



June 15, 2021

Senator Chris Murphy
United States Senate
136 Hart Senate Office Building
Washington, DC 20510

Representative Ayanna Pressley
United States House of Representatives
1108 Longworth House Office Building
Washington, DC 20515

Re: 428 ORGANIZATIONS AND INDIVIDUALS SUPPORT THE COUNSELING NOT CRIMINALIZATION IN SCHOOLS ACT

Dear Senator Murphy and Representative Pressley,

The Federal School Discipline and Climate Group (FedSDC) and 428 undersigned organizations and individuals send this letter of support for the Counseling Not Criminalization in Schools Act of 2021 (CNC). FedSDC supports this legislation, which diverts federal funding away from police in schools, and toward evidence-based and trauma-informed services that create culturally-sustaining and positive learning environments. We are committed to ensuring that these environments affirm the mental and physical safety of all students. This commitment requires police-free schools.

FedSDC has long demanded and maintained that our schools should not mirror 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 from enslavement, Black Codes, convict leasing, and Jim Crow laws, to mass incarceration, the War on Drugs, and the current school-to-prison pipeline.¹ The increased criminalization of students and youth has resulted in an overreliance on law enforcement in schools; the implementation of discriminatory and exclusionary discipline; and school hardening practices and tactics that fuel the school-to-prison-and-deportation pipeline. These injustices disproportionately harm Black and Brown students; and far too many youth of color are denied the opportunities, legal equality, and human rights protections that all children and youth deserve.

For too long, the presence of law enforcement in schools has come at the expense of Black and Brown students' safety in schools. This has been coupled with the defunding and divestment of resources for personnel and services that create safe, healthy, and inclusive school climates. CNC disrupts the school-to-prison and deportation pipeline and interrupts the continued proliferation of white supremacy through the presence of police in our public schools. This

¹ 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), *We came to learn*. <https://wecametolearn.com/#assaultat-map>.

legislation redirects federal dollars to provide students and youth with the opportunities they deserve to learn, grow, and thrive in schools. For Black and Brown students and youth, with and without disabilities, who are repeatedly and violently abused, assaulted, and bullied by police in schools, CNC provides a building block towards an opportunity to learn in a safe and supportive environment by establishing an urgently needed \$5 billion grant program to provide adequately trained personnel and trauma-informed services to improve the learning environment for students and youth. CNC will also eliminate harmful and inefficient federal funding to schools and districts for police in schools.

The federal government has spent roughly \$1 billion in federal funds on increased police presence in schools since 1999, and additional funding on school hardening measures, with no evidence of increased safety or improved school climate. Rather, the evidence shows that police in schools have no place in school settings.

Research has shown Federal support for police in schools 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 militarization of schools.² The largest sustained effort of DOJ's COPS Office was the Cops in Schools (CIS) Program,³ which funded the hiring and training of thousands of school resource officers (SROs) by local law enforcement agencies.⁴ 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 2016.⁵ As is the case with 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 also 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.⁶ Another study

² Federal Research Division, Library of Congress. (2017, Aug.). *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).)

³ 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.

⁴ 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

⁵ Ibid.

⁶ Weisburst, E. K. (2019). Patrolling public schools: The impact of funding for school police on student discipline and Long-term education outcomes. *Journal of Policy Analysis and Management*, 38(2), 338-365.

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 increasing SROs does not improve school safety and that by increasing exclusionary responses to school discipline incidents it increases the criminalization of school discipline.”⁷

Despite research on the devastating harms caused to young people’s futures and educational outcomes, the federal government continues to fund racially discriminatory and ableist practices, systemic biases, disproportionality in discipline and the criminalization of typical adolescent behavior. Moreover, school districts rely on federal funding to subsidize the addition of new officers or ongoing ineffective training costs. The COPS SRO grants that provide up to 75 percent of the cost of a single School Resource Officer (SRO)—up to \$125,000 per position for the three-year grant period—and requires the school district or municipality to pay the remaining costs and retain the officer for at least a year after the grant ends is not the only program. The COPS’ School Violence Prevention Program (SVPP), the DOJ will distribute \$53 million in grants for FY 2021 specifically for school districts to coordinate even more closely with law enforcement, including hardening our schools through measures that only criminalize our students and further transform our schools into harsh, punitive environments.⁸ The DOJ also provides funding through the Bureau of Justice Assistance (BJA)’s Students, Teachers, and Officers Preventing (STOP) School Violence Program, and \$75 million has already been allocated for FY21 that can be used to train school police. There are other DOJ federal funding streams that school districts have tapped into to further entrench the presence of school police, including the COPS Hiring Program (CHP), and the Community Policing Development (CPD) Microgrants Program. The Department of Defense’s 1033 program has been used to transfer military surplus weapons into the hands of school-based law enforcement and must be completely eliminated.⁹ Other funding streams from the Departments of Education, Defense, Homeland Security, and Transportation must not be used to support the hardening of our schools and the continued presence of police in our schools.

