



# DIGNITY IN SCHOOLS

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President's Task Force on 21<sup>st</sup> Century Policing  
Office of Community Oriented Policing Services  
U.S. Department of Justice  
145 N Street, N.E., 11<sup>th</sup> Floor  
Washington, DC 20530

Dear members of the Task Force on 21<sup>st</sup> Century Policing,

The Dignity in Schools Campaign (DSC) welcomes the opportunity to submit comments to the Task Force on 21<sup>st</sup> Century Policing and to highlight how students of color, students with disabilities, and LGBTQ students are negatively impacted by discriminatory policing practices in schools that criminalize them, push them out of school, and contribute to the School-to-Prison Pipeline. The DSC is a coalition of 92 organizations from 24 states, including students, parents, educators, researchers, and LGBTQ, civil rights and education organizations, dedicated to ending punitive school discipline practices that push students out of school. DSC is committed to the vision of a fully functional, accountable, and successful public school system that protects every student's human right to a quality education and to be treated with dignity. We urge the Task Force to consider the recommendations outlined herein to end the criminalization of children in our nation's public schools and promote positive school climates and inclusive discipline policies and practices.

For decades, we have witnessed the increased criminalization of our nation's youth, especially youth of color, LGBTQ youth, and students with disabilities, through the implementation of "zero tolerance" school discipline practices enacted after high-profile tragic school shootings.<sup>1</sup> The 1994

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<sup>1</sup> "We have seen young people who are pushed out of schools by hostile and prison-like school cultures. We have seen time, energy, and resources devoted to the criminalization, not the education, of young people." *Police in Schools Are Not the Answer to the Newton Shooting*, January 2013, at 4, Joint Brief of the NAACP Legal Defense and Educational Fund, Inc., Advancement Project, Dignity in Schools Campaign, and the Alliance for Educational Justice, available at [http://www.naacpldf.org/files/publications/Police in Schools are Not the Answer to the Newtown Shooting - Jan. 2013.pdf](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting%20-%20Jan.%202013.pdf).

Gun-Free Schools Act,<sup>2</sup> originally enacted to prohibit weapons on school campuses, further spurred the proliferation of these “zero tolerance” policies.<sup>3</sup> Under “zero tolerance” policies, students can be automatically expelled for certain disciplinary infractions. Initially, these infractions were limited to possession of firearms on school grounds, but increasingly, they became applicable to minor misbehavior, such as “disrespect.” This has resulted in higher rates of school-based arrests, again, for mostly minor and non-violent offenses. Instead of improving school safety, these practices have blurred the lines between school discipline and school safety, pushing students out of school and into the juvenile justice system,<sup>4</sup> particularly through increased reliance on police in schools to handle routine discipline matters.<sup>5</sup>

In fact, increased police presence in schools has disproportionately affected the number of students of color, LGBTQ students, and students with disabilities being referred to the juvenile justice system and subjected to school-based arrests. For instance:

- Although they represent only 16 percent of public school enrollment nationwide, African-American students comprised 31 percent of students subjected to a school-related arrest in the 2011-2012 school year.<sup>6</sup> This is despite data showing that African-American students do not misbehave more frequently than their peers.<sup>7</sup>
- Students with disabilities, although representing only 12 percent of the overall student population, comprised a quarter of students referred to law enforcement in the 2011-2012 school year.<sup>8</sup>
- Research shows high rates of bullying of LGBTQ students by both their peers and by school staff and targeting of LGBTQ students by school police for punitive discipline.<sup>9</sup>

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<sup>2</sup> 20 U.S.C. § 7151 (2002). The original Gun-Free Schools Act of 1994 was repealed and re-enacted in part in the reauthorization of the Elementary and Secondary Education Act (ESEA) of No Child Left Behind (2002). Noting, that “[e]ach State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school.”

