



October 28, 2020

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**SUPPORT CHILDREN'S HEALTH AND WELL-BEING
COSPONSOR S. 4360, THE COUNSELING NOT CRIMINALIZATION IN
SCHOOLS ACT**

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 119 undersigned organizations, we urge you to cosponsor S. 4360, the Counseling Not Criminalization in Schools Act. This legislation would divert federal funding away from school-based law enforcement and toward evidence-based and trauma-informed services that create positive learning environments. Children deserve the chance to learn, grow, and thrive in schools. After spending roughly \$1 billion in federal funds on increased police presence in schools with no increased safety or improved climates, the evidence shows that school-based police have no place in that environment.

Young people themselves have long led the way in calling for police-free schools.¹ Their demands are now, finally, being met in some communities, as the national reckoning with violent policing – especially police violence directed at Black people – and corresponding policing budgets is forcing long overdue change.² Congress has a responsibility to children and youth to reserve federal funds for counselors, nurses, and those supportive adults who are specially trained to help build positive learning environments and support children's success. The Counseling Not Criminalization in Schools Act prohibits federal funds that support the hiring, recruitment, and placement of police officers on K-12 school campuses and, instead, establishes a \$2.5 billion grant program to invest in school districts that remove law enforcement so that schools can provide adequately trained personnel and trauma-informed services to improve the learning environment for children.

Federal support for school-based law enforcement directly promotes the school-to-prison pipeline. Much of this funding has come through the Department of Justice Office of Community Oriented Policing Services (COPS). COPS has provided approximately \$1 billion in federal grants to state and local governments for the policing, surveillance, and

¹ Riley, Katie. "Police Do Not Belong in Our Schools.' Students are Demanding an End to Campus Cops After the Death of George Floyd." *Time*. June 5, 2020. <https://time.com/5848959/school-contracts-police/>.

² Jones, Sarah. "Protests Are Galvanizing Demands to Take Cops Out of Schools." *Intelligencer*. June 12, 2020., "Should police officers be in schools? California education leaders rethink school safety." *EdSource*. June 11, 2020., "The End of Police in Schools." *U.S. News*. June 12, 2020., "While The Push to Defund Phoenix Police Grows Stronger, Activists Want Officers Out of Schools." *The Copper Courier*. June 16, 2020., "Current city budget proposal would remove police from RCSD schools." *Democrat & Chronicle*. June 3, 2020., "Fort Collins students rally for change to Poudre School District race, policing policies." *Coloradan*. June 8, 2020.

militarization of schools.³ The largest sustained effort of DOJ’s COPS Office was the Cops in Schools (CIS) Program⁴, which funded the hiring and training of thousands of school resource officers (SROs) by local law enforcement agencies.⁵ This has had a profound impact on the number of law enforcement officers in schools, with almost 57 percent of public schools nationwide reporting having security staff present at least once a week as of 2016.⁶ Much like law enforcement presence more generally, the increase in officers in schools disproportionately harms students of color, students with disabilities, and LGBTQ students.

Recent research has directly linked the COPS Program funding to negative outcomes for students. For example, after reviewing data from 2.5 million students, researchers found that receiving federal COPS funding for school police in Texas increases disciplinary rates for middle school students by 6 percent, and exposure to the CIS grant decreases high school graduation rates by approximately 2.5 percent and college enrollment rates by 4 percent.⁷ Another study examining the more recent COPS Hiring Program compared public schools that enhanced SRO staffing through that federal funding with a matched sample of schools that did *not* increase SRO staffing at the same time. The researchers concluded that the “findings suggest that increasing SROs does not improve school safety and that by increasing exclusionary responses to school discipline incidents it increases the criminalization of school discipline.”⁸

Increased police presence in schools has caused devastating harm to young people’s futures and educational outcomes. The direct consequence of police in schools, coupled with the systemic biases and failures of police departments across the country, is the criminalization of typical adolescent behavior,⁹

³ Federal Research Division, Library of Congress. (Aug. 2017). *School Safety Policies and Programs Administered by the U.S. Federal Government: 1990–2016*. <https://www.ncjrs.gov/pdffiles1/nij/grants/251517.pdf>. (Past programs included: School-Based Partnerships (1998–1999; \$30 million), COPS in Schools Program (CIS) (1999–2005; \$823 million), Justice-Based After School Program (2000–2001; individual sites received nearly \$3 million), Secure Our Schools Program (SOS) (2002–2011; \$123 million), and Making Officer Redeployment Effective (MORE).)

