 2005). As a result, through alternative disciplinary measures a healthy climate may develop that will prevent behavior problems from growing to disastrous proportions, directly improving school safety. When classrooms are well managed and all school personnel are seen as involved, students have less of a tendency to act out because they sense the school has a vested interest in their well-being.

For example, one principal of a Duval County middle school shared that last year his school implemented a bullying prevention program in hopes of increasing school safety
(Anonymous, personal communication, November 6, 2006). The program consisted of continual discussions school-wide and in the classrooms throughout the year on bullying. By the end of the year, he saw a 30% decrease in the number of bullying incidents, and lower incidence of fighting, vandalism, and truancy.

Bergquist, Bigbie, Groves, and Richardson (2005) also highlighted many alternatives to suspension and expulsion that improved school safety. One in particular was the On Campus Intervention Program, which serves as in-school suspension, at Pinellas Park Middle School in Pinellas County. In the program, a teacher serves as an educator and a counselor. Each student receives an individualized curriculum consisting of traditional classroom assignments as well as anger management, conflict resolution, and life skills. When the student fulfills his or her time in the program, counselors will occasionally check on the students in their regular classroom environment to make sure appropriate behavior continues.

Since this option is to provide alternative measures to suspension and expulsion, it should be no surprise that if this option were implemented there would be reduction in the number of traditional disciplinary consequences used and arrest rates. As a result, children would not be at risk of losing as many instructional days, but still would be held accountable for wrongful behavior. Therefore, this alternative would have positive effects on increasing school safety and help in reducing the number of suspensions and expulsions.

In summary, requiring school districts to provide various alternatives to suspension and expulsion to address school disciplinary behaviors seems to be a viable option. Political support and school impact both score highly. The option seems to have support from all educational stakeholders and it appears that both the legislature and the executive branch are willing to discuss the idea. The option would also make significant strides in improving school safety and have an affect on reducing the number of suspensions, expulsions, and arrests. Administrative
feasibility scores the weakest for this option but is still very favorable. Small issues with implementation may be a problem if appropriate resources are not provided to the schools with the state mandate. However, even if this were to happen, not all schools would be affected.

**Option Three: Case-by-Case Basis**

Incidents such as children being suspended for having nail clippers or a bottle of over-the-counter medicine on school grounds have brought much attention to zero tolerance policies in Florida (Florida State Conference National Association for the Advancement of Colored People et al., 2006). More severe issues such as those involving expulsion for possession of a weapon in a car without the intent to use it or even knowledge of its presence have also been controversial. In many instances, the problems with these policies are that they treat each case exactly the same way and do not allow for individual discretion; intent is often not permitted to be a factor. This alternative would rewrite Florida Statute 1006.13 to state that schools shall consider self-defense, intent or lack of intent at the time the student engaged in conflict, a student’s disciplinary history, a student’s age, and a whether a disability impaired the capacity to appreciate the wrongfulness of the student’s conduct when deciding to suspend, remove to an alternative education program, or expel.

*Administrative feasibility.* The state of Texas in 2005 enacted a law similar to this one in an effort to scale back the unintended consequences of school zero tolerance policies (Texas Statute 37.001). Since the law has only existed for barely one year however, its success is still unknown. Based on observation, though, a representative from the Texas Association of School Boards disclosed that many school administrators seem to like it because it returns the application of common sense back to disciplinary matters (Anonymous, personal communication, October 19, 2006). Minor changes have occurred in the school discipline structure due to the fact that the zero tolerance policy is no longer the only deciding factor of
punishment. Yet, allowing discretion has not affected the overall discipline system. Currently, Texas has seen no problems with the implementation and application of the law.

Joy Frank, with the Florida Association of District School Superintendents, mentioned that superintendents would find this alternative more difficult to implement than just a standard zero tolerance policy (personal communication, November 6, 2006). However, most would be up to the challenge in an effort to curve unreasonable disciplinary punishments. In citing reasons for difficulty, she mentioned that having the use of discretion in disciplinary cases would involve more time, more resources, and it would be easier to make a mistake.

