

# Task Force on School Safety

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## **SUMMARY**

National Education Goal 7 provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning. Florida's education goals include working with communities and schools to provide an environment that is drug-free and protects students' health, safety, and civil rights. The Florida Department of Education's public education strategic plan for FY 2000-2005 includes objectives related to school safety. In addition, safety and discipline issues must be addressed in this year's individual school improvement plans.

The President of the Senate appointed a bipartisan task force on school safety, composed of the following members: Senator Buddy Dyer and Senator Jack Latvala (Co-Chairmen) and Senators Walter "Skip" Campbell, Lisa Carlton, Anna Cowin, James E. "Jim" King, Kendrick Meek, and Richard Mitchell. This report points out some of the challenges and opportunities identified by the task force to enhance school safety. One of the task force's major recommendations is to further promote accountability and the most effective use of current state funds for safe schools. Also, while Florida schools use numerous and diverse prevention strategies, coordination of these initiatives could be improved. Other recommendations include making improvements to school incident reports and eliminating school discipline data as a basis for grading a school's performance level. Finally, there are recommendations to address discipline, student services, student reporting of suspicious and dangerous behavior at school, personnel training, and improvements to school facilities.

## **BACKGROUND**

Just prior to the end of the recent school year, two events brought school safety issues back into the national spotlight.

- ▶ First, in April 1999, mass shootings occurred on the campus of Columbine High School in Colorado. The shootings were initiated by two students and resulted in the deaths of 15 people. Other students were wounded.
- ▶ Second, in May 1999, several students were wounded in a shooting by another student at Heritage High School in Georgia.

After these events, national headlines focused on bomb threats and emergency drills throughout the nation's schools. The Senate President directed the Education Committee to assist a task force in an interim study to focus on the incidence of increased school violence, identify ways to make our schools safe

for our children, identify the appropriate role of the state in preventing school violence, and determine how the state can support local school districts in implementing local strategies.

## **METHODOLOGY**

The President of the Senate appointed eight Senate members to a task force that held four town meetings throughout the state to gather information from interviews and testimony. Participants included students, parents, school board members, school administrators, teachers, guidance counselors, school facility and security personnel, law enforcement officers, community mental health professionals, civic leaders, as well as members of PTAs and other organizations. Also, testimony was provided by local school safety task force members and former Governor Bob Martinez, Chairman of the Select Commission on School Safety. The Commission was convened by the Florida School Boards Association, Inc., and the Florida Sheriffs Association.

The task force built on a November 1998 Senate Education Committee recommendation on truancy and disruptive youth and focused on the state's role in making sure Florida's children are safe when they attend public schools. In this context, safe means the children are safe from harm to themselves, from classmates, and from others who may intrude on the school environment.

In support of the task force, Senate Education Committee staff researched and reviewed the literature, congressional hearing information, and Florida laws related to school safety, as well as laws and programs in other states. Staff also conducted interviews, held informal meetings with interested parties, and consulted with various parties prior to their presentations to the Florida Senate Task Force on School Safety.

The committee staff also received the valuable assistance of the following legislative staff in conducting the public hearings throughout the state: Senate President's Office and District Office; Senate Majority and Minority Offices; and the District Offices of Senator Dyer, Senator Latvala, Senator Meek, and Senator King. Staff also received assistance from the staff of the Senate Criminal Justice Committee and the Senate Children and Families Committee.

# FINDINGS

## Federal Funding

While there are other federal funding streams, the major federal source of funds for school-based prevention activities is the Safe and Drug Free Schools and Communities Act.<sup>1</sup> The funds are administered by the U.S. Department of Education for different programs (e.g., state and local educational agency program, the Governor’s program, competitive grants, and the national program). The law sets forth the allocation methodology and provides for the specific use of funds. Federal aid is primarily distributed on the basis of an enrollment formula.

The Act, as reauthorized in 1994, was expanded to include violence prevention activities and imposed new accountability requirements on local education agencies. Subsequent to the reauthorization, the U.S. Department of Education developed “principles of effectiveness” which govern recipients' use of funds for certain programs, including the state and local educational agency program and the Governor’s program. Under the principles of effectiveness,<sup>2</sup> all specified recipients must:

- ▶ base programs on a thorough assessment of objective data about the drug and violence problems in the schools and communities served;
- ▶ establish, with the assistance of an advisory council, measurable goals and objectives and design programs to meet these goals and objectives;
- ▶ evaluate programs to assess progress toward achieving goals and objectives and use the results to refine, improve, and strengthen programs and to refine goals and objectives, as appropriate; and
- ▶ design and implement programs based on research or evaluation that provides evidence that the programs used prevent or reduce drug use, violence, or disruptive behavior.

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<sup>1</sup> Title IV of the Elementary and Secondary Education Act, as amended by the 1994 Improving America's Schools Act, P. L. 103-382. The purpose of the act is to support programs to meet National Education Goal 7 by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related federal, state, and community efforts and resources.

<sup>2</sup> The final principles of effectiveness were published June 1, 1998, and became effective July 1, 1998. (FR 63 29901). See also 20 U.S.C. § 7101 et. seq.

The principles encourage recipients of funds to review the breadth of the available research and evaluation literature and to replicate the programs in a manner consistent with their original design. Programs must be coordinated with other available prevention efforts to maximize the impact of all the drug and violence prevention programs and resources available to the state, school district, or community.

Table A (Appendix 1) reflects the allocation of funds to Florida for federal fiscal years 1995-1996 through 1999-2000, excluding funds for the national program portion. Under the largest program, the U.S. Department of Education awards grants to state education agencies, including the Florida Department of Education, mainly for further distribution to local education agencies. The table reflects the required thresholds for statewide activities (5%) and state program administration (4%), as well as for the distribution of funds at the local level (at least 91%). State and local plans form the basis for accountability for these funds. According to the Florida Department of Education, all Florida school districts, four university developmental research schools, and the Florida School for the Deaf and the Blind receive subgrant funds. These funds are used for a variety of initiatives.

The table also depicts the Governor's program allocation, including law enforcement education partnerships and grants or contracts to local community groups and organizations. In Florida, these organizations include Boys and Girls Clubs, Big Brothers/Big Sisters, and Youth Crime Watch, as well as programs for truancy and alternatives to suspension. The funds for the Governor's program are administered by the Florida Department of Community Affairs.

Table B (Appendix 2) further details the minimum allocation for subgrants to local educational agencies. Seventy percent of these funds must be used for comprehensive programs. The funds are distributed by formula based on enrollment. Thirty percent of this amount must go to districts based on a state determination of greatest need for additional funds. Florida determines this need for supplemental funds by rank ordering school districts according to county risk factor data. The allocation of federal formula entitlement funds under the Safe and Drug Free Schools and Communities Act for federal fiscal year 1999-2000, by district, is shown in Table C (Appendix 3). During the same fiscal year, the following districts received "greatest need" funds: Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, Polk, and Volusia. Funds to the Florida Department of Education and for the Governor's program were reduced in this fiscal year, as new initiatives were undertaken (e.g., funding for drug and school safety coordinators in the middle schools through competitive grants).

The current practice of allocating federal funds by formula to all districts in the

country results in:<sup>3</sup>

- ▶ the average state award approaching \$10 million.
- ▶ three-fifths of the school districts currently receiving grants of less than \$10,000, with the average grant providing about \$5 per student.
- ▶ 10 percent of the districts with the highest needs in each state sharing 30 percent of the state education agency allocation.

In Tarpon Springs, the task force heard public testimony about the impact of the recent reduction in federal funds. According to the presenters, the reduction has resulted in a smaller award of local funds, an extended school district grant application process, and difficulty in implementing programs.

## **State Funding**

The Florida Legislature appropriates state funds in the General Appropriations Act for safe schools. Table D (Appendix 4) reflects the appropriations for fiscal years 1995-1996 through 1999-2000. Proviso language describes the allocation methodology, as well as the activities for which the funds may be used. In addition, the law (s. 232.28(6), F.S.) allows school districts to use school safety funds for added security for buses transporting disruptive or delinquent students to and from school or educational activities.

The 1999 Legislature increased the total appropriation for fiscal year 1999-2000 to \$70,350,000 from \$50,350,000 in the previous fiscal year. The funds are distributed to the local school districts by the Florida Department of Education. The 1999 law requires the distribution of \$30,000 to each district and the remaining balance must be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment. The funds may be used for the following: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; and (4) other improvements to make the school a safe place to learn. Each district determines, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity. The allocation of state school safety funds by district for fiscal year 1999-2000 is shown in Table E (Appendix 5).

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<sup>3</sup> Testimony before the U.S. Senate Committee on Health, Education, Labor, and Pensions by the Secretary for the U.S. Department of Education, February 9, 1999, and the Director of the Safe and Drug Free Schools Program, U.S. Department of Education, July 13, 1999.

Based on an expenditure survey by the Florida Department of Education<sup>4</sup> for school year 1997-1998, most school districts reported spending the safe schools appropriation for safety and security measures. Specifically, these activities included school resource officers (42 districts), technical assistance with school improvement plans (29 districts), and security personnel other than school resource officers (25 districts). Other safety and security activities included teacher/staff training, violence prevention curriculums, peer mediation, student assistance programs, and surveillance and detection equipment.

### **Finding**

The reauthorization of the Elementary and Secondary Education Act, including provisions for safe and drug free schools and communities, is currently pending in Congress. Key issues include the following:

- current level of federal funding;
- distribution of funds to states to award competitive grants to a limited number of high-need districts rather than the award of grants by formula to all districts;
- emphasis on research-based programs; and
- improved coordination of efforts.

The financial impact of the reauthorization of federal law for safe schools is unknown. Florida's General Appropriations Act is a major source of funding for safe schools initiatives. The Legislature has favored a base allocation of funds to each school district and local discretion on the use of state funds for safe schools. However, the Legislature also has an interest in promoting accountability and the most effective use of these resources.

## **Effective Programs**

There is a growing body of scientific research on promising and effective youth violence prevention programs and strategies. The National Institute of Justice recently evaluated the impact of various federally funded crime prevention activities, including school based strategies that target all grade levels. Successful school-based strategies include the following:<sup>5</sup>

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<sup>4</sup> Florida Department of Education, *Safe Schools Appropriations Report for the 1997-1998 School Year* (1999).

<sup>5</sup> Gottfredson, D.C. (1997). School-Based Crime Prevention. In Sherman, L.W., Gottfredson, D. C., MacKenzie, D., Eck, J., Reuter, P., and Bushway, S. *Preventing Crime: What Works, What Doesn't, What's Promising: A Report to the United States Congress*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs.

- ▶ programs aimed at building school capacity to initiate and sustain innovation.
- ▶ programs aimed at clarifying and communicating norms of behavior by establishing school rules, improving the consistency of rule enforcement, or communicating norms through school wide campaigns (e.g., anti-bullying campaigns) or ceremonies.
- ▶ comprehensive instructional programs that focus on a range of social competency skills (e.g., developing self-control, stress management, responsible decision making, social problem solving, and communication skills) and that are delivered over a long period of time.
- ▶ behavioral modification programs and programs that teach self-management skills to high-risk youths.

The report also identified promising strategies: programs that group students into smaller schools-within-schools to create smaller units, more supportive interactions, or greater flexibility in instruction; and programs that improve classroom management and that use effective instructional techniques to keep students engaged in the learning process.

There are other resources for effective programs and strategies and technical assistance. For example,

- ▶ the Center for the Study and Prevention of Violence at the University of Colorado at Boulder identified violence prevention programs that met a scientific standard of program effectiveness. As a result, the Center describes these interventions in a series of "blueprints" that include "model" programs, based on selection criteria (e.g., strong research design, evidence of significant prevention or deterrent effects, multiple site replication, and sustained effects). Programs that do not fit all of the selection criteria for a model program are designated as "promising" programs.<sup>6</sup>
- ▶ the University of Utah selected family strengthening programs for the prevention of delinquency that are designated as "exemplary," "model," and "promising."<sup>7</sup>
- ▶ the U.S. Department of Education is supporting the implementation of an expert panel process which includes developing criteria for the identification of exemplary and promising drug and violence prevention programs that meet the criteria in the principles of effectiveness.

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<sup>6</sup> <http://www.colorado.edu/cspv/blueprints/model/> and <http://www.colorado.edu/cspv/blueprints/promise/>

<sup>7</sup> [http://www.strengtheningfamilies.org/html/model\\_programs](http://www.strengtheningfamilies.org/html/model_programs)

- ▶ the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, is developing recommendations for best practices that characterize promising prevention strategies, as well as evidence-based injury and violence prevention guidelines.
- ▶ the Florida Department of Education, through a technical assistance project at the Florida Institute of Education (University of North Florida), compiled an inventory of best practices in response to the federal principles of effectiveness.

In addition, national organizations have collaborated with federal partner organizations to provide, via satellite broadcast, for the dissemination of promising practices about safe and effective schools.<sup>8</sup>

Prevention researchers note that the typical school has fourteen different and unique programs or practices in place at any one time to prevent problem behavior. However, they comment that current research is disproportionately focused on only one type of prevention (curricula) and advocate more systematic research about a wider range of non-curricular strategies to effectively guide schools.<sup>9</sup>

### **Finding**

The task force was impressed with the variety of programs in Florida, particularly the sophistication of the response readiness initiatives in the school districts in Broward, Miami-Dade, Duval, and Palm Beach counties. Many of the necessary school safety components are in place; however, better coordination is needed in order for the districts to benefit from these efforts. The volume of research on a wide range of effective violence prevention strategies is not as extensive as desired. As well, the current capacity for technical assistance with safety and security issues may also be limited.