⁴ The Cops in Schools program was crafted to ensure local governments would sustain school policing even after they stopped receiving federal dollars by requiring agencies accepting CIS grants to “commit to continuing the grant-funded SROs” for an additional year after federal funding stopped. Although funding is no longer appropriated for the Cops in Schools Program, jurisdictions may still use grants obtained through the COPS Office to hire SROs.

⁵ Federal Research Division, Library of Congress. (Aug. 2017). *School Safety Policies and Programs Administered by the U.S. Federal Government: 1990–2016*. <https://www.ncjrs.gov/pdffiles1/nij/grants/251517.pdf>. (Past programs included: School-Based Partnerships (1998–1999; \$30 million), COPS in Schools Program (CIS) (1999–2005; \$823 million), Justice-Based After School Program (2000–2001; individual sites received nearly \$3 million), Secure Our Schools Program (SOS) (2002–2011; \$123 million), and Making Officer Redeployment Effective (MORE).)

⁶ U.S. Department of Education, National Center for Education Studies. (2018). *Percentage of public schools with security staff present at school at least once a week, by type of security staff, school level, and selected school characteristics:2005-06, 2009-10, and 2015-16*. https://nces.ed.gov/programs/digest/d18/tables/dt18_233.70b.asp

⁷ Emily K. Weisburst, “Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes (A Sub-project of ‘Building Pathways to College Access and Beyond’)” (Education Research Center, November 2018), 3, <https://texaserc.utexas.edu/wp-content/uploads/2018/11/21-UTA034-Brief-BPCAB-11.1.18.pdf>.

⁸ Denise C. Gottfredson, et al., “Effects of School Resource Officers on School Crime and Responses to School Crime,” *Criminology and Public Policy* 19, no. 3 (2020), https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12512?utm_content=PublicationUpdate&utm_medium=email&utm_source=govdelivery.

⁹ See American Civil Liberties Union. (2019). *Cops and No Counselors How the Lack of School Mental Health Staff Is Harming Students*. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf (listing 25 most common behaviors that lead to school arrest and criminal charges. The number one criminal charge is “disrupting school” for

with deep and disturbing racial implications.¹⁰ While Black children are only 15 percent of all children in school nationwide, they make up 33 percent of the children arrested,¹¹ despite research showing that children of color do not misbehave more than their white counterparts.¹² Certain subgroups, like Southeast Asian American children of refugees, are also disproportionately affected by police in schools, but they are often overlooked because of aggregated data on “others.”^{13,14} Troublesome disparities also exist for children with disabilities, where the data show they are nearly three times more likely to be arrested than children without disabilities.¹⁵ A child may be disciplined both by the school and by law enforcement, and studies show that students who are suspended or expelled are then up to three times more likely to become involved with the juvenile legal system.¹⁶ The school discipline system is operating as a quasi-legal system but in most instances children have no access to counsel, particularly a specialized juvenile defense attorney, in this system. Moreover, students who face arrests are less likely to graduate, succeed academically, and have stable employment.¹⁷ All of these factors then increase one’s likelihood of coming into contact with either the juvenile or criminal legal system.¹⁸

In addition to its troubling consequences for student success, increased presence of law enforcement officers in schools supported by federal funding undermines student safety. Proponents of school policing often cite student safety as their primary justification, but there is no substantial evidentiary support for that assertion.¹⁹ In fact, several studies have suggested that the presence of prison-like conditions such as armed officers in schools may actually make students feel less safe than if there were no police in the

“spraying perfume, fake burping, fake fart spray, refusing to change a t-shirt, and criticizing an officer”); see also Advancement Project, et al. (Mar. 2018 re-release). *Police In Schools Are Not The Answer To The Newtown Shooting*.

<http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>

¹⁰ Theriot, Matthew T. (2009). School Resource Officers and the Criminalization of Student Behavior. *Journal of Criminal Justice*, 37, 280–287. See also Nance, Jason P. (2016). Students, Police, and the School-to-Prison Pipeline,” *University of Washington Law Review*, 93(919).