Most teachers interviewed felt that the law would be easy to implement but hard to apply (Anonymous, personal communications, November 3, 2006). On the surface, examining intent on a case-by-case basis sounds like a good idea, but many thought it would probably cause more confusion and complication down the road. When subjectivity gets involved, how could one make sure that all students would be treated the same? One teacher from Tallahassee went as far as to say that this alternative would put teachers and school administrators in the role of playing judge by proving or disproving intent and that mistakes could easily be made (Anonymous, personal communication, November 2). In deciding punishments, she felt that some factors should be taken into consideration such as age, but others such as disciplinary history should not. She explained, “Just because a kid does not have a disciplinary history, does not mean they did not intend to harm others or that they never have done anything wrong in the past. Maybe they just have never been caught”

However, Officer Tricquet felt that dismissing an alternative because of its subjectivity is unreasonable (personal communication, October 9, 2006). To him, every situation, especially those dealing with children, are subjective and no situation will ever be exactly the same. He argued that having discretion and being able to judge each case individually would be easy to
implement because in many situations school administrators and resource officers are already
doing it, or at least want to because it is common sense. Therefore, while this alternative
would be fairly easy to adapt into the current school discipline structure, it appears that time,
resources, the probability of making a mistake, and subjectivity may present implementation
concerns.

*Political support.* Based on public hearings convened around the state by the Florida State
Conference National Association for the Advancement of Colored People [NAACP], the
Advancement Project, and the NAACP Legal Defense and Educational Fund, Inc. (2006) on the
topic of zero tolerance policies, it appears that the public would be in favor of such an
alternative if school administrators could remain unbiased. Many parents expressed that they
felt zero tolerance polices were too stringent and they wished that the school system had been
able to use discretion in the handing out of punishments for their children’s offenses. However,
parents in some school districts did raise concern that the alternative could further contribute
to minority overrepresentation if administrators used more discretion with White student’s
cases those involving Blacks.

As has been the case with the previous options, The Florida Department of Education
would not support this alternative as they see it as infringing upon individual school boards’
right to govern. Mark Walsh, a representative for the Department stated,

> District school boards are responsible for the control of students and school, and for the
> proper attention to health, safety, and other matters relating to the welfare of students. Given the enormity of this responsibility, it should remain a local decision as to the best way to ensure student safety (personal communication, September 26, 2006).

Representatives from the Florida House, while also sensitive to regulating local school district’s
policies, expressed a larger issue with the subjectivity component involved in the alternative.
Both Representative Baxley (personal communication, September 26, 2006) and a staff aid
speaking for Representative Ausley (personal communication, September 20, 2006) thought that the use of discretion on a case-by-case basis might at times be more fair in regards to a student’s punishment, yet, in the long run, the use of biases may develop creating an even larger problem for school discipline in the future. In defense of his reasoning for not supporting the alternative, Baxley stated more than once, “It is impossible to write common sense into law, and unfortunately not everyone has it.”

Political support for this alternative from teachers and school superintendents seem split due to varying preferences. Most teachers interviewed expressed they would be unlikely to support the alternative because it would provide extra work for them (Anonymous, personal communications, November 3, 2006). They disclosed that many teachers, due to their many other responsibilities, would rather have set consequences for disciplining students, regardless of the situation, because it is easier to simply follow policy. However, other teachers thought that many would be supportive of the alternative, since using discretion would allow them to focus on what would be best for the child (Anonymous, personal communications, November 3, 2006). When examining school superintendents, Joy Frank mentioned that she did not have exact numbers but, like the teachers, she believed that some superintendents would be in favor of the alternative and others would not (personal communication, November 6, 2006). Her main explanation was that some superintendents really prefer the zero tolerance stance when it comes to discipline while others would appreciate the use of discretion. Therefore, while this alternative does have some political support, it appears that support, due to current trends, is overshadowed by opposition.

School impact. While the alternative’s impact on school safety is relatively unknown, it is likely that instead of improving school safety, the alternative would decrease school safety.
This is because, as previously mentioned, the use of discretion allows the opportunity for more mistakes to be made. For example, a straight-A student, with no previous disciplinary history is caught with a weapon on school grounds. The incident was addressed, according to the case-by-case alternative, but it is determined that harmful intent was not at play. As a result, the school board orders a lesser punishment in place of expulsion. The next day, however, the student returns to school with the weapon and injures himself or another student. For that reason, while the alternative is not known to decrease school safety, it may unintentionally have that effect.