We commend the efforts of Senator Chris Murphy and Representative Ayanna Pressley to develop and introduce bold legislation that will prohibit federal spending for these types of activities (surveillance, school hardening) and eliminate federal funds for the hiring, recruitment, and placement of police officers in K-12 schools.

We understand all too well the devastating harm to young people’s futures and educational outcomes the increased police presence in schools has and continues to cause. The direct consequence of police in schools, coupled with the systemic biases and failures of police

⁷ Gottfredson, D. C., Crosse, S., Tang, Z., Bauer, E. L., Harmon, M. A., Hagen, C. A., & Greene, A. D. (2020). Effects of school resource officers on school crime and responses to school crime. *Criminology & Public Policy*, 19, 905-940. https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12512?utm_content=PublicationUpdate&utm_medium=email&utm_source=govdelivery.

⁸ DOJ Bureau of Justice Assistance, DOJ Office of Community Oriented Policing Services, and Federal School Safety Clearinghouse. (2021, March). *Funding School Safety: Department of Justice Grant Opportunities* (Webinar).

⁹ Musgrave, S. (2014). “*The Pentagon Finally Details its Weapons-for-Cops Giveaway*”. The Marshall Project. <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway>.

departments across the country, is the criminalization of typical adolescent behavior,¹⁰ with deep and disturbing racial implications.¹¹ While Black children are only 15 percent of all children in school nationwide, they make up 33 percent of the children arrested,¹² despite research showing that children of color do not misbehave more than their white counterparts.¹³ Certain subgroups, like Southeast Asian American children of refugees, are also disproportionately affected by police in schools,¹⁴ but these data are often overlooked because of aggregated data on “others.”¹⁵ 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.¹⁶ 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.¹⁷ 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.¹⁸ All of these factors then increase one’s likelihood of coming into contact with either the juvenile or criminal legal system.¹⁹

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.²⁰ In fact, several studies have suggested that the presence of prison-like conditions such as armed officers in schools may actually make

¹⁰ 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 “spraying perfume, fake burping, fake fart spray, refusing to change a t-shirt, and criticizing an officer”); see also Advancement Project, et al. (2018). *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>

¹¹ Theriot, M. T. (2009). School Resource Officers and the criminalization of student behavior. *Journal of Criminal Justice*, 37, 280–287. See also Nance, J. P. (2015). Students, police, and the school-to-prison pipeline. *Washington University Law Review*, 93, 15–20.

¹² Education Week. (2017). *Which Students Are Arrested the Most?* <https://www.edweek.org/ew/projects/2017/policingamericas-schools/student-arrests.html#/overview>.

¹³ Skiba, R. J., & Williams, N. T. (2014). Are Black kids worse? Myths and facts about racial differences in behavior. *The Equity Project at Indiana University*, 1-8. https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf

¹⁴ Jung, P., et al. (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

¹⁵ Hu, C., & Esthappan, S. (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>

¹⁶ American Civil Liberties Union (2019).

¹⁷ American Civil Liberties Union. (2021). *School-to-prison pipeline [Infographic]*. <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic>.

¹⁸ Nance, J. P. (2015). Students, police, and the school-to-prison pipeline. *Washington University Law Review*, 93, 15–20. <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1782&context=facultypub>.

¹⁹ Ibid.

²⁰ Garcia, C. (2003). School safety technology in America: Current use and perceived effectiveness. *Criminal Justice Policy Review*, 14, 30-54; Addington, L. A. (2009). Cops and cameras: Public school security as a policy response to Columbine. *American Behavioral Scientist*, 52, 1424-1446.; 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), 27-37; Casella, R. (2006). *Selling us the fortress: The promotion of techno-security equipment for schools*. Abingdon, UK: 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, 852-862.

students feel less safe than if there were no police in the school.²¹ 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.²² 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.²³

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, helping address the root causes of conflict and reducing school infractions.²⁴ Nevertheless, many schools with SROs don't have counselors, mental health professionals, or other individuals specifically trained to help students cope with stress or trauma.²⁵ Federal funding must incentivize the replacement of police in schools with evidence-based practices, identified in collaboration with communities, for maintaining school safety, inclusion, and support to ensure child well-being.

As students and youth of color continue to lead local and national efforts in calling for police-free schools,²⁶ 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.²⁷ Our students and youth need more supportive staff who use evidence-based and trauma-informed practices to enable young people to thrive in positive learning environments. Congress has a responsibility to students and youth to prohibit funding for police in schools and use federal funds for counselors, social

²¹ 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, 486-498.