¹¹ Education Week. (2017). *Which Students Are Arrested the Most?* <https://www.edweek.org/ew/projects/2017/policing-america-schools/student-arrests.html#overview>.

¹² Advancement Project, et al. (Mar. 2018 re-release). *Police In Schools Are Not The Answer To The Newtown Shooting*. <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>, (“[P]olice officers perceive Black youth differently than they do white youth, and this bias, not any actual difference in behavior, leads to the over-criminalization of students of color. Police see Black children as less ‘childlike’ than their White peers and overestimate the age and culpability of Black children accused of an offense more than they do for white children accused of an offense.”)

¹³ Jung, P., et al. (Dec. 2015). *Asian Americans & Pacific Islanders Behind Bars: Exposing the School to Prison to Deportation Pipeline*. https://www.searac.org/wp-content/uploads/2018/04/18877-AAPIs-Behind-Bars_web.pdf

¹⁴ Hu, C., and Esthappan, S. (May 2017). *Asian Americans and Pacific Islanders, a missing minority in criminal justice data*. <https://www.urban.org/urban-wire/asian-americans-and-pacific-islanders-missing-minority-criminal-justice-data>

¹⁵ American Civil Liberties Union. (2019). *Cops and No Counselors How the Lack of School Mental Health Staff Is Harming Students*. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf

¹⁶ <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic>

¹⁷ Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 Wash. L. Rev. 919, 926 (2016), available at <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1782&context=facultypub>.

¹⁸ Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 Wash. L. Rev. 919, 926 (2016), available at <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1782&context=facultypub>.

¹⁹ National Association of School Psychologists. (2013). *Research on School Security: The Impact of Security Measures on Students*. (citing Garcia, C. (2003). School Safety Technology in America: Current Use and Perceived Effectiveness. *Criminal Justice Policy Review* 14(1), 30-54; Addington, L. (2009). Cops and Cameras: Public School Security as a Policy Response to Columbine. *American Behavioral Scientist*, 52(10); Borum, R., Cornell, D., Modzeleski, W., and Jimerson, S. (2010). What Can be Done About School Shootings? A Review of The Evidence. *Educational Researcher* 39(1); Casella, R. (2006). Selling Us the Fortress: The Promotion of Techno-security Equipment for Schools. *Routledge*. See also American Psychological Association Zero Tolerance Task Force. (2008). Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations. *American Psychologist* 63(852).

school.²⁰ In schools with predominantly Black and Brown youth — where SROs are concentrated — children are often the victims of violent and unchecked attacks by SROs themselves, many of whom are trained to enforce the criminal code, rather than help foster a nurturing environment.²¹ Students of color across the country are, conservatively, assaulted by school police at a rate of about one assault per week.²² Moreover, constant policing and surveillance in a place where youth are supposed to feel safe can in and of itself be trauma-inducing, regardless of the intent of the officers.²³ LGBTQ students have also reported facing hostile interactions with and, in some instances, verbal assaults by the SROs that have been appointed to protect them.²⁴

In contrast, supportive approaches to improving school climates — such as restorative and trauma-responsive practices, positive behavioral interventions and supports, mental health care, and additional counselors, nurses, and social workers — have proven to be effective at producing a safe and supportive learning environment, including by helping students address the root causes of conflict and reducing school infractions.²⁵ Nevertheless, most schools with SROs don't have counselors, mental health professionals, or other individuals specifically trained to help students cope with stress or trauma.²⁶ Federal funding must incentivize the replacement of school-based law enforcement with evidence-based practices, identified in collaboration with communities, for maintaining school safety, inclusion, and support to ensure child well-being.

For too long, the presence of school-based law enforcement has come at the expense of personnel and services that create safe, healthy, and inclusive school climates. Our nation is at an inflection point with

²⁰ National Association of School Psychologists. (2013). *Research on School Security: The Impact of Security Measures on Students*. (citing Schreck, C. and Miller, J. (2003). Sources of Fear of Crime at School: What is the Relative Contribution of Disorder, Individual Characteristics and School Security? *Journal of School Violence*, 2(4), 57-79; Gastic, B. (2011). Metal Detectors and Feeling Safe at School. *Education and Urban Society*, 43(4)486-498.