<sup>3</sup> Dr. Monique W. Morris, October 21, 2014, *Black Girls and 20 Years of Zero Tolerance Policies*, Ebony Magazine, available at <http://www.ebony.com/news-views/black-girls-and-20-years-of-zero-tolerance-policies-943#axzz3SaVWRnQj>.

<sup>4</sup> *Police in Schools Are Not the Answer to the Newton Shooting*, January 2013, at 4, Joint Brief of the NAACP Legal Defense and Educational Fund, Inc., Advancement Project, Dignity in Schools Campaign, and the Alliance for Educational Justice, available at [http://www.naacpldf.org/files/publications/Police in Schools are Not the Answer to the Newtown Shooting - Jan. 2013.pdf](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting%20-%20Jan.%202013.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> Department of Education-Office for Civil Rights, Civil Rights Data Collection, March 21, 2014, Data Snapshot: School Discipline, available at <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

<sup>7</sup> Skiba, Russell, et. al, *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, Policy Research Report #SRS1 (June 2000), the Indiana Education Policy Center; Rudd, Tom, *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*, Kirwan Institute Issue Brief, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, February 2014.

<sup>8</sup> *Id.*

<sup>9</sup> “Research shows that LGBTQ youth of color in particular face persistent and frequent harassment and bias-based bullying from peers and school staff as well as increased surveillance and policing, relatively greater incidents of

Increased police presence in schools also significantly and negatively impacts school climates, with many schools resembling correctional institutions, rather than institutions of learning. Every day, students attend schools where they pass through metal detector screenings, are pepper-sprayed by school police, and subjected to humiliating body searches, which promote what scholar Dr. Monique W. Morris terms a “culture of surveillance,”<sup>10</sup> with students of color, students with disabilities, and LGBTQ students most likely to be targeted.<sup>11</sup>

In addition, many students report high rates of excessive use of force by school police. Students report that school police routinely use tasers and pepper spray on students for minor offenses. DSC supported the filing of a complaint with the Department of Justice against Wake County Public Schools in Wake County, North Carolina, in light of reports of excessive use of force by school police against African-American students. In one reported incident, school police were called to respond to a water balloon fight, resulting in the arrest of seven students.<sup>12</sup> Similar reports of excessive use of force by police in schools have been filed all over the country, including in Texas and in California. Increased police presence in schools has only contributed to the practice of criminalizing adolescent behavior that formerly would have been addressed through instructive, in-classroom discipline.<sup>13</sup>

DSC also supported other civil rights and education organizations calling for an end to the Department of Defense’s 1033 Surplus Military Equipment program’s lending of military weapons to law enforcement agencies for use in K-12 schools. DSC is concerned about the use of military weapons by school police in routine discipline matters and reports of several school districts receiving high-grade military weapons, including AR-15s, M-16s, and Mine-Resistant Ambush Protected (MRAP) vehicles – districts receiving such weapons include districts in Texas, Florida, and California. After media reports, some districts returned the military weaponry and DSC has launched an online petition,<sup>14</sup> which currently has over 1,000 signatures, calling for an end to the

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harsh school discipline, and consistent blame for their own victimization.” Burdge, Hilary, et. al, Gay-Straight Alliance Network (GSA Network), *LGBTQ Youth of Color: Discipline Disparities, School Push-out, and the School-to-Prison Pipeline*, available at, <http://www.gsanetwork.org/Pushout-Report>.

<sup>10</sup> See Dr. Monique W. Morris, October 21, 2014, Black Girls and 20 Years of Zero Tolerance Policies, *Ebony Magazine*, available at <http://www.ebony.com/news-views/black-girls-and-20-years-of-zero-tolerance-policies-943#axzz3SaVWRnQj>.

<sup>11</sup> *Police in Schools Are Not the Answer to the Newton Shooting*, January 2013, at 4, Joint Brief of the NAACP Legal Defense and Educational Fund, Inc., Advancement Project, Dignity in Schools Campaign, and the Alliance for Educational Justice, available at [http://www.naacpldf.org/files/publications/Police in Schools are Not the Answer to the Newtown Shooting - Jan. 2013.pdf](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting%20-%20Jan.%202013.pdf).