Since the Texas law, similar to the proposed alternative, has only been enacted for one complete school year, statistical data has not yet been released on whether it has been effective in lowering the rates of suspension, expulsion, and arrests. A representative from the Texas Association of School Boards however, was able to confirm that the law has had some impact on lowering rates of suspension, expulsion, and arrests, but she was unable to disclose whether the lower rates were strictly a result of the law or due to other variables as well (Anonymous, personal communication, October 19, 2006). She did mention, however, that the case-by-case evaluation has greatly reduced suspension, expulsion, and arrest rates for those incidents commonly picked up by media that showcase students being punished for possessing items such as nail clippers or unknowingly possessing a weapon in one’s car on school grounds.

Joy Frank indicated that perhaps the alternative would lower the rate of suspension, expulsion, and arrests, but she did not know by how much considering superintendents already try their hardest to limit disciplinary actions, especially in terms of expulsion (personal communication, November 6, 2006). Overall, she figured that the alternative would probably have the most impact on limiting expulsions, but as a result there would be an increase in the
number of alternative education placements and time-limit expulsions lasting one to three months instead of one to two years.

Finally, a representative from the Advancement Project (Anonymous, personal communication, October 26, 2006) expressed that the biggest harm caused by zero tolerance policies is the thousands of students who become caught up in minor misconduct incidents where intent is not even a factor (i.e., disruptive behavior). Hence, while the alternative may reduce the number of suspensions, expulsions, and arrests for the more serious incidents that are accidental, the alternative would do almost nothing in limiting the number of suspensions, expulsions, and arrests for those minor events. Therefore, it appears that this alternative could have a negative impact on school safety, but overall could provide a reduction in suspensions, expulsions, and arrests.

In summary, evaluating student violations of zero tolerance policies on a case-by-case basis does not score very highly on any of the evaluated criteria. Administrative feasibility and political support both score low. Administrative feasibility presents too many problems revolved around the implementation of discretion, while political support is lacking with key education players such as teachers and school administrators split on the issue. School impact scores the highest for this alternative but is still questionable. It appears that the alternative would help to reduce the number of suspension, expulsions, and arrests but school safety could be compromised.

Option Four: Mandatory Training for School Resource Officers

Since the introduction of law enforcement in schools, many educators have pointed to police presence as one contributing factor to the rise of infractions resulting from zero tolerance policies (Florida State Conference National Association for the Advancement of Colored People et al., 2006). School resource officers are often accused of not being aware of normal child
development behavior and are often brought under fire for inappropriate use of force on children. While training is offered in the state, it is not required that all school resource officers attend and, in fact, not all do. As a result, school resource officer training is not consistent or regulated. This alternative would amend Florida Statute 1006.13 to include 40 hours of mandatory state training for all new school resource officers prior to working in the schools, and 24 hours of select continual development training for all other officers per year. There would be a standardized curriculum consisting of, but not limited to, common school incidents, child and adolescent development, how to interact with young people and students with disabilities, appropriate use of force, school climate, and lines of communication with parents, teachers, and school administrators.

Administrative feasibility. Training would have some impact on the current school discipline structure in that officers would be more educated on how to address various situations with children across all ages. Lines of communication between law enforcement and school administrators could also improve. However, considering that school resource officers are in general presently equipped in executing their job responsibilities, it is not believed that the structure would see drastic changes. Training would strictly enhance the current school discipline structure and provide a uniform standard for the way in which school resource officers execute punishment.

Joy Frank believed that the implementation of the option would be fairly simple expulsion (personal communication, November 6, 2006). However, she was unaware who would be responsible for leading the training and providing opportunities throughout the year for continual development. She mentioned that school administrators would probably have some part in teaching areas of the training but would not be responsible for taking the lead. Mark Walsh from the Florida Department of Education revealed that this past year, the
Department, in collaboration with the Office of the Attorney General and the Department of Juvenile Justice, offered training to school resource officers (personal communication, September 26, 2006). Perhaps as the guiding authority for school districts across Florida, the Department would be responsible for planning effective training opportunities for the officers.

To meet the mandate stipulating 40 hours of new officer training, the state could send new officers to attend the basic training course offered frequently across the country by the National Association of School Resource Officers (Finn, McDevitt, Lassiter, Shively, and Rich, 2005). Currently, many school districts across the country rely on the National Association of School Resource Officers for some type of training. This option would ease implementation, taking pressure off the state to provide the new officer training while still ensuring that each new officer is receiving consistent, standard, meaningful and reliable training. Officer Tricquet also mentioned that the Florida Association of School Resource Officers would have no problem developing and leading mandatory school resource officer training for the state (personal communication, October 9, 2006). Thus, they too would be a viable option for new officer training or even various parts of the continual development training throughout the year.

