Schools Overlook Disabled Students

By DAVID UTTER

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The arrest and detention of a 9-year-old girl with mental illness at a Fort Myers school last month was more than just a personal tragedy for the family. It was a sad reminder that children with disabilities are not getting the special care they need in our schools and that too many are being shoved needlessly into the juvenile-justice system.

I'm not casting blame on individual police officers or school officials. I am saying, however, that the system is broken.

It's time to change the attitude pervasive in our schools that the police and the courts are the most appropriate way to handle children who have behavioral problems.

In this case, the girl was charged with two felony counts after she was accused of spitting at teachers and fighting their efforts to restrain her during a confrontation.

As the girl's mother told a reporter, the arrest was an extreme response to a child diagnosed with schizophrenia, obsessive oppositional disorder and attention deficit hyperactivity disorder. The girl's condition is why she was enrolled in Royal Palm Exceptional School, a special-needs school.
A statement issued by the Fort Myers Police Department after the girl’s arrest says a lot about the situation: "This was the end of the line, and it is a very fine line we walk. Now, she can be mandated by a judge to get the assistance she needs."

School officials echoed that sentiment. A spokesman said the juvenile justice system must be involved "in order to get the dominoes lined up in order to get the child the help they need."

I'm sure school officials thought they were doing the right thing. But it shouldn't take handcuffs and felony charges for a child with mental illness to get the help she needs.

In fact, this harsh approach - encouraged by zero-tolerance policies that have been in vogue for the past decade or so - is just flat wrong. And it's not working for anyone, least of all the children who get caught up in the cold bureaucracy of courts, judges and jails.

It is this approach that is feeding Florida’s most vulnerable children into the state's "school-to-prison pipeline" and, ultimately, into its adult prisons.

As a direct result of such policies, Florida schools sent almost 23,000 students to the juvenile justice system in 2006-2007 school year. This is a shocking number. Most of these children committed nonviolent offenses.

Typically, children in Florida are held in jail-like settings even before their cases have ever been heard by a judge - even though decades of research shows that detention harms young people and can contribute to future delinquency.

In Lee County last year, 19 children younger than 9 were processed for criminal offenses by the county's Juvenile Assessment Center, reported to The (Fort Myers) News-Press. That number dropped to nine children this year. However, 13 children who were 10 were processed by the center, as were 21 children who were 11 years old.

Why can't "the dominoes" be lined up sooner for these children?

Florida already spends more than $2 billion annually to incarcerate 93,000 adult inmates. The Department of
Juvenile Justice spends another $700 million, processing more than 91,000 youths each year.

How much more can we afford to spend? How many more young lives will be shattered before we try something different?

There's a better way, and it begins in Florida's schools.

First, zero tolerance needs to be reserved for the most serious crimes, not for minor, nonviolent offenses.

Gov. Charlie Crist's Blueprint Commission recommended this year that zero-tolerance statutes and policies be revised to eliminate the referral of youngsters to the juvenile-justice system for "petty acts of misconduct and misdemeanors."

It further recommended that suspension and expulsion should be avoided if possible, and that discipline should be based on the particular circumstances of the misbehavior - a major departure from the one-size-fits-all scheme that is zero tolerance.

Second, schools must begin providing the individual counseling, psychological and social services to children with learning disorders that are required under the federal Individuals with Disabilities Education Improvement Act.

The fact is that 70 percent of youths referred to the Florida juvenile-justice system each year have at least one mental health disorder. It will be far more economical, more humane and more effective to make sure these children get the help they need in school rather than to pay for incarceration later.

This is why the Southern Poverty Law Center and a coalition of civil rights groups have recently filed administrative complaints against the Hillsborough and Palm Beach County school districts. And it is why we've filed similar actions in Mississippi and Louisiana - actions that have brought significant reforms.

The stakes are simply too high to rely on the criminal-justice system to handle behavioral problems in our schools.
Students with mental disabilities need the appropriate services before they're arrested and making headlines in the local newspaper.

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