<sup>12</sup> The Center for Public Integrity, January 24, 2014, *North Carolina Complaint Alleges Excessive Force by Police in Schools*, available at <http://www.publicintegrity.org/2014/01/24/14158/north-carolina-complaint-alleges-excessive-force-police-schools>.

<sup>13</sup> See Dr. Monique W. Morris, October 21, 2014, Black Girls and 20 Years of Zero Tolerance Policies, *Ebony Magazine*, available at <http://www.ebony.com/news-views/black-girls-and-20-years-of-zero-tolerance-policies-943#axzz3SaVWRnQj>.

<sup>14</sup> Dignity in Schools Campaign, Petition to President Obama and Congress, End the 1033 Program’s Lending of Weapons to Law Enforcement in K-12 Public Schools, available at <https://www.change.org/p/barack-obama-end->

1033 Program's lending of such weapons for use by school police. In light of reports of excessive use of force with weapons like tasers and pepper spray, high-powered military weapons only further contribute to the criminalization of students and the militarization of our nation's public schools.

The consequences of increased police presence in schools and the resulting discipline disparities are significant, especially for students of color, LGBTQ students, and students with disabilities. These students are more likely to experience poor educational outcomes, accompanied by feelings of alienation and disengagement from the learning environment.<sup>15</sup> The American Academy of Pediatrics, the American Psychological Association, and the Council of State Governments, have all identified links between exclusionary discipline (like out-of-school suspensions and police interactions) and lower academic achievement and higher dropout rates.<sup>16</sup> Academic outcomes are, therefore, strongly linked to discipline practices that keep kids in the general classroom and engaged in learning.

To promote positive school climate and help reform overly punitive and discriminatory discipline practices by police in schools, we forward the following recommendations:

### **Recommendations to End Discriminatory and Overly Punitive Discipline Practices by Police in Schools**

- Reduce federal funding for police in schools and target federal funding towards best practices for inclusive discipline and alternatives to overly punitive discipline practices, including Restorative Justice practices, peer mediation, Social and Emotional learning (SEL) curricula, and Schoolwide Positive Behavioral Interventions and Supports (SWPBIS). Such funding should also incentivize replacing school-based law enforcement officers with other school-based support staff, including school counselors, mental health professionals, and community intervention workers, who are essential for building relationships with students and maintaining school safety.

For school districts where police officers are already placed within schools:

- End the use of existing police, School Resource Officers (SROs) or other law enforcement personnel assigned to schools for the handling of minor, non-violent, routine discipline matters.

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[the-1033-program-s-lending-of-weapons-to-law-enforcement-in-k-12-public-schools?recruiter=198516886&utm\\_source=share\\_petition&utm\\_medium=email&utm\\_campaign=share\\_email\\_response](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting.pdf) (currently at 1,022 signatures)(last visited February 23, 2015).

<sup>15</sup> *Police in Schools Are Not the Answer to the Newtown Shooting*, January 2013, at 4, Joint Brief of the NAACP Legal Defense and Educational Fund, Inc., Advancement Project, Dignity in Schools Campaign, and the Alliance for Educational Justice, available at [http://www.naacpldf.org/files/publications/Police in Schools are Not the Answer to the Newtown Shooting - Jan. 2013.pdf](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting.pdf).

<sup>16</sup> *Id.*

- Target federal funding towards mandatory training of school police on implicit bias<sup>17</sup> and how it impacts discretionary disciplinary decisions, cultural competency training, trauma-responsive approaches to discipline, and youth development.
  - Both educators and law enforcement officers assigned to schools must undergo training in evidence-based practices, including: conflict resolution practices and incident de-escalation techniques; crisis management; effective strategies for asserting authority with teens, recognizing age-appropriate behavior and providing developmentally appropriate responses; racial bias and culturally responsive pedagogy; recognizing behaviors that may be caused by disabilities and appropriate responsive pedagogy, the Individuals with Disabilities Education Act (20 U.S.C. 1400, *et seq.*) (IDEA) and its requirements concerning discipline of children with disabilities; the school’s plan for improving school climate and maintaining student safety, and any evidence-based disciplinary practices used by the school.
  - Federal funding should be targeted to districts so that training can occur prior to placement of officers in schools (pre- service), must re-occur quarterly (in-service), and must be conducted by professionals in the relevant fields, including school counselors, school social workers, school psychologists, child and adolescent psychiatrists and other qualified professional personnel.
  