Regardless of who leads the training, cost would also need to be considered for ease of implementation. Joy Frank pointed out that superintendents would not find the option easy to implement if funding was not provided (personal communication, November 6, 2006). The cost associated for only the basic training offered by the National Association of School Resource Officers (2006) is $425.00, which does not include transportation, lodging, and other travel expenses. If training was led by other agencies or organizations within the state, the cost would probably be lower, but exact estimates are currently unknown. Therefore, this alternative
would enhance the current school discipline program and displays little to no concern with implementation as long as proper funds are allocated.

Political support. Much political support surrounds this option. According to reports (Finn et al., 2005; Florida State Conference National Association for the Advancement of Colored People et al., 2006), it appears that parents would be in support of this option. In many areas, parents have accused school resource officers of engaging in rough policing tactics to address minor offenses rather than using proper techniques and developing productive relationships with students. In Duval county, one mother mentioned that her son was arrested, punched in the mouth, and had pressure applied to his throat by a school resource officer for disturbing class and talking back under his breath (Florida State Conference National Association for the Advancement of Colored People et al., 2006). While harsh tactics such as the one above do not appear to be typical across the state, the mere fact that it occasionally happens has been enough to rally parents in support of mandatory training to ensure that school resource officers handle children properly according to the severity of the situation.

Teachers and school administrators also favor this option. Joy Frank expressed that having mandatory training would increase the professionalism of officers and help to improve communication lines that usually falter due to the different ideologies found between educators and law enforcement (personal communication, November 6, 2006). She stated that while administrators already appreciate the work done by school resource officers, they would support any training that would help ensure student safety and improve school climate. Teachers interviewed also stated they would support the option because mandatory training would help some officers communicate better with children (Anonymous, personal communications, November 3, 2006). One teacher mentioned that her students fear their school
resource officer. The officer is viewed as the disciplinarian who appears only to punish and many times has escalated situations beyond necessary means. She feels that mandatory training would help officers such as hers to realize that children are not criminals and would teach them to interact with children in a positive manner, while still applying appropriate discipline when necessary.

Surprisingly, Officer Tricquet recommended this option and serves as its main advocate. He thinks that it would greatly enhance the school resource officer profession and help to make certain that there is consistency among officers across the state. He mentioned that currently not all officers are trained and the reliability of the various trainings some districts provide is unknown. He stated that the job of a school resource officer is a serious one,

We are responsible for ensuring school and student safety. Children are complex and we need to know when it is appropriate to deescalate or escalate a situation, or when we should press charges or look to other means of school discipline. Not all officers are equipped with this knowledge, and policing a school is different from the streets. Mandatory training would help bring consistency (personal communication, October 9, 2006).

Therefore, political support for this alternative is consistently high, as all invested parties believe mandatory training could only benefit everyone involved.

School impact. While there is no evidence directly linking mandatory school resource officer training to school safety, it appears indirectly there may be some benefits. For those instances where officers have applied violent use of force to inappropriate, minor situations they have sent a message that violence is acceptable to children. As a result, if the officer is violent, the likelihood of students imitating the behavior may increase, resulting in a reduction of school safety. Thus, since mandatory training should include seminars on child and adolescent development and appropriate use of force, desired outcomes of such training could be that officers would grow out of using the more violent techniques and display model behavior
toward children. If this were to happen, school climate, and consequently, school safety could possibly improve.

The option is also likely to reduce the number of suspensions, expulsions, and arrests because training would help officers realize that it is not always necessary to press charges or become involved in minor offenses that take place on school property. A representative from the Advancement Project stated that principals are not required to report all disciplinary events to law enforcement Project (Anonymous, personal communication, October 26, 2006). By law, they are only required to report things such as possession of weapons and drugs. However, since many schools today have school resource officers present, many more incidents are reported and officers sometimes become involved in matters that could be easily handled by teachers or school administrators. Mandatory, meaningful training would help to clear up boundaries and explain when law enforcement intervention is proper and necessary. For example, according to Finn et al. (2005), “One school resource officer reported he found training provided him with a better understanding of how school resource officers and administrators were meant to work together” (p. 171). This alternative, accordingly, could improve school safety and provide a reduction in suspensions, expulsions, and arrests if training improved communication practices between school resource officers and other school personnel.

