June 8, 2022

Chairwoman Carolyn Maloney
United States House of Representatives
2308 Rayburn House Office Building
Washington, DC 20515

Ranking Member James Comer
United States House of Representatives
2410 Rayburn House Office Building
Washington, DC 20515

RE: Embrace What Works, Avoid What Doesn’t: Students Need Care and Supports not Punishment, Control and Physically Violent Coercion; Not Police in Schools

Dear Chairwoman Carolyn Maloney and Ranking Member James Comer,

The Federal School Discipline and Climate Coalition (FedSDC) sends this letter to the Committee on Oversight and Reform to express our concerns and opposition to the presence and expansion of police in schools, school hardening, student threat assessments, and the arming of educators. FedSDC advocates for evidence-based strategies that employ positive and inclusive school environments and culturally-sustaining school climates and police-free schools. We are alarmed by calls to increase support for school police, school security, surveillance, and student threat assessments, each of which has been shown to expand education inequities and disparities and harm students, particularly Black and Brown students, including with disabilities and LGBTQ+ students.

Instead, we call for a national commitment to evidence- and relationship-based policies and practices that promote healthy school communities, culturally-sustaining, and positive school climates. Specifically, we call for: 1) replacing school police with mental health programs and personnel; 2) ending all physical punishment, abuse, and trauma, including corporal punishment and restraint and seclusion; and 3) replacing racist punitive exclusionary discipline with culturally-sustaining and restorative practices that teach rather than punish. To promote the well-being of student’s, youth and children in our nation’s schools and advance healthy and inclusive schools, federal, state, and local policymakers should refrain from “quick” - but ineffective - “fixes” that expands disparities and inequities, and instead focus on school climate-building and care for those suffering from trauma, especially given increased student mental health needs following the pandemic.

The tragedy at Robb Elementary in Uvalde, Texas provides a stark illustration of the failure of law enforcement in schools to protect our children. Police at the scene stood down for over an hour, despite emotional 911 calls from terrified children and pushback from angry parents as 19 students and teachers were brutally murdered. Both school police and the students themselves
had engaged in active shooter drills for just such an eventuality. The students followed the instructions, hiding under their desks and urging each other to strict silence. But in clear violation of multiple trainings, common sense, and basic human decency, numerous police officers, and even their backups stood by and allowed the slaughter of 19 innocent children.

Unfortunately, these data points are in not unique. In four (4) high-profile school shootings in 2018, Marshall County High School (Kentucky), Marjory Stoneman Douglas High (Florida), Great Mills High School (Maryland), and Santa Fe High (Texas), armed campus police officers did not deter school shooters.\(^1\) An analysis by Texas State University’s Advanced Law Enforcement Rapid Response Training Center found that armed staff did not end school shootings.\(^2\) In the last three years, there have been 81 public school shootings resulting in casualties.\(^3\) School police have been shown to make a difference in only three.

Police have been placed in schools for at least 80 years,\(^4\) at a national expense of over 14 billion dollars\(^5\). This estimate does not include additional funding for school hardening measures. Yet extensive and rigorous data show that the presence of school-based law enforcement in no way ensures the safety of students or teachers. A recent study of Federal COPS Office grants found a 6% increase in middle school discipline incidents, driven by officers applying more sanctions to Black students for low-level infractions.\(^6\) When North Carolina provided matching state funds for school resource officers (“SROs”), researchers found no reduction in reported disciplinary acts.\(^7\)

Rather than improving climate, using police negatively impacts schools. The presence of police in schools unnecessarily harms and disproportionately criminalizes Black and Brown students, youth, and children. Where police are present, suspensions and expulsions go up, as do arrests.\(^8\)

\(^5\) The Advancement Project and Alliance for Educational Justice. (2019), We came to learn. https://wecametolearn.com
The increases in disciplinary exclusion as a result of police presence is especially troubling, since students who are suspended or expelled are up to three times more likely to become involved with the juvenile legal system. Making this worse is that most students are arrested for non-criminal, low-level incidents, commensurate with typical adolescent behavior. In a recent survey, 68% of SROs had arrested a student for a minor offense “just to show that actions have consequences.” Another 77% had arrested a student “because it was the only way to calm them down.” Arresting students for minor incidences defies the rhetorical purpose behind arguments to put more police in schools. There are far more effective and developmentally appropriate ways to de-escalate students than using law enforcement. Police in schools pits staff against students, especially in BIPOC schools: While police in white schools see their role as protecting students from external attacks, school police in diverse urban schools see students themselves as the threat. Adverse police contact results in students who are less likely to graduate, succeed academically, and have stable employment. These combined factors substantially increase one’s likelihood of involvement with the juvenile or criminal legal system.