- Require school districts receiving federal funding to implement a Memorandum of Understanding (MOU) between the school district and grantee law enforcement agency placing police officers within the school. The agreement shall specify that the goal of placing law enforcement in schools is to promote safety, and also specify that the agreement is in place to limit police involvement in school discipline issues. It should not that law enforcement should to be used in school discipline only as a last resort. Other parameters of the MOU should specify scope of use of allowable police actions in: searches of student lockers (ensuring adherence to constitutional search requirements); questioning of students (again adhering to constitutional standards); prohibition on strip searches of students.
  
- Ensure that the grantee school districts compiles and reports on a quarterly basis to the granting federal agency comprehensive data (disaggregated by student subgroups, including race, gender, disability status, and self-reported LGBT status and cross-tabulated) on student interaction with law enforcement, including interactions, arrests, ticketing, citation, summons or other referrals to law enforcement, as well as interactions with law enforcement that do not result in formal referral to the justice system.
  - This data should include steps taken to address the issue prior to police involvement (if applicable) the manner in which the officer(s) was (were) notified, any searches or questioning of students, arrests or other referrals to court made, and tickets, citations, or summonses issued.

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<sup>17</sup> Implicit bias is defined as “the mental process that causes us to have negative feelings and attitudes about people based on characteristics like race, ethnicity, age, and appearance. Because this cognitive process functions in our unconscious mind, we are typically not consciously aware of the negative racial biases that we develop over the course of our lifetime.” Rudd, Tom, *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*, Kirwan Institute Issue Brief, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, February 2014.

- This data should be regularly monitored by federal, state, and local governments for indications that police are inappropriately involved in school discipline matters and/or that racial disparities exist. Full submission and certification of data reporting shall be a prerequisite for continued funding.
- This data should be publicly available and provided to parents. Such data must respect student privacy, but to the extent possible detail the specific charge and interaction between student and school police. Incidents referred to outside police departments should also be documented and reported.
- School districts and police departments that place law enforcement officers in schools shall establish a complaint process for any member of the school community or public to report the misconduct of officers involved in a school-related incident. Complaints must be swiftly investigated by an independent body and resolved in writing.
  - Where a complaint alleges serious abuse by an officer, that officer may not be deployed to respond to any school-based infraction until the complaint is resolved.
  - Where allegations of serious abuse against an School Resource Officer (SRO) or police officer are substantiated, the officer must be permanently suspended from any school detail. Statistics on filed and resolved complaints must be reported annually.
- The school district should establish a stakeholder group of students, teachers, administrators, parents, health professionals, and community leaders to monitor adherence to the MOU and the complaint process. This group should be empowered to receive any and all data related to school-based offenses from the police department and the school district (subject to applicable laws and regulations) and can make recommendations to the school district and the police department concerning school safety and climate and/or changes to the agreement. School district staff and the police department must be required to meet regularly with this group to discuss school safety and climate and to review protocols and training needs as necessary.

We thank you for this opportunity to comment and for the opportunity to urge action to end discriminatory and overly punitive discipline practices by police in schools. The education of our nation's children in positive school climates is central to ensuring positive educational outcomes. If you have any questions regarding this letter, please contact Janel George with the NAACP Legal Defense and Educational Fund, Inc. (LDF) at 202-682-1300. Thank you for your time and consideration.

Sincerely,

Dignity in Schools Campaign  
 (www.dignityinschools.org)