In summary, requiring mandatory training for all school resource officers is a strong alternative. Administrative feasibility, political support, and school impact all score highly when evaluating the option. Training appears easy to implement as long as responsibility and cost are defined. Political support is high from all education actors and stakeholders. With such support, the option should be easy to bring to the legislature’s attention. Finally, the option may also
improve school safety, through enhancing school climate, and have an affect on reducing the number of suspensions, expulsions, and arrests.

V. CONCLUSION

The purpose of this Action Report was to examine alternative policy solutions to the current state law on zero tolerance, in hopes of addressing the school discipline crisis plaguing Florida. Each policy was assessed using three evaluative criteria: administrative feasibility, political support, and school impact. The criteria were ranked as high, medium, or low based on the analysis in the previous section. Table 1 summarizes the results.

Table 1 – Summary of Alternatives and Evaluative Criteria

<table>
<thead>
<tr>
<th>Policy Options</th>
<th>Evaluative Criteria</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Administrative</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feasibility</td>
<td></td>
</tr>
<tr>
<td>Graduated System of Discipline</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Alternatives to Suspension and Expulsion</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>Case-by-Case Basis</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Mandatory School Resource Officer Training</td>
<td>High</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Political Support</td>
<td></td>
</tr>
<tr>
<td>Graduated System of Discipline</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>Alternatives to Suspension and Expulsion</td>
<td>High</td>
<td>X</td>
</tr>
<tr>
<td>Case-by-Case Basis</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Mandatory School Resource Officer Training</td>
<td>High</td>
<td></td>
</tr>
<tr>
<td></td>
<td>School Impact</td>
<td></td>
</tr>
<tr>
<td>Graduated System of Discipline</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>Alternatives to Suspension and Expulsion</td>
<td>High</td>
<td>X</td>
</tr>
<tr>
<td>Case-by-Case Basis</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>Mandatory School Resource Officer Training</td>
<td>High</td>
<td>X</td>
</tr>
</tbody>
</table>

The graduated system of discipline received the lowest rating for administrative feasibility. A statewide standardized matrix would be difficult to implement and even harder to develop. Political support and school impact scored slightly higher for this alternative but still presented setbacks. Support of the graduated system of discipline remained split among
stakeholders. However, if momentum were to gain, this option could still be viable. A graduated system of discipline would also probably reduce the amount of suspensions, expulsions, and arrests, yet, improvement in school safety would remain stagnant.

Alternatives to suspension and expulsion, the second option, received a moderate ranking for administrative feasibility. The school discipline structure would be completely overhauled causing some hardships on ease of implementation. However, the perceived benefit to students as a result would be worth the work. Yet, depending on funding from the state, some districts could have easier times than others could in implementing the necessary programs. Political support and school impact both scored highly for this alternative. Educators and interest groups are quick to advocate for programs that keep children in the classroom and off the streets. Furthermore, alternatives to suspension and expulsion would have the capacity to improve school safety through positively shaping a renewed school climate. This in turn could have a direct impact on reducing the number of suspensions, expulsions, and arrests.

The case-by-case basis option received the lowest ratings for administrative feasibility and political support. Administratively, the constant use of individual discretion created too much room for discrepancies and would be hard to apply consistently. Political support was lacking because many feel that evaluating incidents on a case-by-case basis would take too much time and that there would be too much subjectivity involved in determining the proper punishment. School impact scored slightly higher but was still questionable. While the alternative would more than likely reduce the amount of suspension, expulsions, and arrests, school safety would perhaps decline.

The last option, mandatory school resource officer training, scored the highest on all three of the evaluative criteria. Implementation would be easy considering there are existing
organizations up for the task, taking pressure off the local school districts. In addition, while the school discipline structure would experience minor changes, it would cause little or no disruption, and would actually be beneficial in improving the overall school environment. Politically, educators and interest groups are quick to advocate for training that increase officer education and ongoing professional development. School impact would improve due to adequate training enhancing communication between officers and administrators. As a result, reduction in suspensions, expulsions, and arrests would be likely.

Based on the assessment of the policy options using the three evaluative criteria, it appears that mandatory school resource officer training and alternatives to suspension and expulsion would both be the most viable options to lessen the effects of zero tolerance policies in order to improve the school discipline crisis in Florida. Therefore, both are recommended. While mandatory school resource officer training scored slightly higher than alternatives to suspension and expulsion, mandatory training for school resource officers would not be beneficial to combating zero tolerance policies if there were no alternative measures in place of the traditional disciplinary punishments. Both policy options together, mandated by state law, would create a renewed school environment and provide new ways to discipline, while still keeping order and structure in the classroom. The other two options may be helpful in providing guidance for local school districts. As state law however, these options are not feasible because they encompass too many flaws for statewide endorsement.