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<sup>8</sup> *Promising Practices for Safe and Effective Schools*: U.S. Department of Justice, U.S. Department of Health and Human Services, and the U.S. Department of Education with the American Public Human Services Association, Association of State and Territorial Health Officers, Council of Chief State School Officers, National Association of State Directors of Special Education, National Association of State Mental Health Program Directors, National Conference of State Legislatures, National Criminal Justice Association, and the National Governor's Association, live national satellite broadcast on September 15, 1999.

<sup>9</sup> Testimony to the U.S. Senate Committee on Health, Education, Labor and Pensions, Dr. Denise C. Gottfredson, Professor, Department of Criminology and Criminal Justice, University of Maryland, May 6, 1999.

## **Discipline**

The task force members heard testimony about disciplinary measures, including corporal punishment. At the task force meeting in Jacksonville, some school districts indicated that corporal punishment was a part of their discipline strategy and a major deterrent to serious student misbehavior. The law allows teachers and other instructional personnel, within the framework of the school district code of student conduct, to undertake specific actions, including corporal punishment, in managing student behavior and ensuring the safety of all students in their classes and school.<sup>10</sup> Alternatively, a school board may prohibit corporal punishment if it adopts or has adopted a written program of alternative control or discipline.<sup>11</sup>

Florida law defines corporal punishment as the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule; however, the term does not include the use of such reasonable force as may be necessary for self-protection or to protect other students from disruptive students.<sup>12</sup> The State Board of Education must adopt administrative standards for the use of reasonable force by school personnel. Also, the standards must be distributed to each school in the state and provide guidance to school personnel for the limitations on liability.

Current law requires principals to perform the duties assigned by the superintendent according to school board rules. The rules must include the administration of corporal punishment. Principals must prepare guidelines for the administration of corporal punishment, including specific information on the authorized staff and conditions for administering the punishment.

Corporal punishment must be used according to school board policy and procedures set forth in law, if the teacher feels this type of punishment is necessary. The procedures include prior approval in principle by the principal and administration of the punishment under specified conditions. The teacher or principal who administered the punishment is required, upon request, to provide the pupil's parent or guardian with a written explanation of the reason for the

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<sup>10</sup> s. 232.27, F.S.

<sup>11</sup> s. 230.23(6)(c), F.S.

<sup>12</sup> s. 228.041(27), F.S.

punishment and the name of the adult who was present.<sup>13</sup>

Teachers or other members of the instructional staff, principals or designated representatives, or bus drivers are exempt from civil or criminal liability for any action carried out in conformity with state board and district school board rules on the control, discipline, suspension, and expulsion of students. The exemption does not extend to cases involving excessive force or cruel and unusual punishment.<sup>14</sup>

### **Finding**

There is some confusion about the status of the law as to whether or not it is permissible to use corporal punishment in Florida. State law does not prohibit corporal punishment in public schools. Each school district can determine whether or not to use corporal punishment according to due process and minimum force requirements.

## **Zero Tolerance Policies**

Each school district is required by law (s. 230.235, F.S.) to adopt a “zero tolerance” policy for crime and substance abuse, including reporting delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school district. School districts must enter into an agreement with the county sheriff’s office or 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. The law specifies the contents of the agreements, as well as the school principal’s responsibilities for ensuring crime reporting training for all school personnel, proper reporting, and proper action and documentation for cases with special circumstances.

Federal law (20 U.S.C. s. 8921, the Gun Free Schools Act of 1994) requires each state receiving federal funds to mandate in state law the one year expulsion of a student who brings a weapon to school.<sup>15</sup> Further, state law must also allow the

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<sup>13</sup> s. 232.27, F.S.

<sup>14</sup> s. 232.275, F.S.

<sup>15</sup> The law uses the definition of firearms in 18 U.S.C. 921, which includes a destructive device (including a bomb). Non regulatory guidance was issued by the U.S. Department of Education on November 3, 1995, for the Gun Free Schools Act and provides that the Act’s case-by-case exception may not be used to avoid overall compliance with the one year expulsion

chief administrative officer of each local educational agency to modify the expulsion requirement for a student on a case-by-case basis. In addition, these provisions of federal law must be consistent with the procedural safeguards in the federal Individuals with Disabilities Act.<sup>16</sup> States are required to provide assurance of compliance with the law. Federal law also mandates that local policy require referral of any student who brings a weapon or firearm to school. The student must be referred to the criminal justice system or the juvenile delinquency system.

Each school board's code of student conduct must contain notice that the possession of a firearm, a knife, a weapon, or an item that can be used as a weapon by any student while on school property or at a school function is grounds for disciplinary action and may also result in criminal prosecution. The notice must include a provision that is related to and consistent with federal requirements for expulsion. Notice must be given that any student who is determined to have brought a firearm, as defined in federal law, to school, any school function, or on any school-sponsored transportation will be expelled from regular school for no less than 1 full year and referred for criminal prosecution.<sup>17</sup> Superintendents may consider the expulsion requirement on a case-by-case basis and request that the school board modify the requirement if it is in the best interest of the student and school system.

Current Florida administrative rules (Rule 6A-1.0404, F.A.C.) address zero tolerance by requiring each district to review its code of student conduct and amend it, as needed, to ensure that students who have committed certain offenses (including possession, use, or sale of firearms and explosive devices) must receive the most severe consequences provided for by school board policy. Prior to taking any action against a student, the school board must ensure that due process is followed and school personnel must follow certain procedures if students are disabled and participate in an exceptional students program. This particular provision, however, must not be construed to remove a school board's discretion in cases where mitigating circumstances may affect disciplinary decisions.

Section 790.22, F.S., provides general limitations, exceptions, and prohibitions

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requirement.

<sup>16</sup> P.L. 106-25, the Educational Flexibility Partnership Act of 1999, expanded the provisions of the Individuals with Disabilities Act for alternative placement of children with disabilities who carry weapons to schools or school functions. The act now includes possession.

<sup>17</sup> s. 230.23, F.S. See also federal law, including 18 U.S.C. § 921 and 922, as well as 20 U.S.C. § 8921.

for possession of firearms by a minor under 18 years of age. The law provides for secure detention of a minor under 18 years of age if he or she is charged with an offense involving the use or possession of a firearm, including a violation of subsection (3),<sup>18</sup> or is charged for any offense that was committed while the minor possessed a firearm. However, the state attorney may authorize the release of the minor. The minor must be given a hearing within 24 hours after being taken into custody.<sup>19</sup> At the hearing, the court may order continued secure detention if the minor meets specified criteria or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. Mandatory secure detention is required for a non-residentially committed minor who commits certain offenses involving the use or possession of a firearm.

Section 790.115, F.S., delineates the criminal penalties for minors related to the exhibition, possession, and discharge of firearms or weapons on school property, at a school-sponsored event, on school buses, or at school bus stops. The term “school” means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic. Chapter 99-284, L.O.F., provided for secure detention of a minor under 18 years of age who is charged with possessing or discharging firearms on school property. The minor must be detained unless the state attorney authorizes the minor’s release and must be given a probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may order continued secure detention for 21 days, during which time the minor must receive medical, psychiatric, psychological, or substance abuse examinations.

Current law defines the term “destructive device” and includes a bomb,

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<sup>18</sup> Section 790.22(3)(a) through (c), F.S., prohibits a minor under 18 years of age from possessing a firearm, other than an unloaded firearm at his or her home, except in the following circumstances:

- The minor is engaged in a lawful hunting activity and is at least 16 years of age, or if under 16, is supervised by an adult;
- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is at least 16 years of age, or if under 16, is supervised by an adult, who is acting with the consent of the minor’s parent or guardian; or
- The firearm is unloaded and is being transported by the minor directly to or from a lawful hunting, marksmanship, or recreational shooting activity.

The penalties for both the minor who violates subsection (3) and his or her parent or guardian are set forth in ss. 790.22(4) and 790.22(5), F.S. There are additional prohibitions and penalties (s. 790.22(1), F.S.) related to using BB guns, air or gas-operated guns, electric weapons or devices.

<sup>19</sup> s. 790.22 (8), F.S.

pipebomb, or similar device.<sup>20</sup> The provisions of law related to criminal penalties for bombs and other destructive devices include s. 790.115, F.S. (on school property and at school sponsored events),<sup>21</sup> s. 790.1615, F.S. (throwing, projecting, discharging, or placing destructive devices), s. 790.162, F.S. (threats), s. 790.163, F.S. (false reports), s. 790.164, F.S. (false reports of bombing or arson against property owned by the state or any political subdivision), and s. 790.165, F.S. (planting hoax bombs).

Section 985.215, F.S., relating to juvenile detention, specifically requires secure detention care for a child charged with possessing or discharging a firearm on school property. Section 985.227, F.S., gives the state attorney the discretion to charge children who are 14 or 15 years old as adults for committing, attempting to commit, or conspiring to commit certain offenses, including possession or discharge of any weapon or firearm on school property in violation of s. 790.115, F.S., and unlawfully throwing, placing, or discharging a destructive device or bomb.

### **Finding**

The task force recognizes the seriousness of making bomb threats and possessing or discharging weapons or firearms on school property and at school-sponsored events. There are criminal penalties related to firearms and destructive devices for minors under the age of 18. Also, the law provides for the secure detention of minors under the age of 18, subject to some discretion by state attorneys and judges, for offenses related to firearms. Certain children may be tried as adults

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<sup>20</sup> s. 790.001, F.S.

<sup>21</sup> Section 790.115(1), F.S., provides that it is a third degree felony for a person to exhibit a firearm, weapon, or destructive device in a rude, careless, angry or threatening manner at a school sponsored event, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of a school, during the hours of school or a school sanctioned activity, unless the exhibition of the weapon is in support of school-sanctioned activities or in self-defense. Section 790.115(2)(a) through (c), F.S., provides that it is a third degree felony for a person to willfully and knowingly possess any firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife on the property of any school, school bus, or school bus stop, except in the following circumstances:

- The firearm is for school-sanctioned activities;
- The firearm is in a case to a class (approved in advance) or to a vocational school firearms training range; or
- The firearm is in a vehicle pursuant to s. 790.25(5), F.S. (except that school districts may waive this exception for purposes of student and campus parking privileges).

The law further provides that a person commits a second degree felony if he or she discharges a weapon or firearm in violation of s. 790.115(2)(a), F.S., unless the weapon or firearm is discharged for lawful defense of himself or herself or another or for a lawful purpose.

for possession or discharge of weapons or firearms on school property or unlawfully throwing, placing, or discharging destructive devices or bombs.

Federal law requires, as a condition of financial participation, that state law mandate two provisions: 1) expulsion of students who bring a weapon to school; and 2) discretion by the chief administrative officer of the school district to modify the expulsion requirement. Current state law requires school boards to adopt zero tolerance policies for crime and substance abuse. However, state law also contains some flexibility for the expulsion of a student who brings a firearm to school.

While there is some support for zero tolerance, some researchers question the effectiveness of these policies. They note that the message about harsh measures may reassure administrators, teachers, and parents. However, they also point out that there are almost no studies to evaluate the effectiveness of zero tolerance policies and indicate that a number of states have amended their policies to allow more flexibility for individual cases. Instead of rigidly adhering to harsh and extreme measures, they suggest relying on a comprehensive program of prevention and planning.<sup>22</sup>

## **School Uniforms**

School safety task force members have expressed an interest in the use of school uniforms as a deterrent to school violence and disruptive behavior by students. Current Florida law (s. 230.23005, F.S.) authorizes local school boards to require the wearing of uniforms by students or impose other dress related restrictions.

The theory behind requiring school uniforms as a means of improving discipline is that the uniforms will prevent inappropriate behavior that may arise from such things as the wearing of gang colors, outlandish dress to gain attention, and confrontations between those who can afford to wear the latest fashions and those who cannot. Also, the uniforms will build an esprit de corps among students, instilling pride and a sense of community within the school.

Research findings on the effects of school uniforms generally support the theories; however, researchers are quick to point out that the requirement of uniforms alone will not produce lasting change. The celebrated “discipline turnaround” in Long Beach, California schools is widely attributed to the implementation of a school uniform requirement. Seldom mentioned, however, is that the uniforms were only one part of a fairly comprehensive revision of the

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<sup>22</sup> Skiba, R. and Peterson, R. “The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?” *Phi Delta Kappan*, January 1999 (on-line article).

school system's discipline policy. As stated by Dr. David Brunnsma, an associate professor of sociology at the University of Alabama in Huntsville, in the 1998 September/October issue of *The Journal of Educational Research*, "Requiring school uniforms is like cleaning and painting a deteriorating building. It will grab a community's attention and grab students' attention, but that will fade away if the excitement about education isn't followed up by some real reform efforts."

Several school districts in Florida have adopted policies on the wearing of school uniforms. A fairly representative sample of the various policy models being used follows:

Polk County requires all elementary and middle school students to wear uniforms. Penalties for not wearing a uniform include student suspension and possible prosecution of parents for not seeing to it that their children are in school dressed in the required attire. There is a very limited opt out provision just for religious reasons. Provision is made to assure that uniforms are available to economically needy students.

Duval County's policy affects elementary and middle schools. For uniforms to be required, there must be an 80 percent approval vote by parents of children attending a school. There is a voluntary opt out provision and enforcement of the policy is at the local school level. Parents who wish to use the opt out must go to the school and complete an exemption form by time certain. Students who are opted out must adhere to the existing district dress code. Provision is made to assure that economically needy students have access to uniforms (e.g., parents are referred to various nonprofit agencies or are given scholarships by concerned citizens).

Dade County's school uniform policy is mandatory for elementary schools and determined by vote of the parents at middle schools and high schools. There are opt outs for religious and medical reasons and provision is made to assure that uniforms are available to economically needy students.

Hillsborough County authorizes the wearing of school uniforms to be determined on a school by school basis. Forty-five of the district's schools allow the wearing of uniforms to be voluntary, while 49 schools require mandatory uniforms to be worn. There are opt outs for religious, medical, and personal reasons and provisions are made to assure that uniforms are available to economically needy students.

