



DIGNITY IN SCHOOLS

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Via Email: policyideas@ovp.eop.gov

Vice President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20501

RE: Responding to Tragedy in our Schools: Learning from Columbine in the Aftermath of Sandy Hook

The tragic events that occurred at Sandy Hook Elementary School last month have left us grieving as a nation. Our hearts and prayers are with the families, friends, colleagues, and neighbors of those lost in this horrific tragedy. As those who lost loved ones begin to cope, and as our nation collectively looks for solutions, we commend Vice President Joseph R. Biden for leading an initiative to end mass shootings and gun violence in our country – an effort that is sorely needed - and for seeking the input of community-based organizations and advocacy groups who have also been touched by the senseless loss.

As a national membership coalition comprised of parents, students, educators, and advocates, the Dignity in Schools Campaign works to protect students' fundamental rights to a quality education and to be treated with dignity. We support your efforts to craft solutions that keep all of our children safe and address the root causes of senseless violence of the type that we have recently witnessed.

This letter is focused on how to ensure that federal action in response to the Sandy Hook tragedy promotes safety and positively affects the children and youth attending our schools. We have been alarmed by proposals that would rely upon placing more weapons and armed personnel in schools. We are mindful of the unintended consequences that have resulted from previous efforts to preserve school safety and urge the Vice President to support proven, holistic means to protecting our children.

After the tragic shootings at Columbine High School in 1999, school districts across the country adopted "zero tolerance" disciplinary policies.¹ Originally conceived with the purpose of keeping firearms and drugs out of schools, these policies and others are now routinely applied to even mundane student behavior. As a result, school discipline rates are double what they were in the 1970s despite the fact that school suspension and expulsion predict school dropout and justice system involvement.²

¹ Russell Skiba et al, *Are Zero Tolerance Policies Effective in the Schools?* A Report by the American Psychological Association Task Force (2006).

² Johanna Wald and Daniel Losen, *Defining and Redirecting a School-to-Prison Pipeline*. In Wald & Losen (Eds.), *New Directions for Youth Development* (no. 99; Deconstructing the School-to-Prison Pipeline), 9-15 (2003).

These zero tolerance policies and practices have been compounded by the inappropriate deployment of law enforcement in schools. In recent years, both uniformed security guards and armed police officers have been stationed in schools in the interest of school safety. This is especially true in the racially isolated schools and low-income communities where most of our members live, work, and study.³ Instead of being allowed to focus on true safety concerns, these officers have too often become the go-to resource to address classroom misbehavior and other non-criminal activity that amount to little more than low-level violations of student codes of conduct. Increasingly, students are receiving tickets and citations and are even arrested for non-violent offenses such as engaging in food fights and using profanity.⁴ For example, Alexa Gonzalez, a twelve-year-old middle school student in Queens, New York, was arrested in 2011 for using an erasable marker to write the words “I love my friends” on her desk.⁵ And, last year, first-grader Salecia Johnson in Milledgeville, Georgia, was handcuffed and taken into police custody for a temper tantrum.⁶

The consequences of the nation’s twin reliance upon “zero tolerance”-style discipline policies and the and mis-deployment of law enforcement resources in schools are evident in the devastating impact on the academic success of youth: a first-time arrest doubles the odds that a student will drop out of school, and a first court appearance quadruples the odds.⁷ Saddest of all, the American Psychological Association has found that zero tolerance and other harsh disciplinary approaches do not improve school safety.⁸ And further research shows that excessive and inappropriate reliance on school-based law enforcement officers can actually promote disorder and distrust in schools.⁹

³ The U.S. Department of Education Office for Civil Rights found that over 70% of the students subjected to school-based arrests or referred to law enforcement are Latino or African-American. Office for Civil Rights, U.S. Department of Education, Civil Rights Data Collection Summary 2 (2012). <http://ocrdata.ed.gov/Downloads/CMOCRTheTransformedCRDCFINAL3-15-12Accessible-1.pdf>.

⁴ Advancement Project, *Test, Punish, and Pushout* 15 (2010).

⁵ Rachel Monahan, *Queens Girl Alexa Gonzalez Hauled Out of School in Handcuffs after Getting Caught Doodling on Desk*. N.Y. DAILY NEWS (Feb. 5, 2010).

⁶ Jeff Martin and Jeri Clausing, *Police Handcuff Georgia Kindergartner for Tantrum*. ASSOC. PRESS (April 19, 2012).

⁷ Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 Justice Quarterly 462, 473-477 (2006).

⁸ See Skiba, *supra* note 1.

⁹ A recent meta-analysis of 178 individual studies assessing the effectiveness of different school-based disciplinary interventions determined that the use of police to handle school disorder does not reduce the occurrence of problem behavior in schools. Philip J. Cook, Denise C. Gottfredson & Chongmin Na, *School Crime Control and Prevention*, 39 Crime & Just. 313, 372 (2010). Indeed, relying on police to address student behavior may hinder efforts to maintain order on school property. Highly-restrictive efforts to control students by involving police in school disciplinary matters cause higher levels of school disorder by diminishing students’ belief in the legitimacy of school staff authority. Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 Education and Treatment of Children 333, 352 (1999).

Aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment and create an adversarial relationship between school officials and students. Randall R. Beger, *The Worst of Both Worlds*, 28 Crim. Just. Rev. 336, 340 (2003). Because students often perceive school police practices as fundamentally unfair, the actions of school police can serve to trigger, not curb, misbehavior. Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* 53 (2011). Fostering such restrictive environments may lead to violence, thus jeopardizing, instead of promoting, school safety. Meyer and Leone, *supra* at 349; see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 Journal of Research in Crime and Delinquency 412, 433 (2005)

In our view, the call for more guns in schools and expansion of current school policing practices represent “shortcuts” that will not only would fail to keep schools safe, but would also have damaging effect on children. The Dignity in Schools Campaign has led a national effort to educate policy-makers about these types of negative consequences and has advanced a solutions-oriented approach to keep students engaged in safe and supportive schools.

Last month Edward Ward, a recent Chicago public high school graduate and member of our Campaign, was invited to testify about his experiences with school security during a hearing before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights (Senator Richard Durbin, Chair). According to Edward,

“From the moment we stepped through the doors in the morning, we were faced with metal detectors, x-ray machines and uniformed security. Upon entering the school, it was like we stepped into a prison My school’s environment was very tense; the halls were full with school security officers whose only purpose seemed to be to serve students with detentions or suspensions. Many of the school security officers were very disrespectful to students; some of them spoke to us as if we were animals. They were constantly yelling and antagonizing us from the moment we stepped into the halls until we reached our destination. This was nerve-wracking for me, because although I was an honor student, I felt constantly in a state of alert, afraid to make even the smallest mistake or create a noise that could enable the security officers to serve me with a detention. Instead of feeling like I could trust them, I felt I couldn’t go to them for general security issues because I would first be interrogated before anything would get done.”¹⁰

Edward is not alone in his sentiment. America’s top researchers on school safety have issued a statement on the Sandy Hook tragedy. They remind us that students are safest in schools where they feel connected to their educators and their peers; where youth trust adults enough to share the problems they face (be it conflict, depression, bullying or other issues) and any fears they may have about safety. As the researchers note, federal law enforcement agencies such as the FBI, U.S. Secret Service, and others have shown us that the best way to prevent many acts of violence targeted at schools is by “maintaining close communication and trust with students and others in the community.”¹¹

Across the country there are great examples of schools that are improving safety by improving connectedness and communication. For example, Judge Steven Teske of Clayton County, Georgia, testified at the aforementioned Senate hearing that his juvenile court observed an alarming increase in misdemeanor referrals from schools, including a host of matters that did not properly belong in courts at all. To address the situation Judge Teske convened leaders from the school district, law enforcement, the mental-health profession, and the greater community to develop a “school offense protocol” that

(finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

¹⁰ *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary*, 112th Cong. 2 (statement of Edward Ward).

¹¹ Dewey G. Cornell et al, *A Call for More Effective Prevention of Violence* (2012), available at <http://curry.virginia.edu/articles/sandyhookshooting>.

draws a bright line between school *safety* matters, to be handled by law enforcement, and school *discipline* matters, to be managed by the school officials. After implementing the new approach, Clayton County reduced its court referrals by almost 70 percent while increasing its graduation rate by 25 percent.¹² With school resource officers responsible for safety, not discipline, Clayton County students felt safer, too.¹³

Clayton County's effort mirrors the many recent states and school districts that have moved away from zero tolerance.¹⁴ The federal government has also begun to help promote positive reforms through its "Supportive School Discipline Initiative" – a joint effort of the U.S. Departments of Education and Justice to "address the 'School-to-Prison Pipeline' and the disciplinary policies and practices that can push students out of school and into the justice system."¹⁵

There is a great deal more that Congress and the Administration can do to improve climate, connectedness and communication in schools, while maintaining safety and improving academic achievement. We urge the following steps:

- 1. Provide increased support for best practices in improving school communication and connectedness.**

We support the teaching of Social and Emotional Learning practices such as Restorative Justice and Positive Behavior Supports. These frameworks enable students to develop a stronger sense of empathy and compassion for each other as well as their teachers, and will lessen the chances that students who have serious "problems" will be ignored, thereby improving their chances of getting the support and understanding needed to bring them back into the school community. **The Restorative Justice in Schools Act (H.R. 415, Cohen)** and **the Positive Behavior for Safe and Effective Schools Act (H.R. 3165, Davis/Platts)** both direct federal support for training schools and teachers in these best practices. **The Successful, Safe, and Healthy Students Act (S. 919, Harkin)** would use school data on bullying, harassment, and discipline to target support for implementing these best practices as well.