This report was created with the purpose of providing solutions to help combat the negative effects zero tolerance policies in schools are having on Florida’s children. The recommended options are the most feasible, practical, and potentially effective. They have been It is the hope that they will encourage dialogue between all parties and the enactment of a redefined state law on zero tolerance.
REFERENCES


Texas Statute § 37.001 (2005). Retrieved November 1, 2006 from World Wide Web: http://tlo2.tlc.state.tx.us/statutes/docs/ED/content/word/ed.002.00.000037.00.doc


$ 7151. Gun-free requirements

(a) Short title. This subpart [this section] may be cited as the ‘Gun-Free Schools Act’.

(b) Requirements.

   (1) In general. Each State receiving Federal funds under any title of this Act [20 USCS §§ 6301 et seq.] shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

   (2) Construction. Nothing in this subpart [this section] shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

   (3) Definition. For the purpose of this section, the term ‘firearm’ has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) Special rule. The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 USCS §§ 1400 et seq.].

(d) Report to State. Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act [20 USCS §§ 6301 et seq.] shall provide to the State, in the application requesting such assistance--

   (1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

   (2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including--

      (A) the name of the school concerned;

      (B) the number of students expelled from such school; and

      (C) the type of firearms concerned.
(e) Reporting. Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) Definition. For the purpose of subsection (d), the term 'school' means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) Exception. Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) Policy regarding criminal justice system referral.
   (1) In general. No funds shall be made available under any title of this Act [20 USCS §§ 6301 et seq.] to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.
   (2) Definition. For the purpose of this subsection, the term 'school' has the same meaning given to such term by section 921(a) of title 18, United States Code.

APPENDIX B


(1) It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. Goal Five of the state education goals (229.591(3)(e), F.S.) calls for communities to provide an environment that is drug-free and protects students' health, safety, and civil rights. The goal emphasizes the personal responsibility of students and the necessity of involving all stakeholders, including parents, in achieving this goal. Although education and prevention are the preferred means of achieving safe schools, there must be a clear statement of policy that violence in schools will not be permitted. This rule implements the State Board of Education's zero tolerance policy on school violence, crime, and the use of weapons as part of a comprehensive approach to reducing school violence and crime. This policy requires school districts to:

(a) Invoke the most severe consequences provided for in the Code of Student Conduct (230.23, F.S.) in dealing with students who engage in violent criminal acts on school property, on school sponsored transportation, or during school sponsored activities;

(b) Notify a local law enforcement agency when an adult or a student commits the offenses listed in subsection (2) of this rule, on school property, on school sponsored transportation, or at school sponsored activities;

(c) Adopt a process for facilitating active communication and cooperation between schools and law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Juvenile Justice in sharing information that will help school officials make the best decisions regarding students' educational services and placement;

(d) Assist teachers and other school personnel, consistent with district school board policies and Code of Student Conduct, to act decisively and effectively when dealing with violent and disruptive youth.

(2) Each school district shall review its Code of Student Conduct and amend the Code, if necessary, to ensure that students found to have committed the following offenses on school property, school sponsored transportation, or during a school sponsored activity shall receive the most severe consequences provided for by school board policy:

(a) homicide (murder, manslaughter);

(b) sexual battery;

(c) armed robbery;

(d) aggravated battery;

(e) battery or aggravated battery on a teacher or other school personnel;
(f) kidnapping or abduction;

(g) arson;

(h) possession, use, or sale of any firearm; or

(i) possession, use or sale of any explosive device.

(3) Prior to taking such action against any student, the school board shall ensure that appropriate due process procedures are followed. If a student committing one of the offense outlined in subsection (2) of this rule is identified as disabled and participating in a program for exceptional students, then school personnel shall follow procedures in Fla. Admin. Code R. 6A-6.0331. This provision shall not be construed to remove a school board's discretion in cases where mitigating circumstances may affect decisions on disciplinary action.

(4) Each school board shall adopt a zero tolerance policy on school violence and ensure that all students and their families are aware of this policy. Such communications to families shall be consistent with equal access provisions of subsection (2) of Fla. Admin. Code R. 6A-6.0908. The school board shall ensure that all school personnel are aware of the contents of this rule and the school board's zero tolerance policy on school violence.

