

Florida passed a sweeping new law in the wake of the Marjory Stoneman Douglas High School shooting. On February 14, 2018, there was a school shooting in Parkland Florida killing 17 and wounding 17 others. This tragic event created two movements, one by the students to pass reasonable gun control laws and one by the parents to put more guns into public schools. The parents won. On March 9, 2018, Florida passed the Marjory Stoneman Douglas High School Public Safety Act. This new law required all public schools in Florida to have an armed law enforcement officers on campus, upgrade security measures like metal detectors, bulletproof glass, steel doors, camera systems, communication systems and upgrade locks. Each school was also required to have threat assessment teams in each school along with an expansion of mental health services and mandatory safety drills. The law also put into place a red flag type law that allowed law enforcement to petition a court for a “risk protection order” to remove guns from a home if someone was violent or mentally ill.

This new law went into effect for the 2018-2019 school year. There was a lot of confusion regarding implementation of the law. For example, one requirement was that new students at registration would be required to disclose prior mental health treatment. Why this information was being disclosed, for what purposes and who would have access to this information was unknown. Each school district implemented the requirement differently and advocates were telling parents not to disclose any information until more was known about the use of such information. While the increase of law enforcement on school campus was seen and felt almost immediately, the impact of the other provisions of the law were not felt until the end of the 2018-2019 school year. This was due in large part to the release of the initial report of the Marjory Stoneman Douglas High School Public Safety Commission report on January 2, 2019. The commission was established in 2018 to analyze information from the Parkland shooting and other mass violence incidents in the state and address recommendations and system improvements. The first report issued on January 2, 2019, called out school districts, law enforcement agencies, local governments and mental health providers to adopt better security policies. One headline read, “You Can’t Teach Dead Kids.” Safety Report Warns Florida Schools to Do More After Parkland Shooting.” Along with the commission the governor also impaneled a grand jury to criminally investigate school districts for failing to implement the new provisions of this law. As a direct result, there was an increase in discipline and removals of students at the end of the 2018-2019 school year. The districts have swung back to a zero tolerance type approach to discipline and removals from school. Thus more students with disabilities were disciplined and subject to removals from school. There was a noted increase in hearings before the Division of Administrative Hearings objecting to removals for behaviors that were a manifestation of a disability. School Districts are running scared of the commission and the grand jury. School Board attorneys across the state are advising their clients – the school districts – to follow the law, to ask no questions, to provide no push back and to put safety above all else. If a student could be an issue, remove them. There is no discretion or individualized consideration. Safety has always trumped disability laws, and that conflict will only get worse as this law continues to be implemented.

The new school safety law combined with the public shaming by the commission and grand jury have made school districts less tolerant, more reactive and afraid. This results in more zero tolerance and less discretion. This results in more students with disabilities being treated as “problem” students and removed and pushout of public schools. It is important to note that the commission is made up of law enforcement, the parents of children murdered in Parkland, and one mental health counselor. There is no representation of the disability community or other marginalized students at the table. Law enforcement has for the first time had direct access to the public school system. The financial gain for law enforcement is undeniable. Also state wide mental health programs have received a financial boast.

Based upon the Commission’s first report, changes were made to the law. The changes included arming teachers and security guards in schools. In the 2019-2020 school year, 25 school districts in Florida will have armed security guards and/or teachers on school campus. Also in the 2019-2020 school year there will be a state wide data base tracking certain students. The “Florida Schools Safety Portal” became active on August 1, 2019. The data base will centralize sensitive information about certain students from different sources so that law enforcement can access the information more quickly. Students to be included in the system are those who have a history of mental health treatment, been in the foster care system, victims of bullying, students who have been arrested, baker acted and disciplined.

None of the measures being enacted will keep students safe from the next mass shooter. What will happen is that more students will be disciplined, arrested, baker acted and removed from school. These measures will disproportionately impact students of color and students with disabilities. There is no evidence based research that shows that students with disabilities or mental health issues are more violent or more likely to be a mass shooter. Collecting data on these students will not be able to predict the next shooter. It will however further stigmatize and marginalize these students, it will discourage victims from coming forward and reporting incidents of bullying and violence, it will discourage people from disclosing mental health issues and seeking help for those issues.

This law is creating a police state in our public schools and to what end. Public schools were to be places of equality and integration. Education was the great equalizer. Zero tolerance and law enforcement in public schools undermines these high ideals.