¹² *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary*, 112th Cong. 4-5 (statement of Steven Teske).

¹³ *Id.* at 4.

¹⁴ In the last two years alone, support from bi-partisan lawmakers, families, and educators for efforts to improve school discipline have resulted in significant changes in the school policies and practices of Baltimore, Los Angeles, New York City, Colorado, Louisiana, and California, among others. Liz Bowie, *Baltimore County School Board Eases Discipline Policy*. BALT. SUN (Jun. 12, 2012); Los Angeles Mun. Code 45.04 (2012)(significantly revising the city's truancy ticketing policy); Local Law No. 6, N.Y.C. (2011) (codified as amended at N.Y.C. Admin. Code §§ 8-1101–1103 (2011)(requiring quarterly, racially disaggregated reporting of school-based arrests and court summonses); Colo. H.B. 1345 (2012) (requiring school districts to develop and enforce discipline codes in a manner designed to reduce referrals to law enforcement and minimize students' exposure to the juvenile and criminal justice system); La. Act 136 (2010)(providing for training of school staff in best practices in classroom management and continued monitoring of disciplinary data); California enacted five new laws related to improving school discipline and support for students in 2012: CA AB 1729 (2012), CA AB 1909 (2012), CA AB 2537 (2012), CA AB 2616 (2012), and CA SB 1088 (2012).

¹⁵ Press Release, Department of Justice Office of Public Affairs, Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices (Jul. 21, 2011), available at <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>.

2. Monitor school climate to provide assistance – not punishment – to schools from local and state educational agencies.

School discipline and climate should serve as an indicator of a school's success or needs. Just as a *student's* academic record may signal the need for more intensive support, a *school's* disciplinary data may indicate the need for more support and training in evidence-based practices for maintaining order school-wide. Climate and discipline should be monitored with attendance, achievement, and graduation rates. Representative George Miller's **Amendment to the Student Success Act (H.R. 3989, Kline)**, which would track school discipline rates as an indicator of school needs and improvement in persistently low-achieving schools, is a promising example, as is the Successful, Safe, and Healthy Students Act, mentioned above.

3. Support the development of comprehensive local or regional strategies to improve student safety while reducing the number of youth entering the justice system.

Congress and the administration should promote expanded educational opportunities for our nation's youth by funding grant programs to support community-based solutions such as those implemented in Clayton County (described above). Funds should go toward the development and implementation of multi-year, comprehensive local or regional plans to reduce the use of exclusionary discipline and the number of youth entering the juvenile and criminal justice systems. **The Youth PROMISE Act (H.R. 2721, Scott)** would help support this purpose.

4. Place meaningful restrictions on federal grants for school policing.

The Community Oriented Policing Service's (COPS) "Secure our Schools" grants funded by the U.S. Department of Justice is the primary source for federal funding of school police efforts. Sadly, school police are often the least trained and most inexperienced officers, and the academic and social harms of negative police/student contact are devastating for students. Requiring grantees to ensure training on developmentally appropriate tactics for school police, and requiring efforts to limit students' contact with the juvenile justice system akin to the efforts in Clayton County are essential modifications to these funds.

Furthermore, we firmly believe that any proposals for additional appropriations for these grants would be far better spent, not by placing more police in schools, but by supporting the placement of counselors, social workers, and mental health services therein.

5. Do not place more armed personnel in schools.

For all of the reasons above, we strongly oppose the calls for arming school teachers, principals, and police. We cannot support any such actions that have not been shown to make schools safer and can lead to terrifying, fatal mistakes. For similar reasons, we must oppose the legislation offered late last Congress by Senator Barbara Boxer to facilitate the installation of National Guard troops in U.S. schools (S. 3692).

The news reports about the Sandy Hook tragedy showed us an incredibly tight-knit school community – one in which parents felt that the school was an extension of their home, and teachers an extension of their families. The events at Sandy Hook call on all of us, as parents, students, teachers, and community, to find ways to restore and safeguard the trust that makes school communities like Sandy Hook’s so special. Our children need to learn, grow, and thrive in places where they feel safe, loved, encouraged, and welcomed. In times like these, all of our thoughts turn to finding any way to make our children safer. We must approach this question deliberately, not reactively. Where Congress and the Administration work to address school safety in the aftermath of this tragedy, it must be in a manner that helps restore such trust – not one that promotes fear and undermines the sense of connectedness that ultimately keeps us all safe.

Sincerely,

The Dignity in Schools Campaign

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For the Dignity in Schools Campaign’s Statement on Sandy Hook, please follow this link:
<http://dignityinschools.org/blog/dignity-schools-campaign-statement-sandy-hook-elementary>

For the Dignity in Schools Campaign’s written testimony and federal recommendations for the December 12th, 2012, hearing, Ending the School to Prison Pipeline, before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, please follow this link:
http://www.dignityinschools.org/files/Dec-12/DSC_Senate_Testimony.pdf