(5) School boards may assign more severe consequences than normally authorized for violations of the Code of Student Conduct when the offender appears motivated by hostility toward the victim's real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.

(6) School official shall ensure that local law enforcement authorities are notified as soon as possible when one of the offenses listed in subsection (2) of this rule is committed on school property, on school sponsored transportation, or during a school sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim's parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of rights as provided by law.

(7) The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school discipline data with the school advisory council in developing school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.

(8) The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Fla. Admin. Code R. 6B-1.001) and the Principles of Professional Conduct of the Education Profession in Florida (Fla. Admin. Code R. 6B-1.006) school districts Code of Student Conduct, and schools'
policies. Goals Five and Six of Blueprint 2000 address the significance of the school providing an environment which promotes good health and is free of violence, weapons, hazards, vandalism, substance abuse, and disruptive influences. Within these parameters, the teacher and other instructional personnel shall have the authority to undertake any of the following alternatives in managing student behavior and in ensuring the safety of all students in their classes and schools:

(a) Create and maintain positive learning environments in which students are actively engaged in learning, social interaction, and self-motivation;

(b) Establish classroom rules of conduct;

(c) Make reasonable efforts to protect the student from conditions harmful to learning, mental and physical health, and safety (paragraph (3)(a) of Fla. Admin. Code R. 6B-1.006);

(d) Establish and implement consequences for infractions of classroom rules;

(e) Assist in enforcing the Code of Student Conduct and school rules on school property, on school sponsored transportation, and during school sponsored activities;

(f) Assist in educating students of their rights and responsibilities as contained in the Code of Student Conduct and school rules;

(g) As an early intervention, hold parent conferences to solicit support for positive behavior management;

(h) Utilize existing referral and assessment procedures to determine the violent and disruptive student's need for additional services and special programs;

(i) If the violent and disruptive student has been identified as having disabilities and is currently enrolled in an exceptional student education (ESE) program, the teacher and other instructional personnel apply the provisions of Fla. Admin. Code R. 6A-6.0331;

(j) Collaborate with school resource officers, student assistance personnel, and other student services personnel in identifying services for violent and disruptive students;

(k) Have violent and disruptive students temporarily removed from the classroom or area of supervision for behavior management intervention;

(l) Inform a student's parent or guardian within twenty-four (24) hours after the student is referred for violent or disruptive behavior;

(m) When necessary, use reasonable force to protect themselves, students and other adults from violent acts; and

(n) Press charges as authorized in Section 231.06, Florida Statutes, if a crime has been committed against the teacher or other instructional personnel on school property, on school sponsored transportation, or during school sponsored activities.
(9) Teachers and other instructional personnel have responsibilities for the safety of students and others as described in Fla. Admin. Code R. 6B-1.001 and 6B-1.006.

(10) School board policies shall allow, and school administrators shall provide, the following upon request by school personnel:

    (a) Information as to the disposition of their referrals to the administration for violation of classroom or school rules;

    (b) Assistance in behavior management if student(s) becomes uncontrollable or in case of emergency; and

    (c) Training and other assistance to improve skills in behavior management, violence prevention, conflict resolution, and related areas.

(11) Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the Office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the superintendent or designee, within twenty-four (24) hours of such notice, shall provide information on the nature of the contact to the principal of the student’s school of enrollment. The principal or designee, within twenty-four (24) hours of such notice, shall provide such information to student services personnel, school resource officers, the school student assistance coordinator (if applicable), and the student’s immediate teachers. Immediate teachers are those in whose courses or classrooms the student in question is currently enrolled. The above notification is required if the public school student has:

    (a) Been taken into custody for a delinquent act, a violation of law which would be a felony if committed by an adult, or a crime of violence;

    (b) Been charged with a felony or a delinquent act that would be a felony if committed by an adult;

    (c) Been adjudicated delinquent for an offense that would be a felony if committed by an adult;

    (d) Had adjudication withheld for a delinquent act that would be a felony if committed by an adult; or

    (e) Been found guilty of a felony.

(12) The principal or director of an off-site program in which the student may be assigned shall assure that the information on that student does not become a part of the student’s permanent record and is not shared with school personnel who do not have a need to know. In sharing the information, all school personnel shall adhere to confidentiality provisions contained in applicable state and federal laws and regulations.
(13) The principal or other authorized school official may use a student’s juvenile justice information, in conjunction with other relevant information, to review a student’s current educational placement and need for services, and to protect the safety of other students and school personnel. Such placement decisions shall be made in accordance with school board policies and state laws and regulations governing the placement alternative.