There are some general rules of thumb for successful school uniform policies: they should contain provisions allowing families to not have their children wear uniforms for medical or religious reasons; and economically needy children must

have access to the same uniforms worn by the other students. Perhaps most important, policies “bought” into through a favorable vote by families of children attending a school tend to enjoy greater acceptance and success than mandated policies.

### **Finding**

Current law allows school boards to adopt policies for school uniforms.

## **School Safety Incident Reporting**

Public health researchers note that what has changed most dramatically over the past 20 years has been the emergence of fatal youth violence--children killing children. They further comment that while there has been a slight decrease in national youth homicide rates since 1993, the number of young people who die violently remains unacceptably high. The researchers advocate monitoring school associated non-fatal injuries, as well as violent deaths on an ongoing basis to identify emerging trends involving various demographic subgroups.<sup>23</sup> The Centers for Disease Control and Prevention is now extending a study of violent deaths in schools to determine whether multiple-death incidents in the school setting represent an increasing trend and whether there is an increasing trend in overall school deaths or other aspects of school violence.

In trying to explain the threats to order in the nation’s schools, many experts advocate looking at the occurrence of less serious transgressions (e.g., absenteeism, tardiness, cheating on tests and homework, incivility and other discipline issues) and non-violent crime. It is believed that these problems have as great an impact on the learning environment of schools as do the more sensational incidents reported in the press.<sup>24</sup> Others have suggested revamping the entire system for measuring school safety so that the reporting systems are independent, objective, and open to public scrutiny.<sup>25</sup> Still others have consistently pointed out that the school safety problem cannot be solved if it is relegated solely to school personnel or the school building--it must be understood

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<sup>23</sup> Brener, N.D., Simon, T.S., Krug, E.G., Lowry, R. “Recent Trends in Violence-Related Behaviors Among High Schools Students in the United States,” *Journal of the American Medical Association*, August 4, 1999; 281; 440-446.

<sup>24</sup> Testimony to the U.S. House of Representatives, Committee on Education and Workforce, Early Childhood, Youth and Families Subcommittee, March 11, 1999, by Dr. Harold Wenglinsky, Educational Testing Service.

<sup>25</sup> Keynote address, *Creating Safe Schools: Opening the Schoolhouse Doors to Research and Partnerships*, Jeremy Travis, Director, National Institute for Justice, to the Conference of the Security Management Institute of John Jay College, August 18, 1998.

within the context of the entire community.

In Florida, the School Environment Safety Incident Report (SESIR) system captures the current performance indicator for the state's school safety goal.<sup>26</sup> It is used to collect data on criminal, violent, or disruptive incidents on school grounds, during transportation to and from school, and at school-sponsored events, in any 24-hour period for the entire calendar year. Incidents are supposed to be reported even if the offender is unknown or if persons other than students are involved.

Information is collected on all public schools at the elementary, middle, and high school levels, as well as for exceptional schools; however, the four laboratory schools are not included. School board personnel submit automated incident records to the Florida Department of Education. Using SESIR definitions, seventeen types of incidents must be reported through SESIR and these are expected to be reported to law enforcement.<sup>27</sup> According to the Florida Department of Education, incidents involving fighting, sexual harassment, certain sexual offenses, and tobacco must be reported to SESIR but may not need to be reported to law enforcement, since age and developmentally appropriate behavior are taken into consideration. Disciplinary actions are included as a part of the SESIR system.<sup>28</sup>

School discipline data is a part of grading a school's performance level, a measure of accountability. Chapter 99-398, L.O.F., created s. 229.57(7)&(8), F.S., to establish school performance grade category designations (letter grades "A," "B," "C," "D," and "F"), based on specific student assessment information and other appropriate performance data, including school discipline data. Rules

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<sup>26</sup> The state indicator is the number and percentage of incidents of violence, weapons violations, vandalism, substance abuse, and harassment on the bus, on campus, and at school-sponsored events. By contrast, the national safe schools indicators specifically include attacks on teachers, use of certain prevention programs, and federal Gun-Free Schools Act notifications and expulsions.

<sup>27</sup> These incidents involve alcohol, arson, battery, breaking and entering/burglary, disorderly conduct, drugs other than alcohol, homicide, kidnapping, motor vehicle theft, robbery, larceny/theft, sexual battery, threat/intimidation, trespassing, vandalism, weapons possession, and other major incidents resulting in the need for law enforcement intervention.

<sup>28</sup> In-school suspensions, out-of-school suspensions, expulsions, alternative placements (in lieu of expulsion), corporal punishment, referral to the courts and the Department of Juvenile Justice. *School Environmental Safety Incident Reporting Handbook*. Florida Department of Education, November 1997.

to implement the new law are being developed and have not yet been adopted. Under the current rule (State Board Rule 6A-1.09981, F.A.C.), the criteria related to attendance, discipline and dropping out (for high schools) only apply to schools at the level 5 designation (the equivalent of grade “A”). For these schools, the percentage of in-school suspensions and out-of-school suspensions must be below the state average.

### **Finding**

While homicides in schools remain rare, any violence in our schools is extremely disturbing. Accurate and reliable reporting of serious crimes and disciplinary actions is important to the school, parents, and the surrounding community. The task force heard testimony from some parents and school security personnel about the quality of SESIR data. Also, some task force members expressed concern that the use of school discipline data in grading Florida’s schools may serve as a barrier to accurate reporting.

There are limitations on the interpretation and application of current SESIR data, including inaccurate applications of the state incident definitions and different reporting formats among districts. In particular, the Florida Department of Education cautions against making comparisons between schools in a single district and across districts, due to variations in the personnel making the reports and differences in the frequency of reporting.

Districts currently determine the type of system to use when collecting the required information. This allows the districts to choose whether to add state defined incidents to an existing system or set up a separate system for collecting and reporting to the Department of Education. While this practice allows districts flexibility, it creates comparability and consistency problems when information is aggregated at the state level.

## **Student Services**

Another key issue is assuring that troubled children are identified and receive needed help. The risk factors associated with youth violence include:

- ▶ the individual (history of early aggression, beliefs supportive of violence, attributing hostility to others, social cognitive deficits);
- ▶ the family (problem parental behavior, low emotional attachments to parents or caregivers, poor monitoring and supervision of children, exposure to violence, poor family functioning);
- ▶ peers and school (negative peer influences, low commitment to school, academic failure, certain school environments and practices, such as undisciplined classrooms, lax enforcement of rules and policies, and crowded physical space); and

- ▶ the environment or neighborhood (high concentration of poor residents, high levels of transience, high levels of family disruption, low community involvement or participation, diminished economic opportunity, and access to firearms).<sup>29</sup>

In addition, other ‘early warning signs’ have been identified (e.g., social withdrawal, excessive feelings of isolation and being alone, excessive feelings of rejection, and uncontrolled anger). While these factors serve as an aid in identifying and referring children who may need help, it is generally considered inappropriate and even harmful to use these as a checklist against which to match individual children.<sup>30</sup>

Mental health experts advocate that more counselors and mental health services are needed in schools to identify and provide early treatment to troubled children.<sup>31</sup> In congressional meetings and discussions of the Florida Senate Task Force, testimony was given about the current workload and responsibilities of guidance counselors, school psychologists, and school social workers. School counselors testified about the lack of more direct contact with students, the number of assignments unrelated to their profession, and the high ratio of students to counselors.

Under Florida law, the term “instructional personnel” includes staff members (e.g., guidance counselors, social workers, occupational/placement specialists, and school psychologists) responsible for the following:

- ▶ advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments;
- ▶ providing placement services; and
- ▶ performing educational evaluations and similar functions.<sup>32</sup>

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<sup>29</sup> Testimony to the U. S. House of Representatives, Committee on Education and Workforce, Early Childhood, Youth and Families Subcommittee, March 11, 1999, by Mark L. Rosenberg, M.D., M.P.P., Director, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

<sup>30</sup> <http://www.ed.gov/offices/OSERS/OSEP/earlywrn.html>, Dwyer, K., Osher, D., and Warger, C., (August 1998). *Early warning, timely response: A guide to safe schools*, Washington, D.C.: U.S. Department of Education.

<sup>31</sup> *Childhood Depression: Is it on the rise?* The Congressional Quarterly Researcher (July 16, 1999). Vol. 9, No. 26.

<sup>32</sup> Section 228.041(9), F.S., further defines various categories(e.g.,classroom teachers, pupil personnel services, librarians/media specialists, other instructional staff, and instructional paraprofessionals).

These personnel are often referred to as student support services staff. Each school district's school improvement plan is required to address student support services. Each person employed in specified positions in a public school must hold a certificate issued by the Department of Education. State Board of Education administrative rules provide for the certification of guidance and counseling personnel, school psychologists, and school social workers.

The following reflects the total number of school psychologists, guidance counselors, and school social workers in Florida, as well as the student-to-school psychologist ratio, the student-to-guidance counselor ratio, and the student-to-school social worker ratio.<sup>33</sup>

SCHOOL PSYCHOLOGISTS <sup>34</sup>	
TOTAL	RATIO
1,011	1:2,310

GUIDANCE COUNSELORS	
TOTAL	RATIO
5,158	1:453

VISITING TEACHERS/SCHOOL SOCIAL WORKERS	
TOTAL	RATIO
786	1:2,971

The American School Counselor Association has recommendations for ratios to implement a standards-based, comprehensive school counseling program. The Association advocates that counselors spend 70-80% of their time in direct contact with students and recommends that the counselor's duties be limited to program delivery and direct counseling services. According to the Association, an ideal student-to-counselor ratio is 1 to 100, while the maximum student-to-counselor ratio is 1 to 300.<sup>35</sup>

Legislation is currently pending in Congress to expand to secondary schools the provisions of law for elementary school counseling demonstration programs and set a recommended ratio of students to school psychologists, school counselors,

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<sup>33</sup> Ratios calculated by Senate Education Committee staff, based on Florida Department of Education Membership by District, Survey 2 demographic data, October 5-9, 1998, as of December 9, 1998. This includes Dozier/Okeechobee, the Florida School for the Deaf and the Blind, and the laboratory schools.

<sup>34</sup> This includes psychologists, psychometrists, psychiatrists, and psychological social workers that provide psychological evaluative services to students.

<sup>35</sup> Campbell, C.A., and Dahir, C.A. (1997). *Sharing the Vision: The National Standards for School Counseling Programs*. Alexandria, Virginia: America School Counselor Association.

and school social workers for these grants.<sup>36</sup> The legislative budget priorities for the Florida Department of Education for fiscal year 2000-2001 provide for safe schools intervention assistance teams. The budget initiative provides \$20,007,680 to fund additional student support services personnel (e.g., psychologists, social workers, guidance counselors, and behavioral specialists) to meet the school safety needs in each school improvement plan. Funding would be based on an approved plan, phased-in over three years, beginning with middle and alternative/special schools in fiscal year 2000-2001.

### **Finding**

Efforts to reach out and include all students in programs and activities merit particular attention. Troubled children need to receive help as soon as possible. Diverse legislative initiatives are currently pending to address concerns about student support services personnel. There are existing programs such as the Anger Coping Program and the Smoother Sailing elementary school counseling program. Smoother Sailing is based on a set student-to-counselor ratio (1:350), with counselor time divided equally between developmental guidance activities, small group counseling, and consulting. The program is provided to over 15,000 elementary students in 42 elementary schools in the Des Moines Public School District and uses indicators such as academic progress and parent, teacher, and administrator satisfaction.<sup>37</sup> Other programs include Functional Family Therapy (FFT), which involves a wide range of interventionists (e.g., social workers, physicians, nurses, and paraprofessionals) who help children and families deal with intense negative feelings. The FFT program involves different treatment systems (e.g, clinics, home-based programs, juvenile courts, and independent providers). The Multisystemic Therapy (MST) program is provided in the home, school, and other community locations by master's level counselors with low caseloads and 24 hours per day, seven days per week availability.<sup>38</sup>

## **Student Reporting**

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<sup>36</sup> The Elementary and Secondary School Counseling Improvement Act of 1999 (SB 1443) notes the following recommendations: a student-to-psychologist ratio of 1 to 1,000, a student-to-counselor ratio of 1 to 250, and a student-to-social worker ratio of 1 to 800.

<sup>37</sup> Testimony of Jan Kuhl, Supervisor of School Counseling, Des Moines Independent School District, Des Moines, Iowa, at the hearings on safe schools, U.S. Senate Committee on Health, Education, Labor, and Pensions, May 6, 1999.

<sup>38</sup> *Blueprints for Violence Prevention, Book Nine: Bullying Prevention Program* (1999). Boulder, Colorado: Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado at Boulder. The Functional Family program and the Multisystemic Therapy program are considered "model" programs by the Center.

Current law allows a school board, by resolution, to implement a student crime watch program to promote responsibility among students and to assist with the control of criminal behavior within the schools.<sup>39</sup> Testimony was given to the task force about a student's role in reporting suspicious or dangerous behavior at school. Some presenters advocated for a toll-free hotline for student reporting.

The law allows the Florida Department of Education to contract with the Florida Sheriffs Association to establish a statewide toll-free hotline to anonymously report incidents that affect the safety and well-being of the school's population.<sup>40</sup> Complaints concerning an actionable offense must be reported to designated school officials within a reasonable time after the complaint is made. An actionable offense is an incident that could directly affect the safety or well-being of a person or property within the school. Quarterly reports about the hotline are required for evaluating future school safety educational needs and prevention programs.

