

# Chapter 76

## Public Administrators, School Safety, and Forms of Surveillance: Ethics and Social Justice in the Surveillance of Students' Disabilities

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### ABSTRACT

*In 2012, three minority students with disabilities died under a school district's watch. These tragedies placed the education, care and safety of students with disabilities on the public agenda. It put a high profile and an award-winning school superintendent on defense. What occurred in Tampa, Florida raises questions about school safety and equity across the country because it is located in the nation's largest school district. The public discourse shifted from performance to surveillance of a school district's most vulnerable population. In special education, surveillance includes a federally mandated process outlined in the 1975 Individuals with Disability Education Act (IDEA) where students with disabilities are identified, categorized and placed. Florida calls this Exceptional Student Education (ESE). Once eligible, school districts are required to monitor these students through an Individual Educational Program (IEP). This is a legal document that should reflect a school district's effort to provide a "free and appropriate education" (FAPE) in the "least restrictive environment" (LRE).*

### INTRODUCTION

*Throughout history, it has been the inaction of those who could have acted; the indifference of those who should have known better; the silence of the voice of justice when it mattered most; that has made it possible for evil to triumph. - Haile Selassie*

When the Hillsborough County Florida School Board fired their Superintendent, they fired a public service professional that headed an organization which employs more people than any other employer in

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the Tampa Bay region. In the eighth largest school district in the United States, this impacts a community. There were a large number of supporters that held the superintendent in high regard and another group that questioned her accountability, transparency and priorities toward the district's 29,000 students with disabilities ([www.ed.gov](http://www.ed.gov)). Superintendent Elia served when three minority students with disabilities died under her district's watch. This presented the disability community with an organizing principle to seek justice. Members spoke at various School Board meetings throughout the observation period between October 1, 2012 and January 20, 2015 (Sokol, 2013). They also made a showing on Facebook pages, such as *I Stand with Henry*, *I Stand with Daniel*, *Drive4Rebecca*, *Hillsborough ESE Reform*, *OlsonAndEliaMustResign* and other social media (Sokol, 2014). One cover photo features protesters with signs that read: *Stop the Cover Up; Justice for Bella; Protect our Kids; We Demand the Justice Department Investigate HCPS; Three Dead, Two Hurt, Why* (Sokol, 2012). This study explains the conflicting realities behind the School Board's vote to end Superintendent Elia's contract. The disability community had a strong presence the day of this decision as well as at meetings leading up to the vote (Matthews 2015). The example offered by Florida's disability community contributes to the evolution of tailored surveillance in public special education. The expertise theory provide is experience-based with every intent to keep these students from harm.

## **LEGISLATION SHAPING SURVEILLANCE**

This study uses Exceptional Student Education (ESE) and special education interchangeably since the former is the term identified in Florida's laws related to special education. Before delving into a discussion of surveillance in public education, a brief overview of disability legislation will frame the discussion of school safety and surveillance to show how it is different than providing for school safety to the general non-disabled student population. Before 1973, when the United States Congress passed the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (1973), there was state legislation that guided the education of students with disabilities. In Florida, the legislature initially was dismissive of the education of children with disabilities. It excluded students with disabilities from compulsory education in 1916. The first special education class was in Jacksonville, Florida in 1926 (Cullar, 1991). By 1941, school districts in Florida were allowed to serve students with physical disabilities. Four years later, districts admitted students who were "educable mentally retarded" (Cullar, 1991). These students were identified as exceptional children through an Exceptional Student Education (ESE) program that began in 1946. This is the foundation of the term used in Florida for special education. The Exceptional Program grew to include the Deaf and Blind in St. Augustine, the Sunland Training Center in Gainesville and the Children's Program at South Florida State Hospital (Cullar, 1991). The sixties brought programs that added larger print books for the visually impaired, a psychiatric center at the University of Florida and vocational rehabilitation.

By 1973 ESE coexisted with laws linked to public education but continued to be underfunded. This coincided with Congress passing Section 504 of the Rehabilitation Act (1973), a civil rights law that gives students with disabilities the right to go to school free of discrimination. Section 504 puts schools on notice to keep these students from harm. Congress passed the Education for Handicapped Children Act in 1975. Its name changed to what is known as the Individuals with Disabilities Education Act (IDEA). It provides a framework for surveillance that contributes toward a tailored definition of quality

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