Ending police in schools is a civil and human rights imperative. While Black children represent 15 percent of all children in school nationwide, they make up 33 percent of the children arrested, despite research showing that Black and Brown children do not misbehave more than their white counterparts. Certain subgroups, like Southeast Asian American children of refugees, are also disproportionately affected by police in schools. Black girls are also disproportionately impacted: In 2017-18 school year, Black girls were three times more likely to be referred to law enforcement and four times more likely to be arrested at school than white

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girls.\textsuperscript{18} Troublesome disparities also exist for children with disabilities, who are nearly three times more likely to be arrested than children without disabilities.\textsuperscript{19} There have been over 200 documented incidents of physical and sexual assaults on students by police.\textsuperscript{20} These incidents have resulted in numerous student injuries--such as the 2021 attack by an SRO on a 9th grade Black girl at Eustis High School in Florida--and even deaths-- in Oakland in 2011 and Long Beach in 2021.\textsuperscript{21} A Florida SRO repeatedly sexually abused a student and in Minnesota, a former SRO recently pleaded guilty to sexual misconduct involving multiple female students.\textsuperscript{22} LGBTQ+ students have also reported hostile interactions with, and verbal assaults by, the SROs been appointed to protect them.\textsuperscript{23} Surveys have shown that Black and Brown students are significantly less likely than white students to approve of police in their schools.\textsuperscript{24} Interviews with Black and Brown students find that non-white students do not typically view law enforcement as friends or mentors, but are often afraid and distressed by the harsh and discriminatory treatment they receive from law enforcement.\textsuperscript{25} Students in towns and cities across the nation have organized themselves into an effective voice against what they realize is the criminalization of youthful behavior caused by school hardening vis-à-vis school security and school policing.\textsuperscript{26} The civil rights issues of school policing should be as concerning to lawmakers as they are to impacted students and families.

This issue is not without history. FedSDC has long demanded and maintained that our schools should not mirror jails and prisons or a criminal legal system that replicates and reinforces patterns of racial and economic oppression. The racist roots of our criminal legal system are well documented, tracing a path from enslavement, Black Codes, convict leasing, and Jim Crow laws, to mass incarceration, the War on Drugs, and the school-to-prison pipeline.\textsuperscript{27} Awareness of


\textsuperscript{19} American Civil Liberties Union (2019).

\textsuperscript{20} The #AssaultAtMap chronicles over 200 acts of police violence against students since 2007. Advancement Project. \url{https://policefreeschools.org/map/}

\textsuperscript{21} Advancement Project. \url{https://policefreeschools.org/map/}

\textsuperscript{22} KSTP. (28 March 2022). Ex-Cottage Grove SRO pleads guilty to 7 criminal sexual conduct charges. \url{https://kstp.com/kstp-news/local-news/ex-cottage-grove-sro-pleads-guilty-to-7-criminal-sexual-conduct-charges/}


\textsuperscript{27} For more information on the racist history of policing and its extension to our schools, see The Advancement Project and Alliance for Educational Justice. (2019). \textit{We came to learn}, \url{https://wecametolearn.com/#assaultat-map}.
historical injustice is not, as some have claimed, for the purpose of arousing White guilt, but rather to avoid repeating past mistakes. In the south, corporal punishment is most frequent today in the same counties marked by the highest incidence of historical lynchings. In the 1990s, ancient stereotypes of the dangerous Black man fueled mass incarceration, damaging the lives of millions of Black men and women, and zero tolerance, pushing millions of Black and Brown children into the school-to-prison pipeline. Those who do not learn from the errors of the past are doomed to repeat them. Proponents argue that police in schools benefits students; but by all measures this argument is merely rhetorical. It is critical to recognize the devastating harm to young people’s educational outcomes and futures caused by increased police presence in schools. The direct result of police in schools is the criminalization of typical child and adolescent behavior, with deep and disturbing racialized implications.