According to the coordinator of the school safety hotline for the Florida Sheriff's Association Statewide Task Force, there are five school districts (Duval, Pinellas, Collier, Holmes, and Gilchrist) that are part of the current statewide hotline. The Statewide Task Force is responsible for the development and management of this hotline, Better Education by Reporting All Violence Early (BE BRAVE). The anonymous calls are answered 24 hours per day on non-recorded lines. Criminal investigations are conducted by law enforcement personnel with jurisdiction for the school. Other reported non-criminal violations are shared with the appropriate school officials for further investigation.

Other existing hotlines include the Weapons In School Eliminated (W.I.S.E.) program at Lake Brantley High School in Seminole County. The program was started with donations from area business firms and civic leaders to encourage the reporting of weapons and dangerous situations via an 800 number. To protect their identities, callers are assigned a code by a private security agency. In the Bay County School District, school resource officers or other law enforcement personnel conduct investigations of hotline calls. The investigations are performed in conjunction with school principals. Miami-Dade County School District police answer an anonymous hotline and perform related investigations.

In responding to hotline calls, personnel presume that each call is valid. Schools

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<sup>39</sup> s. 230.23(6), F.S.

<sup>40</sup> s. 230.23185(4), F.S.

depend upon trained and experienced investigators to determine the legitimacy of the call. The law (s. 230.23185(4)(c), F.S.) prohibits an award or monetary benefit for reporting on the statewide hotline. In other instances, individual schools determine the policy for rewarding a student whose call results in the confiscation of a weapon or the recovery of stolen property (e.g., cash or a debit card) and may restrict the incentive to school-related purchases or allow the student to designate a school organization as the recipient of all or a part of the reward. Finally, there are schools that choose to provide no monetary incentive, since reporting is considered a civic duty.

### **Finding**

The law (s. 230.23185(2) and (4), F.S.) provides for toll-free school safety hotlines. There are several approaches to implementing school hotlines. The task force reviewed information on how hotlines ensure the protection of the identity of students with legitimate concerns and simultaneously deal with frivolous or malicious student calls. As yet, the Select Commission on School Safety has not made a final recommendation related to toll-free hotlines.

## **Facilities and Training**

In public testimony to the task force, many presenters advocated for strong coordination with law enforcement and the frequent rehearsal of a school safety plan for a wide variety of emergency situations. Testimony was also provided on design strategies to enhance the security of new and existing school buildings.

Teacher training was singled out as an area of particular concern. Many presenters commented on the need for training teachers and other school personnel in diverse areas, such as identifying early warning signs, providing appropriate interventions for students with severe behavioral problems, safely intervening in fights, and responding to crisis situations, natural disasters, and other emergencies.

### **Finding**

A good, thorough plan for school safety is critical. All personnel in the school, as well as local law enforcement, parents, teachers, and emergency management personnel should know about the plan and be trained to carry out their roles.

In constructing new schools, there are environmental design features that encourage school safety (e.g., landscaping for optimal visibility, limiting access to entries, exits, and other areas, protecting playgrounds by moving them away from fences, and eliminating problems with alcoves and other sheltered areas). Prior to building new schools, these features and other safety concerns need to be taken into consideration. For existing schools, safety audits and assessments

can be conducted to improve security. Law enforcement should be familiar with each school's physical plant. In some areas of the state, physical plant assessments are conducted with the assistance of school resource officers (SROs) or other law enforcement officers.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Funding**

The Legislature should:

- ▶ retain and increase the current state categorical fund for safe schools.
- ▶ continue to allow latitude at the local level for the decisions on which school safety approaches to implement; however, these decisions should be guided by research on best practices.
- ▶ require the development of best school safety and security practices for Florida by increasing the scope of the current best financial management practices reviews that are administered or conducted by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to include safety and security. This is similar to the scope of school district performance reviews.
- ▶ require an assessment of the extent to which best practices are currently being used and provide incentive funds for recipients that meet specific performance indicators.

### **Effective Programs**

To further facilitate coordination of efforts, the Legislature should establish a statewide coordinating council, partnership, or a commission to continue the work of the Select Commission on School Safety, which was convened in part to develop and disseminate model facilities programs and crisis plans to every district and law enforcement agency. (The Select Commission was convened by the Florida School Boards Association and the Florida Sheriffs Association.)

This entity should be charged with the following:

- ▶ evaluate programs, based on controlled scientific research, and make recommendations to the clearinghouse and Legislature on funding issues;
- ▶ create an electronic clearinghouse of safety and security information, including best practices, model programs, and construction prototypes that are compatible with the requirements for frugal schools;
- ▶ train and offer technical assistance to school district staff on how to create a safe schools environment; and
- ▶ foster linkages with law enforcement personnel and crisis teams.

The Legislature should also direct the Department of Education to: (1) develop an individualized school level safety and environment assessment instrument to use as a tool to assess school needs in relation to the state education goal for safety; and (2) expand the existing performance standards for this goal. The detailed assessment would be based on best management practices for safety and security and could be linked to the recommendation for OPPAGA best practices reviews in the funding section of this report. The assessment would focus at the school level, while the best financial management practices reviews would focus on the district as a whole.

## **Discipline**

The task force concluded that it would like to assist school districts that choose to use corporal punishment by providing the necessary tools to legally implement the policy. The appendix contains an overview and history of related law, some examples of policies from districts that use corporal punishment, as well as a “use of force matrix” specifically for educators.

## **Zero Tolerance Policies**

The task force recommends that each school board review its zero tolerance policy for dealing with weapons and firearms and handling bomb threats. In the review, the school board should consider adopting a policy that reflects concern for the seriousness of these offenses.

## **School Uniforms**

The task force did not recommend any change to current law. The decision to require students to wear school uniforms should remain at the local level.

## **School Safety Incident Reporting**

The task force recommends the use of a standardized reporting form by each school and the development of a plan for each school to verify the accuracy of reported incidents. The Legislature should direct the Department of Education to establish a mechanism to further improve the reliability and accuracy of school safety data. The task force also recommends that the Legislature amend the law to remove school discipline data as a basis for grading a school’s performance level.

## **Student Services**

The Legislature should direct the Florida Department of Education to assess the effectiveness of current safety and security initiatives. The assessment should include the impact of safe schools funding.

The task force recommends the development of indicators for safe schools, including those related to students involved in extracurricular activities and for schools with student-developed plans for school safety. An indicator for safe schools should be developed that addresses an optimal ratio of student-to-school psychologists, student-to-guidance counselors, and student-to-school social workers. Funds should be provided for pilot projects to schools that agree to meet the ratio and achieve documented outcomes (e.g., reductions in truancy, school disciplinary referrals, increased academic performance, and increased parent, teacher, and administrator satisfaction).

## **Student Reporting**

The task force recommends that schools retain maximum flexibility in implementing hotline policies.

## **Facilities and Training**

The Legislature should:

- ▶ consider mandating access by law enforcement personnel, the Florida Department of Education, the State Board of Education, and the local school superintendent's office to the blueprints of each school.
- ▶ create a public records exemption for these documents.
- ▶ establish training criteria for all new teachers and recommend reevaluation of the practice of placing new teachers into a hostile learning environment.
- ▶ create incentives for teachers of demonstrated mastery to remain in or transfer to low performing schools.
- ▶ review incentives for teachers on the basis of their willingness to work at schools that serve a particular student poverty level (e.g., schools that serve low income areas).
- ▶ create support systems, such as providing mentors and specialized training, for teachers who are willing to work in schools that serve large populations of students from low income families.

The Department of Education should include the task force's concerns about teacher training in its review of chapter 231, F.S., relating to school system personnel.

## **Appendixes**

# Appendix I

**TABLE A**  
**Federal Safe and Drug Free Schools and Communities Funds**

FEDERAL FISCAL YEAR	TOTAL SEA ALLOTMENT	MAXIMUM FOR SEA PROGRAMS (5%)	MAXIMUM FOR SEA ADMINISTRATIVE COSTS (4%)	MINIMUM FOR SUBGRANTS TO LEAs (91%)	TOTAL GOVERNOR'S ALLOTMENT	MAXIMUM FOR ADMINISTRATIVE COSTS (5%)	MINIMUM FOR LAW ENFORCEMENT EDUCATION PARTNERSHIPS (10%)	GRAND TOTAL *
1999-2000	\$ 15,895,688	\$ 794,784	\$ 635,828	\$ 14,465,076	\$ 3,973,922	\$ 198,696	\$ 397,392	\$19,869,610
1998-1999	\$ 19,116,738	\$ 955,837	\$ 764,670	\$ 17,396,231	\$ 4,779,184	\$ 238,959	\$ 477,918	\$23,895,922
1997-1998	\$ 18,048,317	\$ 902,416	\$ 721,933	\$ 16,423,968	\$ 4,512,079	\$ 225,604	\$ 451,208	\$22,560,396
1996-1997	\$ 14,746,070	\$ 737,304	\$ 589,843	\$ 13,418,923	\$ 3,686,518	\$ 184,326	\$ 368,652	\$18,432,588
1995-1996	\$ 14,823,855	\$ 741,193	\$ 592,954	\$ 13,489,708	\$ 3,705,964	\$ 185,298	\$ 370,596	\$18,529,819

Source: Florida Department of Education (Division of Public Schools, Bureau of Instructional Support and Community Services, Safe Schools and Community Services), Florida Department of Community Affairs (Bureau of Community Assistance, Criminal Justice Section), and the U.S. Department of Education.

\*Excludes funds appropriated for the SDFSCA national programs portion. (The national programs portion of the SDFSCA supports the development of programs that (1) provide models or proven effective practices that will assist schools and communities around the nation to improve their programs funded under the State Grants portion of the SDFSCA; and (2) develop, implement, evaluate, and disseminate new or improved approaches to creating safe and orderly learning environments in schools. Funding initiatives to Florida under the national programs portion include a model demonstration grant to PREVENT! of Brevard, Inc., to implement CHOICES (a middle school based universal prevention program) and drug and violence prevention grants to Highlands County School Board in Sebring, Florida for the Responding in Peaceful and Positive Ways program for replication of the model in 5 middle schools and the Florida Department of Education for the Safe Learning Environment Data (SLED) project to build upon the School Environmental Safety Incident Reporting (SESIR) system.)

## Appendix 2

**TABLE B**  
**Federal Safe and Drug Free Schools and Communities Funds**  
**Subgrants to Local Education Agencies (LEAs)**

FEDERAL FISCAL YEAR	MINIMUM FOR SUBGRANTS TO LEAs (91%)*	COMPREHENSIVE PROJECTS (70%)	SET ASIDE/GREATEST NEED (30%)
1999-2000	\$ 14,465,076	\$ 10,125,553	\$ 4,339,523
1998-1999	\$ 17,396,231	\$ 12,177,362	\$ 5,218,869
1997-1998	\$ 16,423,968	\$ 11,496,778	\$ 4,927,191
1996-1997	\$ 13,418,923	\$ 9,393,247	\$ 4,025,677
1995-1996	\$ 13,489,708	\$ 9,442,796	\$ 4,046,912

Source: Florida Department of Education (Division of Public Schools, Bureau of Instructional Support and Community Services, Safe Schools and Community Services), Florida Department of Community Affairs (Bureau of Community Assistance, Criminal Justice Section), and the U.S. Department of Education. (According to the Florida Department of Education, 30% of the amount subgranted must be distributed to the LEAs with the greatest need for additional funds to carry out drug and violence prevention programs.)

# Appendix 3

**TABLE C  
PRELIMINARY 1999-2000 SAFE AND DRUG FREE SCHOOLS  
FEDERAL ENTITLEMENT PROGRAM FUNDING**

DISTRICT	1999-2000 FORMULA FUNDING	SUPPLEMENT	1999-2000 TOTAL FUNDING
Alachua	124,264		124,264
Baker	18,211		18,211
Bay	106,197		106,197
Bradford	16,170		16,170
Brevard	299,268		299,268
Broward	1,006,600		1,006,600
Calhoun	8,876	1,124	10,000
Charlotte	66,688		66,688
Citrus	59,423		59,423
Clay	116,546		116,546
Collier	125,179		125,179
Columbia	38,537		38,537
DeSoto	18,317		18,317
Dixie	9,198	802	10,000
Duval	583,540		583,540
Escambia	204,572		204,572
Flagler	23,559		23,559
Franklin	6,417	3,583	10,000
Gadsden	33,972		33,972
Gilchrist	11,299		11,299
Glades	4,444	5,556	10,000
Gulf	9,479	521	10,000
Hamilton	9,038	962	10,000
Hardee	20,411		20,411
Hendry	30,231		30,231
Hernando	68,862		68,862
Highlands	46,523		46,523
Hillsborough	685,400		685,400
Holmes	15,013		15,013
Indian River	62,844		62,844
Jackson	31,613		31,613
Jefferson	9,118	882	10,000
Lafayette	4,158	5,842	10,000
Lake	114,856		114,856
Lee	229,985		229,985
Leon	142,300		142,300
Levy	24,124		24,124
Liberty	4,829	5,171	10,000
DISTRICT	1999-2000 FORMULA FUNDING	SUPPLEMENT	1999-2000 TOTAL FUNDING

Madison	14,922		14,922
Manatee	143,355		143,355
Marion	166,959		166,959
Martin	67,971		67,971
Miami-Dade	1,594,830		1,594,830
Monroe	39,453		39,453
Nassau	41,523		41,523
Okaloosa	124,740		124,740
Okeechobee	26,373		26,373
Orange	601,765		601,765
Osceola	121,337		121,337
Palm Beach	655,357		655,357
Pasco	182,893		182,893
Pinellas	498,354		498,354
Polk	323,008		323,008
Putnam	52,918		52,918
Santa Rosa	86,439		86,439
Sarasota	149,046		149,046
Seminole	254,889		254,889
St. Johns	75,005		75,005
St. Lucie	120,293		120,293
Sumter	22,695		22,695
Suwanee	24,487		24,487
Taylor	14,435		14,435
Union	9,079	921	10,000
Volusia	255,192		255,192
Wakulla	18,115		18,115
Walton	22,914		22,914
Washington	13,515		13,515
Washington Special	1,685		1,685
FAMU Lab	2,143		2,143
FAU Lab	1,816		1,816
FSU Lab	4,175		4,175
UF Lab	3,811		3,811
FSDB	-	5,000	5,000
<b>TOTAL</b>	<b>\$ 10,125,553</b>	<b>\$ 25,364</b>	<b>\$ 10,150,917</b>

SOURCE: Florida Department of Education, Division of Public Schools, Bureau of Instructional Support and Community Services. Formula funding is based on public school FTE (1997-1998 final calculation) and private school FTE (1997-1998 nonpublic schools data base survey).

