

March 4, 2019

Commissioner Richard Corcoran
325 West Gaines Street
Tallahassee, Florida 32399-0400

Dear Commissioner Corcoran,

Recently, the American Civil Liberties Union discovered that our state is failing to accurately report data to the U.S. Department of Education's Civil Rights Data Collection (CRDC). We write to inform you of this lapse and encourage you to examine current training and practices that led to this failure and institute safeguards to ensure federal and state policymakers are working with the most accurate data possible.



4343 West Flagler
Street, Suite 400,
Miami, FL 33134
(786) 363-1082
mmorton@aclufl.org

Michelle Morton
Juvenile Justice Policy
Coordinator

Under 34 CFR § 100.6(b), school districts and local education agencies are required to submit accurate data to the U.S. Department of Education ("shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times"). It is our understanding that, in Florida, districts report this information to your department, which in turn reports it to the CRDC. This process would seem to be ideal: allowing your department to oversee compliance and ensure consistency and accuracy in reporting; however, it seems it has not been successful.

As the enclosed report illustrates, Florida grossly underreports student arrests as well as employment figures. These are the only datapoints we analyzed, but the gross inaccuracies call into question other figures reported to the CRDC and reports the Fla. DOE publishes..

For students arrested, the CRDC appears to collect data largely comparable to the Florida Department of Juvenile Justice (DJJ).¹ Yet, the state reported a total of fewer than 2,000 students arrested during the 2015-16 school year, compared to the more than 7,300 reported arrested by the DJJ.² While the DJJ includes students who attend private and DJJ-affiliated programs, which were excluded from our CRDC analysis, these represent a small percentage of all arrested students and do not account for the large disparity in figures. We know, for example, that Polk County schools reported no students arrested for that school year, despite having a student arrest rate that is twice that of the state average.³

¹ Compare MasterList of 2015 - 2016 CRDC Definitions, *available at* <https://ocrdata.ed.gov/Downloads/Master-List-of-CRDC-Definitions.pdf>, ("School-related arrest refers to Refers to an arrest of a student for any activity conducted on school grounds, during off campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.") to Fla. DJJ School Delinquency Profile, *available at* <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-in-schools>, ("The Department of Juvenile Justice (DJJ) monitors the number of youth arrests received for delinquent offenses that were identified as occurring on school grounds, a school bus (or bus stop), or at an official school event. ... "Other" offenses such as Violations of Probation and court related charges are not included")

² Contrast Fla. DJJ School Delinquency Profile 2015-16, *supra* n. 1, with 2015-16 CRDC Data, *available at* <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16.html>.

³ Contrast Fla. DJJ School Delinquency Profile 2015-16, *supra* n. 1, with CRDC LEA Summary: Discipline, Restraints/Seclusion, Harassment/Bullying for Polk County, *available at* <https://ocrdata.ed.gov/Page?t=d&eid=31639&syk=8&pid=2278> (retrieved 1/25/19).



Likewise, the state reported a total of 26 full-time equivalent nurses to the CRDC. This would be a public health disaster. The Florida Department of Health reports, however, that there are more than 1,100 full-time equivalent nurses in our schools.⁴

Even for datapoints that your department tracks and publishes, there were vast disparities. Florida reported fewer than 200 of the more than 1,400 full-time equivalent school psychologists and fewer than 200 of the more than 1,100 full-time equivalent school social workers that the DOE reported in its *Staff in Florida's Public Schools Report* for the 2015-16 school year.⁵

As policymakers consider measures to protect and serve students, they need accurate information about the current situation. Mental health professionals set recommended student-to-staff ratios for best outcomes that are not being met. Policymakers need to know how far off from these recommendations our schools actually are. Competing figures produced by the same agency unnecessarily burden an already difficult task.

As the enclosed report highlights, supporting a healthy school climate is key in reducing violence. School-based mental health professionals are proven to play a key role in developing and supporting such a climate. The influx of armed guards, law enforcement and heavy, constant focus on the rare prospect of an active assailant in their school is stressing an already stressed generation of students. Although students today are less likely to commit crimes or to be murdered than previous generations, they are more likely to die of suicide. We must ensure students are well-supported by professionals trained in trauma-based care and developmentally appropriate intervention.

The first step to good policy is good information. We encourage you to ensure Floridians and policymakers have an accurate view of life inside Florida's schools.

Sincerely,

Michelle Morton
Juvenile Justice Policy Coordinator

⁴FL Dept. of Health, 2015-16 Summary of School Health Services, *available at* http://www.floridahealth.gov/programs-and-services/childrens-health/school-health/2015-16_School_Health_Data_Summaries.pdf.

⁵ FL Dept. of Education, Staff in Florida's Public Schools, 2015-16, *available at* <http://www.fldoe.org/core/fileparse.php/7584/urlt/Fulltime15162.xls>.