There are clear alternatives to the physical violence, trauma, victimization, coercion, and control inherent in school policing and school hardening. Those alternatives, emphasizing care and relationship-building, are supported by solid evidence from over 20 years of research. Specialized instructional support personnel who are trained and skilled in addressing the mental health needs of children are far more effective than armed police in identifying and addressing the root causes of disruption and violence. Yet massive spending on law enforcement has left mental health support positions seriously under-represented in schools in comparison to accepted professional standards. Funding priorities that emphasize school hardening and police presence short-change the very strategies that have been shown to be more effective in protecting and nurturing students. This is not merely a difference in disciplinary philosophy. Researchers, educators, and advocates have consistently presented compelling evidence that coercive approaches contribute to a cycle of disorder and criminalization. In contrast, positive and preventive strategies grounded in care and relationship-building foster school climates that are safe, academically effective, and personally sustaining, without sacrificing the futures of our children.

We are also concerned and appalled at the policy proposals that were offered as solutions during the June 8, 2022, House Committee on Oversight and Reform Hearing on, “The Gun Violence Epidemic,” including:

- Shifting hundreds of billions of dollars in schools to hire police in schools and armed staff or arming educators.
- Elimination of gun free schools zones.
- School hardening approaches that include chained and locked doors, fortifying armed forces inside of schools.
- Student threat assessments and a focus on labeling and punishing students who need mental health services as high-risk or “significant threats.”

These proposals are ineffective, racist policy and discriminatory. The sparse data on such measures provide no evidence that they will protect the safety of our nation’s students, youth, and children. Rather, they will perpetuate stigmatizing, prejudiced and racist attitudes and practices that yield inappropriate and disproportionate school removals, criminalization, and marginalization, and in far too many cases injury or death. Further, by diverting needed resources from effective programs and interventions, these measures severely undermine efforts to produce positive, affirming, and sustaining school climates.

Simply put, we need to abandon what does not work, and embrace what does. The terror and tragedy of Uvalde is a striking illustration of what the evidence has been telling us all along. Since first piloted in Los Angeles and Michigan in the 1950s, school policing has been a disaster for a large proportion of our nation’s children. Despite its allure, school hardening does not increase school safety or protect students. It is time to stop wasting resources on baseless programs and redirect resources towards proven and effective strategies—mental health personnel and proactive, culturally-sustaining, and relevant interventions—that can prevent violence, and contribute to a positive, healthy, inclusive, and culturally-sustaining school climate.

Regardless of the urgency of the moment, we must still act with wisdom, and not allow ourselves to again be railroaded into policies and practices devoid of evidence and that harm Black and Brown students, youth, and children. We call on the House Committee on Oversight and Reform and Congress to implement effective solutions by supporting and passing the Counseling Not Criminalization in Schools Act of 2021 (CNC -HR 4011/S.2125); Protecting Our Students in Schools Act (POSSA – HR 3836/S.2029); and Keeping All Students Safe Act (KASSA – HR 3474/S.1858).

We look forward to working with you to ensure students and youth are afforded every opportunity to attend positive, inclusive, culturally-sustaining and healthy schools that protects and promotes the well-being of all students, youth and children. If you have any questions about the issues raised in this letter, please contact Christopher Scott, The
Open Society Policy Center at Christopher.Scott@opensocietyfoundations.org, or Breon Wells, The Daniel Initiative at Breon.Wells@thedanielinitiative.com.

**ABOUT FedSDC**

FedSDC is a diverse group of local community organizers, national organizations, and directly impacted students, youth, families, and community members committed to advocating for legislative and federal action to protect the interests and educational rights of Black and Brown students and youth through a racial and educational equity lens. Establishing police-free schools while implementing effective, non-punitive, and culturally-sustaining practices in schools and alternatives to school discipline, is a core value for our coalition.

Sincerely,

The Federal School Discipline and Climate Coalition (FedSDC)

Cc:
Sen. Patty Murray – Chair, Senate Health, Education, Labor & Pensions Committee
Rep. Bobby Scott – Chair, House Education and Labor Committee
Rep. Virginia Foxx – Ranking Member, House Education and Labor Committee
Sen. Charles Schumer – Majority Leader of the United States Senate
Sen. Mitch McConnell – Minority Leader of the United States Senate
Rep. Nancy Pelosi – Speaker of the House
Rep. Kevin McCarthy – House Minority Leader
United States Senate
House of Representatives
Dr. Miguel Cardona – United States Secretary of Education
Merrick Garland – United States Attorney General
White House Domestic Policy Council