## Appendix 4

**TABLE D**  
**State Appropriations for Safe Schools (General Appropriations Act)**

FISCAL YEAR	TOTAL	ALLOCATION METHODOLOGY	SAFE SCHOOLS ACTIVITIES	SPECIFIC APPROPRIATION
1999-2000	\$70,350,000	\$30,000 must be distributed to each district and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment.	Activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity.	109 Chapter 99-226, L.O.F.
1998-1999	\$ 50,350,000	Two-thirds must be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment.	Activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity. \$300,000 of the safe schools funds allocated to the Duval County School District must be provided to the Woods Program.	117 Chapter 98-422, L.O.F.
1997-1998	\$ 50,350,000	Two-thirds must be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment.	Activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity.	105 Chapter 97-152, L.O.F.
1996-1997	\$ 50,350,000	Two-thirds must be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment.	Activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity. Districts may use funds in Specific Appropriation 140 for authorized safe schools activities and to support any other instructional activity designated by the district school board.	140 Chapter 96 424, L.O.F.
1995-1996	\$ 70,350,000	80% based on the latest official Florida Crime Index provided by the Department of Law Enforcement; and 20% must be based on each district's share of the state's total weighted student enrollment. The entire amount of a district's allocation of these funds must be used for authorized safe schools activities.	Those activities are: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment; and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized safe schools activity. Each district may choose to use none, some or all of its total allocation for a particular authorized activity.	150 Chapter 95-429, L.O.F.

# Appendix 5

**TABLE E  
FLORIDA DEPARTMENT OF EDUCATION  
1999-2000 STATE SAFE SCHOOLS ALLOCATION**

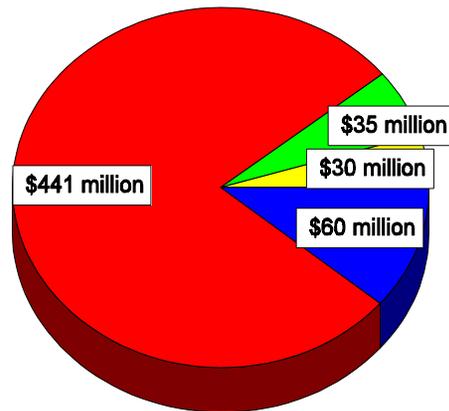
DISTRICT	MINIMUM FUNDING \$ 30,000	1998 CRIME INDEX	1999-2000 TOTAL ALLOCATION
Alachua	30,000	18,530	1,097,437
Baker	30,000	829	105,833
Bay	30,000	9,226	664,413
Bradford	30,000	1,673	139,586
Brevard	30,000	24,722	1,747,912
Broward	30,000	112,508	7,046,723
Calhoun	30,000	292	62,881
Charlotte	30,000	4,165	361,542
Citrus	30,000	2,815	292,344
Clay	30,000	4,861	501,001
Collier	30,000	11,057	817,424
Columbia	30,000	3,623	276,456
DeSoto	30,000	1,657	145,063
Dixie	30,000	670	82,129
Duval	30,000	61,143	3,848,633
Escambia	30,000	17,375	1,198,708
Flagler	30,000	1,673	161,458
Franklin	30,000	526	66,290
Gadsden	30,000	1,858	180,946
Gilchrist	30,000	367	71,179
Glades	30,000	381	56,896
Gulf	30,000	369	65,482
Hamilton	30,000	627	77,861
Hardee	30,000	1,386	136,033
Hendry	30,000	2,702	215,643
Hernando	30,000	4,704	384,338
Highlands	30,000	4,538	329,129
Hillsborough	30,000	76,261	4,784,574
Holmes	30,000	389	78,860
Indian River	30,000	5,846	421,094
Jackson	30,000	1,097	148,171
Jefferson	30,000	590	73,287
Lafayette	30,000	43	41,231
Lake	30,000	8,095	641,059
Lee	30,000	21,785	1,514,474
Leon	30,000	19,527	1,173,888
Levy	30,000	1,888	169,291
Liberty	30,000	78	43,052

DISTRICT	MINIMUM FUNDING \$ 30,000	1998 CRIME INDEX	1999-2000 TOTAL ALLOCATION
Madison	30,000	721	94,970
Manatee	30,000	14,463	981,109
Marion	30,000	12,331	923,471
Martin	30,000	5,151	406,587
Miami-Dade	30,000	229,575	13,167,850
Monroe	30,000	6,761	403,810
Nassau	30,000	2,181	215,139
Okaloosa	30,000	6,684	598,920
Okeechobee	30,000	1,995	178,187
Orange	30,000	74,630	4,525,508
Osceola	30,000	10,744	783,934
Palm Beach	30,000	83,920	5,028,706
Pasco	30,000	13,756	1,089,317
Pinellas	30,000	54,818	3,476,101
Polk	30,000	39,171	2,434,983
Putnam	30,000	4,674	347,442
Santa Rosa	30,000	4,505	424,078
Sarasota	30,000	15,636	1,040,861
Seminole	30,000	16,029	1,262,083
St. Johns	30,000	4,618	403,831
St. Lucie	30,000	11,261	783,278
Sumter	30,000	1,250	138,841
Suwanee	30,000	1,599	151,521
Taylor	30,000	1,186	114,243
Union	30,000	137	57,709
Volusia	30,000	24,603	1,658,910
Wakulla	30,000	408	91,091
Walton	30,000	987	123,768
Washington	30,000	87	64,063
Washington Special	-	0	9,113
FAMU Lab School	30,000	0	34,983
FAU Lab School	30,000	0	33,751
FSU Lab School	30,000	0	39,945
UF Lab School	30,000	0	39,576
<b>TOTAL</b>	<b>\$ 2,130,000</b>	<b>1,073,757</b>	<b>\$ 70,350,000</b>

SOURCE: Executive Office of the Governor (7/13/99-FEFP Second Calculation)

## Appendix 6

### Federal Safe and Drug Free Schools and Communities Funds FFY 1999-2000: \$566 million



#### Coordinator Initiative

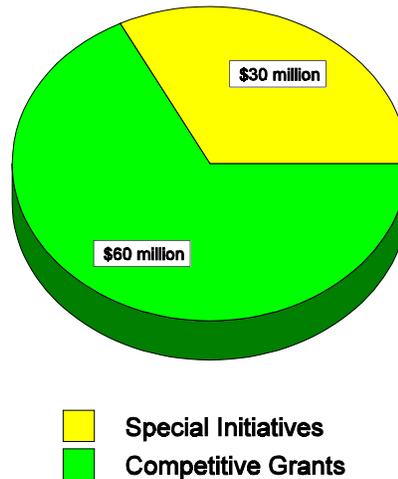
The FY1999 appropriation includes \$35 million for the first year of a new initiative, included in the President's National Drug Control Strategy, to hire and train drug and school safety coordinators to improve the quality of drug and violence prevention programming in middle schools. A recent Department study concluded that in order to be well implemented and make an impact on students, prevention programs must have available a prevention coordinator at least half-time, if not full-time. Middle school students are at the age when they often begin experimenting with drugs and become more involved with violence and crime. By providing these coordinators in middle schools, this initiative will support early intervention efforts that can make a long-term impact on reducing youth drug use and creating safer schools. The Department will award funds for this initiative through a national grant competition, and will support coordinators to help plan, design, implement, and evaluate successful drug and violence prevention programs for approximately 1/3 of all middle schools in the country.

#### State and Local Grants

Congress appropriated \$441 million as State Grants. The Department will allocate these funds by formula to support drug and violence prevention programs in virtually every school district and community in the nation.

## Appendix 6 (continued)

**Federal Safe and Drug Free Schools and Communities Fund  
FFY 1999-2000-National Programs: \$90 million**



■ **Special Initiatives**

The FY1999 appropriation of \$90 million for national programs -- a \$65 million increase over FY1998 -- includes \$30 million for:

- continuation awards for grants to improve the effectiveness of prevention programming for youth;
- a variety of interagency prevention projects being coordinated with the Departments of Justice (DOJ) and Health and Human Services (HHS);
- support of a Higher Education Center to provide technical assistance and information to colleges and universities on exemplary campus-based prevention programs;
- a new grant competition for institutions of higher education to address the problem of binge drinking by college and university students;
- and the Department of Education's contribution to a joint ED/DOJ/HHS Coordinated "Safe Schools/Safe Communities" Initiative announced by the President in October at the White House Conference on School Safety to foster safe learning environments in schools.

■ **Competitive Grants**

The Department of Education will target the remaining \$60 million, through competitive grants, to approximately 120 school districts for activities that promote safe and drug-free learning environments for students. Grantees would be required to base their programs on objective data demonstrating that they have severe school drug or safety problems, or both, and implement research-based programs and strategies to address those problems. This targeting of funds, proposed by the Administration in order to address the concern that funds under the Safe and Drug-Free Schools and Communities State grant program are spread too thinly to have maximum impact in many districts. These targeted funds should help ensure that the schools most affected by high rates of drug use and violence receive sufficient revenues -- and employ the necessary strategies -- for establishing safe and drug-free learning environments.

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NOTE: In addition to the above resources, the Substance Abuse and Mental Health Administration received an additional \$40 million to improve mental health services for children with emotional and behavioral disorders who are at risk of violent behavior. This new initiative will be coordinated with Department of Education's Safe and Drug-Free Schools program. (Source: <http://www.ed.gov/offices/OESE/SDFS/1-safe.html>)

## Appendix 7

### BRIEF OVERVIEW AND HISTORY OF CORPORAL PUNISHMENT AND SCHOOL CHILDREN

September 20, 1999

#### A. Definition

Black's Law Dictionary defines corporal punishment as punishment of or inflicted on a person's body. The prohibition on cruel and unusual punishment in the Eighth Amendment to the U.S. Constitution imposes limits on the use of corporal punishment on convicted offenders and prisoners. The U.S. Supreme Court has found the Eighth Amendment to be inapplicable to the use of corporal punishment on school children.

#### B. Background

The historical and contemporary approval of reasonable corporal punishment was discussed by the U.S. Supreme Court in 1977 (*Ingraham v. Wright*, 97 S.Ct. 1401):

“The use of corporal punishment in this country as a means of disciplining schoolchildren dates back to the colonial period. It has survived the transformation of primary and secondary education from the colonials' reliance on optional private arrangements to our present system of compulsory education and dependence on public schools. Despite the general abandonment of corporal punishment as a means of punishing criminal offenders, the practice continues to play a role in the public education of schoolchildren in most parts of the country. Professional and public opinion is sharply divided on the practice, and has been for more than a century. Yet we can discern no trend toward its elimination.

At common law a single principle has governed the use of corporal punishment since before the American Revolution: Teachers may impose reasonable but not excessive force to discipline a child. Blackstone catalogued among the "absolute rights of individuals" the right "to security from the corporal insults of menaces, assaults, beating, and wounding," but he did not regard it a "corporal insult" for a teacher to inflict "moderate correction" on a child in his care. To the extent that force was "necessary to answer the purposes for which [the teacher] is employed," Blackstone viewed it as "justifiable or lawful." The basic doctrine has not changed. The prevalent rule in this country today privileges such force as a teacher or administrator "reasonably believes to be necessary for [the child's] proper control, training, or education." To the extent that the force is excessive or unreasonable, the educator in virtually all States is subject to possible civil and criminal liability.

Although the early cases viewed the authority of the teacher as deriving from the parents, the concept of parental delegation has been replaced by the view - more consonant with compulsory education laws - that the State itself may impose such corporal punishment as is reasonably necessary "for the proper education of the child and for the maintenance of group discipline." All of the circumstances are to be taken into account in determining whether the punishment is reasonable in a particular case. Among the most important considerations are the seriousness of the offense, the attitude and past behavior of the child, the nature and severity of the punishment, the age and strength of the child, and the availability of less severe but equally effective means of discipline.”

In *Ingraham*, the Court considered questions concerning the use of corporal punishment in public schools:

- First, whether the paddling of students as a means of maintaining school discipline constitutes cruel and unusual punishment in violation of the Eighth Amendment; and
- Second, to the extent that paddling is constitutionally permissible, whether the due process clause of the Fourteenth Amendment requires prior notice and an opportunity to be heard.

The Supreme Court held that: the cruel and unusual punishments clause of the Eighth Amendment did not apply to disciplinary corporal punishment in public schools; and that the due process clause did not require notice and hearing prior to the imposition of corporal punishment in the public schools, as that practice was authorized and limited by Florida's preservation of common-law constraints and remedies.

The Court also noted that of the 23 States that had addressed the problem through legislation, 21 authorized the moderate use of corporal punishment in public schools. Of these states, only a few had elaborated on the common-law test of reasonableness, typically providing for approval or notification of the child's parents, or for infliction of punishment only by the principal or in the presence of an adult witness. Only two states, (Massachusetts and New Jersey) had prohibited all corporal punishment in their public schools. The Court further noted that where the legislatures had not acted, the state courts had uniformly preserved the common-law rule permitting teachers to use reasonable force in disciplining children in their charge.