²² See, e.g., Jones, N. (2014). “The regular routine”: Proactive policing and adolescent development among young, poor black men. *New directions for child and adolescent development*, 2014(143), 33-54. (finding that routine police interaction injures a young person's sense of self, especially when these interactions occur during adolescence); Landers, A. J., Rollock, D., Rolfes, C. B., & Moore, D. L. (2011). Police contacts and stress among African American college students. *American Journal of Orthopsychiatry*, 81(1), 72.

²³ Lambda Legal (2015). *Protected and served?* (Executive Summary) https://www.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf

²⁴ Steinberg, M. P., Allensworth, E., & Johnson, D. W. (2011). *Student and teacher safety in Chicago Public Schools: The roles of community context and school social organization*. Consortium on Chicago School Research. <https://files.eric.ed.gov/fulltext/ED519414.pdf>

²⁵ American Civil Liberties Union. (2019).

²⁶ Riley, K. (2020, June 5). “Police do not belong in our schools.” Students are demanding an end to campus cops after the death of George Floyd. *Time*. <https://time.com/5848959/school-contracts-police/>.

²⁷ Jones, S. (2020, June 16). Protests are galvanizing demands to take cops out of schools. *New York*. <https://nymag.com/intelligencer/2020/06/the-movement-to-take-cops-out-of-school-is-picking-up-steam.html>; Burke, M. (2020, June 11). Should police officers be in schools? California education leaders rethink school safety.” *EdSource*. <https://edsources.org/2020/should-police-officers-be-in-schools-california-education-leaders-rethink-school-safety/633460>; Camera, L. (2020, June 12). The end of police in schools. *U.S. News*. <https://www.usnews.com/news/the-report/articles/2020-06-12/schools-districts-end-contracts-with-police-amid-ongoing-protests>; Swamer, J. (2020, June 16). While the push to defund Phoenix police grows stronger, activists want officers out of schools. *The Copper Courier*. <https://coppercourier.com/story/students-demand-remove-police-school-campus-phoenix/>; Freile, V. E. (2020, June 3). School resource officers eliminated from city schools after approval of budget Tuesday. *Democrat & Chronicle*. <https://www.democratandchronicle.com/story/news/2020/06/17/school-resource-officers-rochester-police-eliminated/3205547001/>; Blumhardt, M. (2020, June 8). Fort Collins students rally for change to Poudre School District race, policing policies. *Coloradan*. <https://www.coloradan.com/story/news/2020/06/08/fort-collins-students-rally-change-poudre-school-district-race-policing-policies/5320326002/>.

workers, school psychologists, school nurses, and other supportive adults who are specially trained to help build positive learning environments and support children's success. Policymakers must follow this leadership and ensure Black, Native, Latino, Southeast Asian American students and youth, and other historically marginalized students attend schools that include the supportive professionals who build positive learning environments and are free police in schools.

We recognize your commitment towards these efforts and fully support the Counseling Not Criminalization in Schools Act, and unapologetically endorse the efforts to upend policies and practices rooted in white supremacy that continue to harm students and youth of color in our nation's schools.

Thank you for your leadership and commitment. We look forward to working with you both to move CNC forward and ensure students and youth are afforded every opportunity to attend safe, inclusive, culturally-sustaining and healthy schools. If you have any questions about the issues raised in this letter, please contact Dave Pringle, The Center for Popular Democracy at dpringle@populardemocracy.org, or Breon Wells, The Daniel Initiative at Breon.Wells@thedanielinitiative.com.

Sincerely,

ORGANIZATIONS

Advancement Project National Office
Alliance for Educational Justice
Center for Disability Rights
Center for Popular Democracy
Community for Just Schools Fund
Dignity in Schools Campaign
Open Society Policy Center
The Daniel Initiative
Anti Police-Terror Project
A Black Education Network (ABEN)
A Little Piece Of Light
Advocating 4 Kids, Inc
Alliance of Rhode Island Southeast Asians for Education (ARISE)
American Association of People with Disabilities
American Civil Liberties Union
Arkansas Community Organizations
Autistic Self Advocacy Network
Aztlán Media - Launch 2024
Baltimore People's Climate Movement