(14) Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult, whether it occurred on or off the school property, may be assigned to an alternative program or receive alternative educational services. Such assignment may be made upon the determination that the student is eligible according to federal or state program criteria, and:

(a) The nature of the offense is such that the student poses a threat to the safety of other students or personnel at school;

(b) The student’s safety is at risk by remaining in school with other students; or

(c) An alternative education placement will better meet the educational, emotional, and social needs of the student.

(15) If a principal has reason to believe that a student may have a criminal record, the principal is authorized to request and receive information on the criminal history of a public school student from a local law enforcement agency. Procedures for the request, receipt, maintenance, retention, and use of such information shall be specified in approved school board policies and shall be included in a cooperative agreement with an appropriate local law enforcement agency.

State Board of Education, Administrative Rule 6A-1.0404
APPENDIX C

1006.13 Policy of zero tolerance for crime and victimization.

(1) Each district school board shall adopt a policy of zero tolerance for:

   (a) Crime and substance abuse, including the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the district school board.

   (b) Victimization of students, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(2) The zero tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

   (a) Bringing a firearm or weapon, as defined in chapter 790, F.S., to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

   (b) Making a threat or false report, as defined by 790.162, F.S. and 790.163, F.S., respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the district school board shall comply with applicable State Board of Education rules.

(3) Each district school board shall enter into agreements with the county sheriff’s office and local police department specifying guidelines for ensuring that felonies and violent misdemeanors, whether committed by a student or adult, and delinquent acts that would be felonies or violent misdemeanors if committed by an adult, are reported to law enforcement. Each district school board shall adopt a cooperative agreement, pursuant to 1003.52(13), F.S. with the Department of Juvenile Justice, that specifies guidelines for ensuring that all no contact orders entered by the court are reported and enforced and that all steps necessary are taken to protect the victim of any such crime. Such agreements shall include the role of school resource officers, if applicable, in handling reported incidents, special circumstances in which school officials may handle incidents without filing a report to law enforcement, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes. The school principal shall be responsible for ensuring that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and
crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

(4) Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed a violation of 784.081(1), (2), or (3), F.S. shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

(5)(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of Florida Statutes:

1. Chapter 782, relating to homicide;

2. Chapter 784, relating to assault, battery, and culpable negligence;

3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;

4. Chapter 794, relating to sexual battery;

5. Chapter 800, relating to lewdness and indecent exposure;

6. Chapter 827, relating to abuse of children;

7. Section 812.13, relating to robbery;

8. Section 812.131, relating to robbery by sudden snatching;

9. Section 812.133, relating to carjacking; or

10. Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements of this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under 985.23(1)(d), F.S. Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions of paragraph (b).

(b) Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), shall not attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus on which the victim or a sibling of the victim is riding. The
offender shall be permitted by the district school board to attend another school within the
district in which the offender resides, provided the other school is not attended by the victim or
sibling of the victim of the offense; or the offender may be permitted by another district school
board to attend a school in that district if the offender is unable to attend any school in the
district in which the offender resides.

(c) If the offender is unable to attend any other school in the district in which the
offender resides and is prohibited from attending school in another school district, the district
school board in the school district in which the offender resides shall take every reasonable
precaution to keep the offender separated from the victim while on school grounds or on school
transportation. The steps to be taken by a district school board to keep the offender separated
from the victim shall include, but are not limited to, in-school suspension of the offender and the
scheduling of classes, lunch, or other school activities of the victim and the offender so as not to
coincide.

(d) The offender, or the parents of the offender if the offender is a juvenile, shall be
responsible for arranging and paying for transportation associated with or required by the
offender’s attending another school or that would be required as a consequence of the
prohibition against riding on a school bus on which the victim or a sibling of the victim is riding.
However, the offender or the parents of the offender shall not be charged for existing modes of
transportation that can be used by the offender at no additional cost to the district school board.

Florida Statue § 1006.13 (2002)
ABOUT THE AUTHOR

Michelle R. Tarbutton is originally from Newnan, Georgia. She received a Master of Social Work and Master of Public Administration from Florida State University in December 2006. Internships have included the Georgia Department of Education, Athens-Clarke County School System, and the Florida Supreme Court. Her current interests are in educational and human service policy on the state and national level.