### **C. Florida Legislative History**

There are several provisions of law related to corporal punishment, including s. 228.041(27), F.S. (providing a definition for the term), s. 230.23(6)(c) and (d), F.S. (relating to school board powers and duties to control pupils and adopt a code of student conduct), s. 231.085, F.S. (relating to the duties of principals), s. 232.27, F.S. (relating to the authority of teachers and responsibility for the control of students), s. 232.273, F.S. (relating to standards for the use of reasonable force), and s. 232.275, F.S. (relating to liability).

In 1939, Florida law (chapter 19355, L.O.F.) created the powers and duties of the school board to adopt rules and regulations for the control, discipline, and suspension of students and to decide all cases recommended for dismissal. The provision was subsequently codified in s. 230.23(6), F.S., and amended. Chapter 76-236, L.O.F., included a provision that required the development of a code of student conduct based on rules adopted by the school board. The code was required to include specific grounds for disciplinary actions and procedures for acts requiring discipline, including corporal punishment. The law also provided that a school board did not have the authority to prohibit the use of corporal punishment. Chapter 89-166, L.O.F., allowed a school board to prohibit corporal punishment, provided that the school board adopts or has adopted a written program of alternative control or discipline. This authority is retained in current law.

The law (chapter 19355, L.O.F.) also provided teachers or other staff members of a school with the authority to control pupils and keep order in the classroom and other places. The law provided for limited corporal punishment by requiring prior consultation with the principal or teacher in charge of the school and prohibiting degrading or unduly severe punishment. This provision was eventually codified in s. 232.27, F.S., and later amended. The law now provides teachers and other instructional personnel, within the framework of the school district code of student conduct, with the authority to undertake specific actions (including corporal punishment) in managing student behavior and ensuring the safety of all students in their classes and school.

Corporal punishment must be used according to school board policy and procedures set forth in law, if the teacher feels this type of punishment is necessary. The procedures include prior approval in principle by the principal and administration of the punishment under specified conditions (e.g., only in the presence of another adult who is informed about the reason prior to the punishment and in the student's presence). The teacher or principal who administered the punishment is required, upon request, to provide the pupil's parent or guardian with a written explanation of the reason for the punishment and the name of the adult who was present. Principals must prepare guidelines for the administration of corporal punishment. The guidelines must include specific information on the authorized staff and conditions for administering the punishment.

Chapter 74-315, L.O.F., created the duties of principals in s. 231.085, F.S. The law provided principals with specific authority, including administering corporal punishment in accordance with the rules and regulations of the school board. The law was subsequently amended. Current law requires principals to perform the duties assigned by the superintendent according to school board rules. The rules must include the administration of corporal punishment.

In 1976, the Legislature created provisions related to liability in s. 232.275, F.S. Teachers or other members of the instructional staff, principals or designated representatives, or bus drivers are exempt from civil or criminal liability for any action carried out in conformity with state board and district school board rules on the control, discipline, suspension, and expulsion of students. The exemption does not extend to cases involving excessive force or cruel and unusual punishment.

Florida law (s. 228.041(27), F.S.) now defines corporal punishment as the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. The definition was created in this section by chapter 76-236, L.O.F., and was subsequently amended by chapter 77-274, L.O.F., to

provide that the term does not include the use of such reasonable force as may be necessary for self-protection or to protect other students from disruptive students.

Section 232.273, F.S., was created by chapter 96-246, L.O.F., and requires the State Board of Education to adopt administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment. The standards must be based on recommendations of the Education Standards Commission and the Educational Practices Commission. Also, the standards must be distributed to each school in the state and provide guidance to school personnel for the limitations on liability in s. 232.275, F.S.

#### **D. Related Issues**

##### **Students with Disabilities**

Students with disabilities are subject to disciplinary measures. School boards are required to establish policies and procedures for the discipline of students with disabilities and for providing this information to the student's parent or guardian. Federal law (the Individual with Disabilities in Education Act) imposes certain requirements upon states, including procedural safeguards, in executing responsibilities for educational programs for students with disabilities as a condition of receiving federal financial assistance.

The Individual with Disabilities in Education Act was discussed extensively by the U.S. Supreme Court in *Honig v. Doe*, 108 S.Ct. 592 in 1988, a little more than ten years after *Ingraham*. The case involved the efforts of school officials in San Francisco to expel two emotionally disturbed children from school indefinitely for violent and disruptive conduct related to their disabilities. In *Honig*, the Court specifically discussed the legislative history of the Act, as well as the purpose of the federal procedural safeguards:

“When the law was passed in 1975, Congress had before it ample evidence that such legislative assurances were sorely needed: 21 years after this Court declared education to be “perhaps the most important function of state and local governments,” congressional studies revealed that better than half of the Nation's 8 million disabled children were not receiving appropriate educational services.

Indeed, one out of every eight of these children was excluded from the public school system altogether; many others were simply “warehoused” in special classes or were neglectfully shepherded through the system until they were old enough to drop out.

Among the most poorly served of disabled students were emotionally disturbed children: Congressional statistics revealed that for the school year immediately preceding passage of the Act, the educational needs of 82 percent of all children with emotional disabilities went unmet.”

“Envisioning the IEP [individualized educational program] as the centerpiece of the statute's education delivery system for disabled children, and aware that schools had all too often denied such children appropriate educations without in any way consulting their parents, Congress repeatedly emphasized throughout the Act the importance and indeed the necessity of parental participation in both the development of the IEP and any subsequent assessments of its effectiveness.

Accordingly, the Act establishes various procedural safeguards that guarantee parents both an opportunity for meaningful input into all decisions affecting their child's education and the right to seek review of any decisions they think inappropriate. These safeguards include the right to examine all relevant records pertaining to the identification, evaluation, and educational placement of their child; prior written notice whenever the responsible educational agency proposes (or refuses) to change the child's placement or program; an opportunity to present complaints concerning any aspect of the local agency's provision of a free appropriate public education; and an opportunity for “an impartial due process hearing” with respect to any such complaints.”

Florida law addresses the provision of an appropriate program of special instruction, facilities, and services for exceptional students. The procedural safeguards for exceptional students are contained in Florida administrative rule (Rule 6A-6.0331, F.A.C.).

## Child Abuse

Some courts have considered whether corporal punishment administered at school is child abuse under the provisions of s. 415.503, F.S. (now s. 39.01, F.S.). The law (s. 827.03, F.S.) provides criminal penalties for child abuse (third degree felony), aggravated child abuse (first degree felony), and neglect of a child (second or third degree felony depending on the criteria in law).

Prior to the 1993 legislative session, the law (s. 415.503(10), F.S.) defined institutional child abuse or neglect as situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an *employee of a public or private school*, public or private day care center, residential home, institution, facility, or agency or any other person responsible for the child's care. The term "other person responsible for the child's welfare," was defined (s. 415.503(12), F.S.) to include an *employee of a public or private school*.

At that time, the Department of Health and Rehabilitative Services was required (s. 415.505(2)(a), F.S.) to conduct child protective investigations of reports of institutional child abuse or neglect involving specific individuals, including employees or agents of the Department of Education and any district school board, as well as any person or entity covered by s. 415.503(10) or (12), F.S., *acting in an official capacity*. The law set forth the requirements for a required protocol and procedures for child abuse investigations involving district school board personnel. The department was also required to orally notify the appropriate state attorney and law enforcement agency. An immediate joint criminal investigation was required unless independent investigations were more feasible.

Chapter 93-25, L.O.F., amended the terms "institutional child abuse or neglect" and "other person responsible for a child's welfare," in s. 415.503, F.S., to remove references to employees of public schools. As well, the law related to the required child protective investigation by the Department of Health and Rehabilitative Services was amended to remove the requirements and procedures for investigating agents or employees of the Department of Education and any district school board, as well as the provisions related to protocols.

In 1998, the definitions for the terms "institutional child abuse or neglect" and "other person responsible for a child's welfare," in s. 415.503, F.S., were repealed. Definitions for these terms were added to s. 39.01, F.S. These definitions (s. 39.01(32) and (48), F.S.) do not include employees of public schools. In addition, the law (chapter 98-403, L.O.F.) repealed the provisions in s. 415.505, F.S., related to child protective investigations of reports of institutional child abuse or neglect, and created provisions in s. 39.302, F.S. These requirements do not include investigations of reports of institutional child abuse or neglect involving public school employees.

**Appendix 10**

**U.S. States Banning Corporal Punishment**

These 27 states have now banned corporal punishment, with legislation underway in many more:



Alaska	California	Connecticut
Hawaii	Illinois	Iowa
Maine	Maryland	Massachusetts
Michigan	Minnesota	Montana
Nebraska	Nevada	New Hampshire*
New Jersey	New York*	North Dakota
Oregon	Rhode Island**	South Dakota***
Utah*	Vermont	Virginia
Washington	West Virginia	Wisconsin

\* banned by state regulation \*\* banned by every school board in the state \*\*\* banned by law rescinding authorization to use  
 Source: Copyright © 1998 The Center for Effective Discipline (Last modified: Tuesday, October 20, 1998 04:52:55 PM.-  
<http://www.stophitting.com/NCACPS.html>)

**1. Does your collective bargaining agreement limit or excuse instructional personnel or other personnel from lunchroom duty, recess duty, hall monitoring, etc.?**

COUNTY/DISTRICT	YES	NO	REASONS, IF YES/COMMENTS
Brevard		x	
Broward	x		General conditions of employment
Citrus		x	
Clay		x	
Dade	x		Lunch duty-volunteer, recess-K&1st, hall duty-all rotate
Duval	x		Teachers are guaranteed a duty free lunch. Bus duty rotated.
Escambia		x	
Florida School for the Deaf and the Blind		x	
Franklin		x	Duty free, assignments to be equitable
Glades	x		
Gulf		x	
Hamilton		x	
Hardee	x		Duty free lunch except in emergency situations
Hernando		x	
Hillsborough		x	
Indian River	x		General conditions, rotated or time off
Jackson	x		Duty free lunch-policy attached
Jefferson		x	
Lee		x	
Leon		x	
Liberty		x	
Marion	x		General conditions of employment
Monroe	x		Duty free lunch. Employ hall security, have volunteers, DARE officers, and resource officers.
Okaloosa	x		General conditions of employment

**1. Does your collective bargaining agreement limit or excuse instructional personnel or other personnel from lunchroom duty, recess duty, hall monitoring, etc.?**

COUNTY/DISTRICT	YES	NO	REASONS, IF YES/COMMENTS
Okeechobee	x		Allow for tutoring, planning, etc.
Pasco	x		Duty free lunch, conditions of employment.
Santa Rosa	x		
Sarasota		x	
Seminole		x	Try to give a duty free lunch
Sumter	x		General conditions of employment
Volusia	x		As directed by principal on a rotating basis
Wakulla		x	
TOTAL=32	15	17	

## School Safety Survey

Survey prepared and conducted by the Florida Association of District School Superintendents, August 1999

### 2. Does your district prohibit corporal punishment?

COUNTY/DISTRICT	YES	NO	POLICY PROVIDED? YES	POLICY PROVIDED? NO
Brevard	x			x
Broward	x			x
Citrus		x	x	
Clay		x		x
Dade	x			x
Duval		x		x
Escambia		x		x
Florida School for the Deaf and the Blind		x		x
Franklin		x	x	
Glades	x			x
Gulf		x		x
Hamilton		x		x
Hardee		x	x	
Hernando	x			x
Hillsborough		x	x	
Indian River	x			x
Jackson		x	x	
Jefferson		x	x	
Lee		x	x	
Leon	x			x
Liberty		x	x	
Marion		x	x	
Monroe	x			x
Okaloosa	x			x

**2. Does your district prohibit corporal punishment?**

COUNTY/DISTRICT	YES	NO	POLICY PROVIDED? YES	POLICY PROVIDED? NO
Okeechobee		x	x	
Pasco	x			x
Santa Rosa		x	x	
Sarasota	x			x
Seminole	x			x
Sumter		x	x	
Volusia	x			x
Wakulla		x	x	
TOTAL=32	13	19		

- **CHARACTERISTICALLY RESORTS TO NAME CALLING, CURSING OR ABUSIVE LANGUAGE.**
- **HABITUALLY MAKES VIOLENT THREATS WHEN ANGRY.**
- **HAS PREVIOUSLY BROUGHT A WEAPON TO SCHOOL.**
- **HAS A BACKGROUND OF SERIOUS DISCIPLINARY PROBLEMS.**
- **HAS A BACKGROUND OF DRUG, ALCOHOL OR OTHER SUBSTANCE ABUSE OR DEPENDENCY.**
- **HAS FEW OR NO FRIENDS.**
- **IS PREOCCUPIED WITH WEAPONS, EXPLOSIVES OR OTHER INCENDIARY DEVICES.**
- **DISPLAYS CRUELTY TO ANIMALS.**
- **HAS WITNESSED OR BEEN A VICTIM OF ABUSE OR NEGLECT IN THE HOME.**
- **BULLIES OR INTIMIDATES PEERS OR YOUNGER CHILDREN.**
- **TENDS TO BLAME OTHERS FOR DIFFICULTIES AND PROBLEMS THEY CAUSE.**
- **CONSISTENTLY PREFERS TELEVISION SHOWS, READING MATERIALS, MOVIES, OR MUSIC EXPRESSING VIOLENT THEMES, RITUALS, OR ABUSE.**
- **IS INVOLVED WITH A GANG OR AN ANTISOCIAL GROUP ON THE FRINGE OF PEER ACCEPTANCE.**
- **IS OFTEN DEPRESSED AND HAS SIGNIFICANT MOOD SWINGS.**
- **HAS THREATENED OR ATTEMPTED SUICIDE.**
- **HAS TANTRUMS AND UNCONTROLLABLE ANGRY OUTBURSTS.**

Source: Dr. Ruth A. Peters, Psychologist, Presentation to the Senate Task Force on School Safety on July 15, 1999, Tarpon Springs, Florida.