²¹ Weisburst, E. (2019). Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes (A Sub-project of “Building Pathways to College Access and Beyond”). *Journal of Policy Analysis and Management*, 0(0), 1–28. (listing examples of officers: in South Carolina slamming a student to the ground; in Baltimore slapped, kicked, and yelled at a student while another officer watched; in Philadelphia punched a student and put him in a chokehold after the student tried to use the restroom without a pass; in Pittsburgh punching out a student's tooth; and in Pinellas Park, Florida, using a stun gun on an unarmed student); See also, Advancement Project. *We came to learn, A Call to Action for Police-Free Schools*. <http://advancementproject.org/wp-content/uploads/WCTLweb/index.html#page=2>, (stating “[s]afety does not exist when Black and Brown young people are forced to interact with a system of policing that views them as a threat and not as students” and mapping over 60 instances of police brutality on students)

²² Advancement Project & Alliance for Educational Justice have tracked SRO assaults for more than three years. The complete tracker is on file with Advancement Project. For more information about this project, visit WeCametoLearn.com.

²³ See, e.g., Nikki Jones, “*The Regular Routine*”: *Proactive Policing an Adolescent Development Among Young, Poor Black Men*, 143 *New Directions Child and Adolescent Dev.* 33 (2014) (finding that routine police interaction injures a young person's sense of self, especially when these interactions occur during adolescence); Amber J. Landers et al., *Police Contacts and Stress Among African American College Students*, 81 *Am. J. Orthopsychiatry* 72 (2011) (finding greater frequency of police contact correlated with greater stress across all types of police contact, regardless of intrusiveness; even innocuous treatment by police, if frequent, increased stress levels).

²⁴ <https://www.lambdalegal.org/protected-and-served/schools>

²⁵ Nance, J. (2016). Dismantling the School-to-Prison Pipeline. *Arizona State Law Journal*, 48. (citing Johnson, D., Allensworth, E., and Steinberg, M. (May 2011). Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization. *Consortium on Chicago School Research at the University of Chicago Urban Education Institute*. <https://consortium.uchicago.edu/sites/default/files/2018-10/SAFETY%20IN%20CPS.pdf>)

²⁶ American Civil Liberties Union. (Mar. 2019). *Cops and No Counselors How the Lack of School Mental Health Staff Is Harming Students*. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

the funding for, and role and presence of, law enforcement agencies in marginalized communities, as Black, Latino, Native, and Southeast Asian people continue to be unjustly targeted by police officers. Youth advocates are — and have been — leading the way on this charge in K-12 schools and on college campuses.²⁷ Policymakers must follow this leadership and ensure Black, Native, Latino, Southeast Asian American children, and other historically marginalized students attend schools that include the supportive professionals who build positive learning environments and are free from school-based law enforcement. We urge you to join in the call for safe, inclusive, and healthy schools by cosponsoring the Counseling Not Criminalization in Schools Act. We appreciate your consideration and would welcome the opportunity to connect further on this legislation. If you have any questions, please contact Arielle Atherley, Policy Analyst, The Leadership Conference on Civil and Human Rights at atherley@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Advancement Project
AdvocacyDenver
Advocates for Children of New York
Advocates for Justice
African American Ministers In Action
Agency for Humanity
American Association for Colleges of Teacher Education (AACTE)
American Friends Service Committee
Americans for Democratic Action (ADA)
Arc of the Central Mountains
Association for Community Living in Boulder & Broomfield Counties
Association of University Centers on Disabilities
Augustus F. Hawkins Foundation
Autism Society of America
Autistic Reality
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Black in Lawrence, NJ