Baltimore Police Free Schools Coalition
Bazelon Center for Mental Health Law
BiNet USA
Black Parallel School Board
Blacks in Law Enforcement of America
Blue Future
Blue Hills Civic Association
Breaking the chains of your mind
Brighton Park Neighborhood Council
California Children's Trust
CASA
Center for Youth & Community Leadership in Education (CYCLE) at Roger Williams University
Children's Haven: A Place of Healing & Hope, Inc.
Children's Law Center, Inc.
Chispa
Church World Service
Clearinghouse on Women's Issues
Clevelanders Against Federal Policing
Coalition of Labor Union Women, AFL-CIO
Collierville Community Justice
Communities United for Restorative Youth Justice
Council of Parent Attorneys and Advocates
Critical Exposure
CT Students for a Dream
DC Prep PrepNext and ANC 1A07
DeCarcerate Memphis
Deep Center
Defending Rights & Dissent
Disability Rights Advocates
Disability Rights Education & Defense Fund (DREDF)
Disability Rights Oregon
Drug Policy Alliance
Education Justice Alliance
Education Law Center-PA
Edward Hazen Foundation
Ella Baker Center for Human Rights
End Mass Incarceration Georgia Network
Equality California
EveryBlackGirl, Inc
Faith in New Jersey

Faith in Texas
Families and Friends of Louisiana's Incarcerated Children (FFLIC)
Family Law Practice Clinic, CUNY School of Law
Feminist Majority Foundation
First Focus Campaign for Children
Florida Student Power Network
Girls Inc.
GLSEN
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)
Health in Justice Action Lab
Hilton Head for Peace
Hispanic Federation
Hour Children
Human Rights Campaign
IDRA (Intercultural Development Research Association)
Just City Memphis
Justice For Families
Justice Strategies
Justice Teams Network
Juvenile Law Center
Kentucky Student Voice Team
LatinoJustice PRLDEF
LAUSD
Leaders Igniting Transformation
League of Women Voters of the United States
Legal Aid Justice Center
Lehigh Valley Stands Up
Living United for Change in Arizona
Make the Road Nevada
Make the Road New Jersey
Make The Road New York
March For Our Lives DC
Mommieactivist andsons
MomsRising
NAMINYS Criminal Justice Committee
National Black Justice Coalition
National Center for Learning Disabilities
National Center for Youth Law
National Council of Churches
National Crittenton

National Disability Rights Network (NDRN)
National Equality Action Team (NEAT)
National Immigration Law Center
National Juvenile Justice Network
National Women's Law Center
New Athens Creative, Inc.
Next Level Vision DC
NEXT LEVEL VISION, Inc.
Nollie Jenkins Family Center, Inc. (NJFC)
One Pa
One Pennsylvania - Education Rights Network
Our Revolution Ohio
Pa'lante Restorative Justice
Parents Organized for Public Education
Polemics: Journal of the Workingclass Struggle and National Writers Union Philadelphia Chapter
NWU.ORG
Policing and Social Justice Project
Poverty & Race Research Action Council
Project KnuckleHead
Public Advocacy for Kids (PAK)
Public Justice
RACCE
Rebuilding Independence My Style
Reclaim Our Schools LA
Rights & Democracy VT and NH
Silver State Equality-Nevada
Sisters of St. Dominic of Blauvelt, New York
Sociedad Latina
Southern Coalition for Social Justice
Southern Maine Showing Up for Racial Justice (SURJ)
SPACeS In Action
Stand for Children
Strategies for Youth
Students for Sensible Drug Policy
SURJ Ohio
Tenants and Workers United (TWU)
The Advocacy Institute
The Black Police Experience
The Choice Program at UMBC
The Gathering for Justice

The Institute for Compassion in Justice
The Justice Roundtable
The National Parents Union
The Sentencing Project
United Methodist Women
Uplift MN LLC
Urban Youth Collaborative
Vday
Who Speaks For Me
Women's Leadership Project
Working Narratives
Young Voices
Youth Over Guns

INDIVIDUALS

Erin Adams
Onyinye Alheri
Glen Anderson
JL Angell
Sister Joan Agro
Sister Joan Argo
Sharon Baker
Dara Baldwin
Charlotta Ball
Jean Balls
Matthew Barbato
Anthony Barron
Grace Bauer-Lubow
Rebecca Berlant
J Beverly
Ralph Billick
Zoe Bird
Mary Catherine Bissell
Steve Bloom
Karen Boehler
Matthew Boguske
Tika Bordelon
Kathy Bradley
Frank Briggs
Lise Brody

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James Burch
Fiona Burgess
Amanda Burns
Alexis Butzner
Karen Cain
Laurel Cameron
Laura Caseley
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Keith Catone
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Sen. Patty Murray – Chair Senate Health, Education, Labor & Pensions Committee
Sen. Richard Burr – Ranking Member 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
All of the United States Senate
All of the House of Representatives
Dr. Miguel Cardona – United States Secretary of Education
Merrick Garland – United States Attorney General
White House Domestic Policy Council