## Appendix 14

## Website Information Related to School Safety

### National

Center for the Prevention of School Violence

<http://www.ncsu.edu/cpsv/>

Center for the Study and Prevention of Violence

<http://www.colorado.edu/cspv/>

Center for Mental Health Services

<http://www.mentalhealth.org/cmhs/index.htm>

Center for Effective Collaboration and Practice

<http://www.air.org/cecp/default.htm>

National Clearinghouse on Child Abuse and Neglect Information

<http://www.calib.com/nccanch/>

National Center for Health Statistics

<http://www.cdc.gov/nchswww/default.htm>

National Center for Education Statistics

<http://nces.ed.gov/>

National Institutes of Child Health and Human Development

<http://www.nichd.nih.gov/>

National Resource Center for Safe Schools

<http://www.safetyzone.org/>

National Center for Conflict Resolution Education

<http://www.nccre.org/>

National School Safety Center

<http://www.nsscl.org/>

National Association of Attorneys General

<http://www.keepschoolssafe.org/>

National Alliance for Safe Schools

<http://www.safeschools.org/>

U.S. Department of Education, Safe and Drug Free Schools Program

<http://www.ed.gov/offices/OESE/SDFS/>

U.S. Department of Education, Regional Educational Laboratories

<http://www.nwrel.org/national/>

<http://www.serve.org/>

<http://www.nwrel.org/>

U.S. Department of Health and Human Services

<http://www.dhhs.gov/>

Centers for Disease Control and Prevention/Adolescent and School Health Information

<http://www.cdc.gov/nccdphp/dash/>

Centers for Disease Control and Prevention/Office on Smoking and Health

<http://www.cdc.gov/tobacco/>

Substance Abuse and Mental Health Services Administration

<http://www.samhsa.gov/>

U.S. Department of Justice

Office of Juvenile Justice and Delinquency Prevention

<http://ojjdp.ncjrs.org/>

Justice Information Center

<http://www.ncjrs.org/>

Partnerships Against Violence Online

<http://www.pavnet.org/>

School Violence Prevention and Mental Health

<http://www.mentalhealth.org/specials/schoolviolence/index.htm>

YouthInfo

<http://youth.os.dhhs.gov/>

Florida

Office of Florida Attorney General: Children's Safety Center

<http://legal.firn.edu/kids/kids.html>

Florida Department of Education: Safe Schools

Bureau of Instructional Support and Community Services

<http://www.firn.edu/doe/commhome/>

Clearinghouse Information Center

<http://www.firn.edu/doe/bin00014/clerhome.htm>

Florida Institute of Education (University of North Florida)

<http://www.unf.edu/coehs/fie>

**Appendix 15**

**National Reporting Information**

The U.S. Department of Education prepared a guide to various government reports on school safety, including an explanation of similarity and differences among the information sources. The guide also explains that results in the reports cannot be easily compared to one another due to differences on the level at which information was collected, differences in measurement, and differences in the quality of information. The guide summarizes information from five reports in the following table:

	FRS 63 <sup>a</sup>	SDFSCA <sup>b</sup>	NCVS/SCS <sup>c</sup>	NHES/SSD <sup>d</sup>	GFSA <sup>e</sup>
PURPOSE	To collect information on school violence and other types of crime, discipline, and violence prevention efforts	To collect state-level information for the Safe and Drug-Free Schools Program	To examine changes between 1989 and 1995 on several aspects of student victimization at school	To assess the safety and discipline of schools as reported by parents of students (grades 3 through 12) and students in grades 6 through 12	To assess implementation of the Gun-Free Schools Act
RELEVANT LEGISLATION	1994 Safe and Drug-Free Schools and Communities Act	1994 Safe and Drug-Free Schools and Communities Act	1990 National Education Statistics Act	1990 General Education Provisions Act	1994 Gun-Free Schools Act
PARTICIPANTS	Principal (or staff with primary responsibility for discipline) at 1,234 schools	State education agency and Governor's program staff (all states, District of Columbia, and territories)	Approximately 10,000 youth, ages 12-19, who are currently attending school	About 12,700 parents of children in grades 3 through 12, and about 6,500 youth in grades 6 through 12	State education agency contact for all states, District of Columbia, and territories
LEVEL OF INFORMATION	School	State	Student	Student	State
REPORTING PERIOD	1996-97 school year	1995-96 & 1996-97 school years	1995 and re-analysis of 1989 results	1992-93 school year	1995-96 & 1996-97 school years
SPONSOR	National Center for Education Statistics	U.S. Department of Education	National Center for Education Statistics and Bureau of Justice Statistics	National Center for Education Statistics	U.S. Department of Education
COMMON TOPIC AREAS	Incidence of crime, possession of weapons, disciplinary action	Incidence of crime, possession of weapons, student victimization	Possession of weapons, student victimization	Possession of weapons, student victimization, disciplinary actions	Possession of weapons, disciplinary actions

Note: The information sources and reports are as follows(See <http://www.ed.gov/offices/OESE/sdfs/guide.html>):

- a. Fast Response Survey 63 [principal/school disciplinarian survey on school violence] (FRS 63)--*Violence and Discipline Problems in U.S. Public Schools: 1996-97* and *Secretary of Education's Report on the Safe and Drug-Free Schools Program..*
- b. Safe and Drug-Free Schools Program state performance reports (SDFSCA)--*Secretary of Education's Report on the Safe and Drug-Free Schools Program..*
- c. School Crime Supplement to the National Crime Victimization Survey (NCVS/SCS)--*Students' Reports of School Crime: 1989 and 1995.*
- d. 1993 National Household Education Survey, School Safety and Discipline Component (NHES/SSD)--*Students' Worries about Victimization at School.*
- e. Gun-Free Schools Act state reporting (GFSA)--*Gun-Free Schools Report.*

## Appendix 16

### FLORIDA SESIR CLASSIFICATION TOTALS FOR 1995 THROUGH 1998

SESIR CLASSIFICATION	1995-1996	1996-1997	1997-1998
HOMICIDE	1	1	2
SEXUAL BATTERY	173	164	162
ROBBERY	611	628	459
BATTERY	14,935	15,563	14,238
KIDNAPPING	23	16	13
VIOLENT ACTS AGAINST PERSONS	15,743	16,372	14,874
DRUG INCIDENTS	5,004	4,451	4,467
ALCOHOL	1,367	1,175	1,022
TOBACCO	21,508	21,367	19,739
ALCOHOL, TOBACCO, OR OTHER DRUGS	27,879	26,993	25,228
BREAKING AND ENTERING	2,223	2,200	1,993
LARCENY/THEFT	9,626	9,910	9,067
MOTOR VEHICLE THEFT	341	332	313
ARSON	334	295	271
VANDALISM	8,165	9,210	7,860
PROPERTY	20,689	21,947	19,504
THREAT AND INTIMIDATION	9,891	11,226	10,377
SEXUAL HARASSMENT	2,442	2,954	2,469
HARASSMENT	12,333	14,180	12,846
SEX OFFENSES	1,491	1,702	1,528
TRESPASSING	1,635	1,771	1,407
OTHER MAJOR OFFENSES	8,604	6,276	4,776
OTHER NONVIOLENT INCIDENTS	11,730	9,749	7,711
FIGHTING	74,130	73,221	64,221
DISORDERLY CONDUCT	97,873	62,166	57,015
WEAPONS POSSESSION	4,520	3,985	3,838

SOURCE: Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, May 1999, School Environmental Safety Incident Report (SESIR), (data for 1995-1996 as of February 1997; 1996-1997 as of December 1997; and 1997-1998 as of January 1999).

**Appendix 17**

**FLORIDA DISCIPLINARY ACTION TOTALS FOR 1996 THROUGH 1998**

	<b>1996-1997</b>	<b>1996-1997</b>	<b>1997-1998</b>	<b>1997-1998</b>
<b>OFFENSE</b>	# students	# incidents	# students	# incidents
In-school suspensions	224,706	493,308	230,699	508,659
Out-of-school suspensions	211,560	427,763	212,105	425,940
Expulsions	1,305	1,339	1,119	1,136
Referrals to Court\ Department of Juvenile Justice	3,885	4,342	3,831	4,323

SOURCE: Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, May 1999. (Survey 5 discipline data for 1996-1997 and 1997-1998 school years as of March 1999).

## Appendix 18 TASK FORCE AGENDA

Organizational Meeting-Senate Task Force on School Safety  
Tuesday, June 15, 1999  
Lake Mary, Florida

School Safety Presentation

Mr. Wolfgang Halbig, Director of Security  
Seminole County Schools

District Staff for Senator Dyer:

Bruce Antone  
Suzanne Denson  
Gloria Warden

## TASK FORCE AGENDA

Our Children-Senate Task Force on School Safety  
Thursday, July 15, 1999  
Tarpon Springs, Florida

The Child-Early Warning Signs  
Ruth Peters, Ph.D., P.A.

Linda Jones, Pinellas County Schools  
Supervisor of Substance Abuse Prevention Programs

Intervention Strategies for Disruptive and At Risk Students  
Arlington Nunn, Pinellas County Schools  
Director of School Operations

Randy Koenigsfield, Pasco County Schools  
Principal, Harry Schwettman Educational Center

Chief Mark Lecouris, Tarpon Springs

Preparation of Teachers on Security and Discipline

Dr. Hilda Roselli, University of South Florida  
Assistant Dean for Undergraduate Programs

Dr. George Batsche, University of South Florida  
Coordinator of Graduate Programs in School of Psychology and Co-Director of ACHIEVE

A New Generation of Peacemakers

Maria Payne and Suzanne Bennett

District Staff for Senator Latvala:

Missy Timmons

Ron Ogden

Tracy Caddell

## TASK FORCE AGENDA

Our Schools-Senate Task Force on School Safety  
August 3, 1999  
Miami, Florida

### Construction of Safe School Facilities

Dr. Paul Phillips, Miami-Dade County Public Schools  
Mr. Alan Olkes, Chief of School Operations, Cambridge Academies

### School Safety and Security

Florida Association of School Police Chiefs and Administrators  
Mr. Ed Hardy, Broward County  
Mr. Jim Kelly, Palm Beach County  
Ms. Vivian Monroe, Miami-Dade County

### Miami-Dade County School Safety Task Force

Mr. Charles Hankerson, Principal, N. Miami Sr. High School  
Mr. Nelson Perez, Assistant Superintendent

### A School District Perspective of School Safety and Security

Mr. Michael J. Lannon, Superintendent,  
Monroe County Public Schools

### Self Defense for Teachers

Ms. Sheila Bolin

### State and Federal Funding for Safe Schools

Senate Education Committee Staff

### District Staff for Senator Meek:

Charesse Isaac  
Shirley Moreau  
Joyce Postell  
Kelsey Major

## TASK FORCE AGENDA

Our Communities-Senate Task Force on School Safety  
August 24, 1999  
Jacksonville, Florida

### Community Resources

Mr. Terry Rhodes, Executive Director, The Ounce of Prevention Fund of Florida  
Mr. Chuck Ezell, Field Services Director, North Florida Council, Boy Scouts of America,  
Learning for Life: Character Education Program

### School District Perspective of School Safety and Security

Mr. Jim Gill, School Resource Officer, Bradford County Public Schools  
Mr. David Crawford, Director, Pre-Kindergarten Curriculum, Baker County Public Schools  
Dr. Hugh Balboni, Superintendent, St. Johns County Public Schools

### Review of Corporal Punishment

Ms. Vicki Reynolds, Assistant General Counsel, City of Jacksonville

### Duval County School Safety Task Force

Ms. Leila Mousa, Duval County Schools Region 4  
Superintendent and Task Force Chair

### School Philosophy and School Safety

Ms. Jackie Cornelius, Principal of Douglas Anderson School of the Arts

### School Counselors

Ms. Jody Fitzgerald, Florida School Counselors Association and Florida Counselors Association

### Union Perspective on School Safety

Ms. Terrie Brady, President, Duval Teachers United

### Best Financial Management Practices

Dr. Kim McDougal, Office of Program Policy Analysis and Government Accountability

### District Staff for Senator King:

Clara Schrader

Paul Hull

Kay Rousseau

## TASK FORCE AGENDA

Senate Task Force on School Safety  
September 10, 1999  
Tallahassee, Florida

Select Commission on School Safety  
Governor Bob Martinez, Chairman  
Mr. Wayne Blanton, Executive Director  
Florida School Boards Association, Inc.

Best Financial Management Practices  
Dr. Kim McDougal, Office of Program Policy Analysis and Government Accountability



**THE FLORIDA SENATE**

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Criminal Justice,  
Vice Chairman  
Banking and Insurance  
Budget - Subcommittee on Public Safety and Judiciary  
Judiciary

**JOINT COMMITTEE:**  
Administrative Procedures,  
Chairman

**SENATOR WALTER "SKIP" CAMPBELL**  
33rd District

## MEMORANDUM

**To:** President Jennings, Chairmen Dyer and Latvala and members of the Florida Senate Task Force on School Safety  
**From:** Walter "Skip" Campbell  
**Subject:** Proposed Framework for Statutory Response to School Safety Issues  
**Date:** August 23, 1999

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### By Senator Campbell:

This proposed statute on preventing school violence is respectfully submitted for the consideration of the Florida Senate School Task Force on School Safety based upon the testimony and materials considered by the Task Force to date. This proposal suggests a framework for a statutory response to the problems this Task Force has investigated and is based upon information and proposals from the witnesses who have appeared before the Task Force and the written materials currently before the Task Force. The proposal is annotated with comments as to the reasoning of each element of the proposal.