²⁷ See, for example: Riley, Katie. “Police Do Not Belong in Our Schools.’ Students are Demanding an End to Campus Cops After the Death of George Floyd.” *Time*. June 5, 2020. <https://time.com/5848959/school-contracts-police/>, Jones, Sarah. “Protests Are Galvanizing Demands to Take Cops Out of Schools.” *New York Magazine*. June 12, 2020. <https://nymag.com/intelligencer/2020/06/the-movement-to-take-cops-out-of-school-is-picking-up-steam.html>, “Should police officers be in schools? California education leaders rethink school safety.” *EdSource*. June 11, 2020. <https://edsourse.org/2020/should-police-officers-be-in-schools-california-education-leaders-rethink-school-safety/633460>, “The End of Police in Schools.” *U.S. News*. June 12, 2020. <https://www.usnews.com/news/the-report/articles/2020-06-12/schools-districts-end-contracts-with-police-amid-ongoing-protests>, “While The Push to Defund Phoenix Police Grows Stronger, Activists Want Officers Out of Schools.” *The Copper Courier*. June 16, 2020. <https://coppercourier.com/story/students-demand-remove-police-school-campus-phoenix/>, “Current city budget proposal would remove police from RCSD schools.” *Democrat & Chronicle*. June 3, 2020. <https://www.democratandchronicle.com/story/news/education/2020/06/03/rochester-police-rcsd-school-resource-officers-budget/3130156001/>, “Fort Collins students rally for change to Poudre School District race, policing policies.” *Coloradan*. June 8, 2020. <https://www.coloradoan.com/story/news/2020/06/08/fort-collins-students-rally-change-poudre-school-district-race-policing-policies/5320326002/>.

Campaign for Youth Justice
Center for Disability Rights
Center for Law and Social Policy (CLASP)
Center for Pan Asian Community Services, Inc.
Center for Popular Democracy
Center for Public Representation
Central NJ Democratic Socialists of America
Children's Defense Fund
Children's Defense Fund-NY
Children's Rights Clinic
Clearinghouse on Women's Issues
Colorado Children's Campaign
Committee for Children
Committee for Hispanic Children and Families
Connecticut Public School Advocates
Council of Parent Attorneys and Advocates
Crafts for Justice
Denver Affiliate of the National Black Child Development Institute (BCDI-Denver)
Disability Rights Education & Defense Fund (DREDF)
Disability Rights Maryland
Education Justice Alliance
Education Law Center - PA
Education Reform Now
Educators for Excellence
Eggerts Crossing Civic League
Equal Justice Society
Evanston Latinos
Feminist Majority Foundation
Friends of Goody Bassett
Georgia Coalition for the People's Agenda
Girls Inc.
GLSEN
GO-HIGH CORP
Greater Sacramento NAACP
Human Rights Campaign
IDRA (Intercultural Development Research Association)
InnerCity Struggle
Japanese American Citizens League
Juvenile Law Center
KIPP
Latino Memphis
Lawyers for Good Government (LAGG)
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States
LULAC-IL
Maryland Center for Developmental Disabilities at Kennedy Krieger Institute
Mercer for Abolition
NAACP

NAACP Legal Defense and Educational Fund
National Alliance for Partnerships in Equity (NAPE)
National Association of Social Workers
National Black Child Development Institute
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Center for Transgender Equality
National Center for Youth Law
National Council of Churches
National Down Syndrome Congress
National Juvenile Defender Center
National PTA
National Urban League
National Women's Law Center
NDRN
Nollie Jenkins Family Center, Inc.
Not in Our Town Princeton
OCA - Asian Pacific American Advocates
Open Society Policy Center
Parents Organized for Public Education
Project M.O.V.E. (Making Our Visions Evident)
Public Justice
Racial Justice NOW!
REACH (Resources and Educational Advocacy for Classroom Help)
REYSE Collaboratory @Clemson University
SOSSI- Saving Our Sons & Sisters International
Southeast Asia Resource Action Center (SEARAC)
Southern Coalition for Social Justice
Speak Up Special Education Advocacy
Special Needs Advocacy Network, Inc. (SPaN, Inc), MA
SPLC Action Fund
Stand for Children
Strategies for Youth
Sunflower County Parents and Students United
Teach Plus
Tennessee State Conference NAACP
Texas Progressive Action Network
The Advocacy Institute
The Arc of Colorado
The Daniel Initiative
The Education Trust
The Expectations Project
The Institute for Compassion in Justice
TNTP
Trenton Branch NAACP
UnidosUS
Urban League of Louisiana
Virginia Coalition of Latino Organizations

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Virginia Council on LGBTQ+
Voices for Schools
Young Voices
YWCA Kalamazoo
YWCA Minneapolis