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### STATEWIDE SCHOOL VIOLENCE PREVENTION PROGRAM

- (1) There shall be created a statewide school violence prevention program in all public schools for the purposes of reducing the likelihood that students will resort to violence and disruption on school campuses, proactively detecting students at-risk of resorting to violence and providing intervention services for those students, and reducing the likelihood that school campuses will be the target of violence from outsiders. The primary goal of the program shall be to ensure that the educational environment is free of the fear of violence through a program of proactive intervention with students to reduce the likelihood that they will resort to use of violence as a means of problem-solving and communication. The Department of Education shall establish for the program criteria that include:

**REPLY TO:**

- 10094 McNab Road, Tamarac, Florida 33321 (954) 346-2813, FAX (954) 346-2815
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5094

Legislature's Website: <http://www.leg.state.fl.us>

TONI JENNINGS  
President

WILLIAM G. "DOC" MYERS  
President Pro Tempore

COMMENT: This proposed statute is intended to address the areas of deficiency in state statutes and Department of Education rules relative to school safety issues which have come to the attention of this Task Force. While this proposal is modeled in spirit after the existing, voluntary school crime watch program (Fla.Stat. § 230.23185), it is proposed that the school violence prevention program be mandatory given the gravity of the issues and the evidence before the Task Force that the measures proposed herein largely address the root causes of violence among school aged children.

- (a) Student involvement at each school in the design and implementation of the program.

COMMENT: The Task Force has heard testimony of successful programs which involve students in the design and implementation of crime prevention programs. Such programs have increased likelihood of success because of the power of peer influence to motivate other students to adopt non-violent attitudes and social skills, as well as increasing the willingness of students to report incidents of violence and the presence of weapons on school campuses.

- (b) Strategies to deter students from bringing weapons to school campuses, including establishing cooperative relationships with local law enforcement to assess the threat of weapons on and near school campuses, and countermeasures tailored to meet that local threat. Countermeasures to be considered for the program should include random surprise locker checks, random metal detection, random searches of hand-carried items, plain-view checks of vehicles on campuses, and searches of public areas for hidden weapons.

COMMENT: Law enforcement and school officials in other jurisdictions have observed that necessary countermeasures for the threat of weapons on school campuses need to be tailored to the dynamics of the locale. Localized efforts in this regard have been successful in other jurisdictions to reduce significantly weapon incidents on campuses, as well as to intervene successfully in planned use of weapons on campuses. The specific countermeasures proposed to be considered in development of each program are those urged to the Task Force by law enforcement and in literature reviewed by the Task Force.

- (c) Allocation of resources primarily to the reduction of fighting and disorderly conduct incidents on school campuses.

COMMENT: Fighting and disorderly conduct are particularly targeted in this model because they comprise almost 60% of reported school safety incidents, contrasted with less than one percent each for incidents involving gang violence, hate crimes, and drugs and alcohol, each of which is likely to otherwise distract attention given the severity of such incidents and the popular appeal of combating such problems. Likewise, tobacco incidents comprise less than ten percent of safety incidents, but have attracted specific funding allocation by the Legislature to reduce youth tobacco use. Similar priority has not been given the apparently more pervasive problem of fighting and disorderly conduct.

- (d) In-service training for teachers, administrators, counselors, school resource officers and service providers for the purpose of identifying students who are at-risk of employing violence as a means of problem solving and for other social interaction, and identifying early warning signs for violence.

COMMENT: The Task Force has heard from several professionals and reviewed much written material that attest to the fact that there are identifiable warning signs of the propensity for violence, that the lay observed may not casually detect those signs and that specific training can increase the ability of educators to identify and intervene with at-risk students.

- (e) In-service training for teachers, administrators, counselors, school resource officers and service providers for the purpose of learning effective intervention strategies, confrontation management for verbal and physical violence and methods for disruptive and at-risk students, effective strategies to respond to incidents of violence and early warning signs of violence, and effective security and discipline methods.

COMMENT: Experts have informed the Task Force that teachers and prospective educators typically are afraid and unprepared to handle verbal and physical confrontation situations in school.

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- (f) Creation of diversion programs for students identified to be at-risk students, including in-school programs for students pertaining to nonviolent conflict resolution skills, anger management, ethical decision making, accepting personal responsibility, peer mentoring and, peer counseling and mediation.

COMMENT: Experts and written materials reviewed by the Task Force indicate that these types of measures reduce violence among students and weapons incidents, in particular by reducing the incidence of fights which escalate to weapon use.

- (g) Use of community resources and programs to promote safety on school campuses, use of programs which involve parents of students in promoting school safety, and use of local law enforcement agency assistance in promoting safety on school campuses.

COMMENT: Several experts have informed this Task Force that school violence is largely a symptom of larger social and familial ills or lack of support, in many cases due to a lack of direction and support for children in their home environment. School violence is a problem of the community at large and for parents, and therefore should logically involve the community.

- (h) Use of referral programs which provide and direct at-risk students and their families to social services, mental health and educational programs available in their community which are designed to address underlying problems contributing to the at-risk status of those students.

COMMENT: This proposal builds on that immediately above by recognizing that educators cannot solve all problems for students, notably where those problems are rooted in home environments in need of social services. However, the proposal recognizes that children spend a significant amount of time in the school setting, providing society with its greatest opportunity to identify and help solve these larger issues prior to a child becoming involved in the juvenile justice system.

- (i) Strategies for response by school administration, teachers and counselors to information received pursuant to ss. 230.335 and 232.19 as to charges filed against students, which are intended to intervene and provide services for those students to reduce the likelihood of further use of violence and criminal conduct.

COMMENT: This section is intended to ensure that information already mandated to be provided to educators is acted upon not only in identifying dangerous students, but also in obtaining support services which may reduce the likelihood of chronic violence and crime by those students.

- (j) Use of non-school hour activities to reduce juvenile crime and delinquency

COMMENT: This Task Force has been presented with data on numerous programs nationwide which attest to the success of providing productive, socially-redeeming activities for youth during non-school hours as a means to develop responsible attitudes and behaviors and directly reduce the incidence of juvenile delinquency, crime, pregnancy and the like.

- (k) Application of uniform standards for reporting school safety incidents to law enforcement

COMMENT: Less than 13% of school safety incidents are currently reported to law enforcement. While not all incidents warrant law enforcement referral, it is respectfully suggested that uniformity in this regard would both provide predictability and notice to students as to the consequences for their actions, as well as assist educators and the Legislature in assessing the threat of school violence and the appropriateness of solutions.

- (l) Use of architectural design and space management for development and use of school buildings and grounds to discourage the presence and use of weapons on campuses.

COMMENT: This Task Force has been presented with credible evidence that such measures as those proposed in this section can be very effective in reducing the likelihood and opportunity for weapons to be present and used on campuses.

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- (m) Development of age-appropriate curriculum with messages about violence in society and guns.

COMMENT: It is respectfully suggested that measures such as these are appropriate to offset other media influences which experts have informed this Task Force do influence youth to employ violence as a means of problem solving and social interaction.

- (n) Allocation of available resources for adequate provision of mental health care services to students, including measures to ensure that school guidance counselors spend at least 75 percent of their time on direct counseling and guidance related activities to students.

COMMENT: The Task Force has heard repeatedly of the inadequacy of counseling services to students, particularly as to non-counseling, administrative burdens which are currently placed on school counselors.

- (2) In establishing program criteria under section (1), the Department of Education shall allow sufficient flexibility for schools to employ measures which meet local needs and benefit from available community resources.

COMMENT: The Task Force has been made aware as it travels the State that local problems vary in nature and severity and that local resources and the nature of community involvement vary among locales. It is respectfully suggested that a successful school safety program ought to allow for local response to needs and resources, despite the merits of statewide standards proposed herein for the necessary elements of school safety programs and the need for a statewide mandate that such programs be developed in all schools.

- (3) The Department of Education shall develop rules for standardized data reporting from each school district relative to school violence incidents and crime on school campuses, and to allow uniform assessment of the school violence prevention programs developed under section (1).

COMMENT: This Task Force has received information that reporting and data accumulation as to school violence varies between jurisdictions. To properly assess the state-wide problem and the best use and allocation of state resources to help communities solve these problems, standardized reporting is urged.

August 23, 1999

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**CONCLUDING COMMENTS:**

It is respectfully requested that this Task Force consider inclusion of the concepts in this proposal in its recommendations, and further suggested that in considering the foregoing thought be given to an appropriate timetable for implementation of such programs.

The Task Force is further urged to suggest to the legislature that standards be established and funding be allocated to reduce the student/teacher ratios in our public schools. Many witnesses have opined that overcrowded classrooms not only promote violence, but reduce the ability of students to communicate to adults when they are having trouble academically and socially. Moreover, testimony reveals that which should be obvious, that large class sizes significantly reduce the ability of educators to get to know students well enough to identify those in need of support and services to reduce the likelihood that they resort to violence as a means of problem solving and self-expression.

## RECOMMENDATIONS

Senate Task Force on School Safety

by

Senator Anna Cowin

### General Philosophy

1. Zero Tolerance  
Weapons: Mandatory custody for arms possession  
Bomb threats
2. Want to make schools safe
3. Want to link agencies, education, law enforcement, community and all stakeholders
4. There are interventions and strategies that work - some schools doing excellent job
5. Lack of communication of what is effective and how safe (perception vs reality)
6. Data is generally inadequate - poor and unmonitored reporting
7. Dollars are available not necessarily focused
8. All safety is local -- in classroom  
in school  
Among children themselves

Develop General State Plan based (in part) on the OPPAGA Report (Letter Sept 3)--include Perception attitude & screening instrument. This plan should consist of Standards with the following:

Accurate data--sign off on plan and equivalent (# included is percent of student body correlate to school safety.

#### Physical Plant--

- Blueprint updated annually--internal, external
- School energy plan, crisis plan
- Inter-school--
- Intercom, intrusion plans, vandal watch towers
- Limited access, ID, trespass laws
- Placement of P.E. equipment, playgrounds

#### Students--

- Contracts
- Student crime watch/STOP
- Every child involved with school in some way--bond, perhaps vocational, sports, academic clubs all linked to curriculum
- Peer mediation
- Teen courts

#### Teachers--

- Matrix guide
- Inservice training 100% behavior management
- Link to law enforcement for training, e.g., behavioral contract
- Presence O/S classroom

#### Guidance--

- Include national standards--percent compliance
- Student/counselor ratio by school/district (349-1222:1)
- Depression management/referral--role reversal; to DCF, private crisis prevention/mediation; management with confidentiality; crisis intervention

#### Principals--

- School emergency plans
- tip boxes
- Development of plan
- Development of strike force with each school--network and code training

Parents--

Parenting classes; behavior management

Involvement + I with discipline support--adult presence; probation; contracts

Superintendent--

School emergency plans based on county standards---each school

Main coordinator--Like a maestro conducting

Community--

Each school claimed by defined community for resources--to businesses, churches, part of parent adv. goals

Community becomes part of plan for school

After school programs and linkage

Law enforcement--

Gun dogs/drug dogs--random searches

School resource officer, each school

Truancy plan with contracts

Funding--

State pooling of federal/state (\$70.35 million state/\$19.9 million federal)

Legislative funding stream formula



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Banking and Insurance  
Commerce and Economic Opportunities  
Fiscal Policy  
Transportation

**SENATOR JAMES E. "JIM" KING, JR.**  
8th District

### MEMORANDUM

**MEMO TO:** Senator Jack Latvala, Co-Chair  
Senator Buddy Dyer, Co-Chair  
Senate Task Force on School Safety

**FROM:** Senator James E. "Jim" King, Jr. 

**DATE:** September 7, 1999

**RE:** School Safety Task Force Recommendations

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I respectfully request that the Task Force on School Safety consider the following when preparing its final recommendations to the Legislature:

- 1) Suspensions should not be counted against a school that uses them.
- 2) We need to free up school guidance counselors' time so they can work directly with the students.
- 3) "Safe Schools" money should be made more flexible and up to schools and districts to spend as needed.
- 4) Vocational education should be made an acceptable choice for non-scholastic kids.
- 5) Kids should work, and "corporate Florida" should be encouraged to offer jobs to teach them.
- 6) We need more programs that involve "problem" kids - like Safe Teen, etc.- so they feel a part of the solution, not an addition to the problem.
- 7) We need to build safer schools - tiny tots away from parameter fences, etc., limited access, monitored access, 2-way communication from room to administrative offices.
- 8) More interaction between schools and law enforcement agencies.
- 9) More "random" drug sweeps and more drug dogs.

**REPLY TO:**

- 9485 Regency Square Boulevard, Suite 108, Jacksonville, Florida 32225-8145 (904) 727-3600
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030  
1-888-861-8761

Legislature's Website: <http://www.leg.state.fl.us>

TONI JENNINGS  
President

WILLIAM G. "DOC" MYERS  
President Pro Tempore

## Legislation

1. Zero tolerance for weapons, bomb threats, documented threats against teachers or students -- verbal or visible. Use of probation, behavior control.
2. Mandatory report of certain offenses.
3. Honor schools -- honor code.
4. State pooling of dollars with funding streams. Dollars flow based on compliance with standards, dollars to reward excellence, honor schools, dollars to complement strategies with time frame with community component.
5. Grading of schools based on safety and truancy plan and screening instrument and evaluation of compliance, with baseline assessment: Fail - Pass - Outstanding - Honor Schools.
6. Counseling component: More dollars with time on task and time ratio. Confidentiality with referral for mental illness.
7. State Clearinghouse of Models. "What Works" -- with "Learning Centers" that are examples of outstanding programs. Resource for schools/communities. Publish programs that are evaluated for effectiveness, e.g. teen centers, student crime stop, truancy prevention.
8. Standards -- general indicators that should be included in plans. Definition: Honor school=honor code; excellent=reduction in drug/violence indicators.
9. Advertising dollars -- linkage to community.