

NEW YORK STATE CAMPAIGN FOR SAFE AND SUPPORTIVE SCHOOLS

March 13, 2018

Legislative Office Building
198 State St., Albany, NY 12210

Re: Creating Safe & Supportive Schools For All

To: Majority Leader John Flanagan
Senate Coalition Leader Jeff Klein
Senate Democratic Leader Andrea Stewart-Cousins
Speaker Carl Heastie
Assembly Majority Leader Joseph Morelle
Assembly Minority Leader Brian Kolb
Governor Andrew Cuomo

Every child deserves to attend a safe, high quality school where students, teachers, and staff are treated with dignity and respect. Embedding the criminal justice system in schools through the presence of school resource officers and law enforcement, and imparting criminal consequences for normal adaptive youthful behavior do not lead to safe and supportive school environments and harm our most vulnerable students. Based on a significant body of research and decades of lived experience, we know that these strategies will fail. They will do nothing to create school environments that reduce violence in our communities, catch early indicators of mental health needs, or identify underlying root cause. They also fail to consider the host of unintended consequences – measured in educational, emotional, and economic costs – of placing more police in schools. We stand in firm opposition to the Senate “School Safety Package” and urge the New York State Leadership to reject proposals that militarize our schools.

THERE IS NO EVIDENCE THAT POLICE IN SCHOOLS MAKE US SAFER

Since the tragedy at Columbine, the number of public schools with law enforcement officers skyrocketed from 10% to 30% of public schools nationwide, and to 31,000 law enforcement officers, from a variety of different police departments patrolling public schools throughout the country. The federal Department of Education has spent \$905 million subsidizing school resource officers and school police departments, and adding metal detectors and other law enforcement approaches to school security. Despite the massive investments and increase in the everyday presence of police officers in schools, the Congressional Research Service found, “the body of research on the effectiveness of SRO [school resource officer] programs is noticeably limited, and the research that is available draws conflicting conclusions about whether SRO programs are effective at reducing school violence. In addition, the body of research on the effectiveness of SROs does not address whether their presence in schools has deterred mass shootings.” The National School Survey on Crime and Safety data shows that having an SRO at a school on at least a weekly basis increases the number of students who will be involved in the justice system.¹ Arrest rates for disorderly conduct and low-level assault substantially

¹ Nance, Jason. Students, Police, and the School-to-Prison Pipeline (2016) University of Florida Levin College of Law. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333

increase when police are assigned to schools.² There is no evidence or research that suggests police in schools are the best way to improve school safety.

WE NEED COUNSELORS, NOT COPS

It isn't fair to our students to expect police to act as counselors and mentors. Early identification and intervention is critical to addressing mental health needs. We should be placing more psychologists, therapists, counselors, social workers, and nurses at every school. These professionals are better equipped to learn about potential crises, identify students with emotional or behavioral issues, and respond in appropriate ways. The role of school police officers should not be conflated with that of a school guidance counselor, social worker, student mentor, or educator. School police officers are sworn law enforcement officers who are almost exclusively trained and tasked with enforcing the criminal code.

Police officers are trained to enforce a criminal justice code and typically fail to use age-appropriate approaches in schools. We have been witnesses to repeated assaults of Black and Brown students by police officers who have escalated normal school interactions into physical attacks with the potential for deadly consequences. Violent assault of students by police, including those in Baltimore, Philadelphia, Pittsburgh, and South Carolina, also indicate a fundamental culture clash between law enforcement and the positive, nurturing learning environment schools aim to create. Time and time again, police in schools have exercised their power over students in ways that make them feel harassed and unsafe.

SCHOOL POLICE FUEL DISPARITIES AND THE ACHIEVEMENT GAP

Students of color attend schools that are over-policed and under-resourced, and will bear the brunt of the harms associated with police in schools. According to the national Department of Education Civil Rights Data Collection, 1.6 million students attend a school with a School Law Enforcement Officer (SLEO), but not a school counselor. Latino students are 1.4 times as likely to attend a school with an SLEO but not a school counselor as white students; Asian students are 1.3 times as likely; and Black students are 1.2 times as likely. Nationally, Black and Latinx youth made up over 58% of school-based arrests while representing only 40% of public school enrollment.³ Black students were more than twice as likely to be referred to law enforcement or arrested at school as their white peers.⁴ Research shows that police officers perceive Black youth differently than they do white youth, and this bias leads to the over criminalization of students of color.⁵ Police see Black boys as less "childlike" than their white peers. Black girls are similarly "adultified,"⁶ and authorities overestimated both the age and the culpability of

² Theriot, M. (2009). School Resource Officers and the Criminalization of Student Behavior. *Journal of Criminal Justice*, 37: 280–87, 280. Na, C. and Gottfredson, D. (2011). Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors. *Justice Quarterly*, pp 1-32.

³ Education Week Research Center original analysis of Civil Rights Data Collection, 2017.

(<https://www.npr.org/sections/ed/2017/01/27/511428075/does-your-school-arrest-students>)

⁴ 2013-2014 Civil Rights Data Collection (CRDC) - A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation's Public Schools." U.S. Department of Education Office for Civil Rights. (June 7, 2016).

⁵ Goff, P.A., Jackson, et.al. The Essence of Innocence: Consequences of Dehumanizing Black Children. *Journal of Personality and Social Psychology*. (February 2014)

⁶ Epstein, R. et al. (2017). "Girlhood interrupted: The erasure of Black girls' childhood." Georgetown University Law Center.

Black children compared to white children. Black teens are 21 times more likely to be shot by law enforcement authorities and people with mental illness and disabilities are also acutely vulnerable.

New York students experience this disparate treatment every day; school policies and police practices unfairly target students of color, limit academic achievement, and fuel the school-to-prison pipeline. In New York State, Black students are 17% of all students, but account for 44% of all referrals to law enforcement and 27.5% of all students arrested. In 2015-2016 in New York City, Black students had the highest rate of suspension, accounting for 27.1% of the population but almost half of all suspensions. Black girls are 12.7 times more likely to be arrested and 6.7 times more likely to be issued a summons than their white peers. Black boys are 7.5 times more likely to be arrested and 4.6 times more likely to receive a summons than White boys. Students with disabilities represent 18.7% of all students but account for 38.6% of all suspensions.

These disparities are mirrored in other cities and district across the state: according to the most recent federal data (2013-14), in Buffalo, Black students were about 2.6 times more likely to be suspended than their white peers; in Rochester, 1.7 times more likely; and in Yonkers, 3.3 times more likely. Statewide, 21% of all Black boys and 14% of all Black girls are suspended from school.

WE MUST FULLY FUND NEW YORK SCHOOLS

Investments in policing and metal detectors divert critical education funding. For over a decade, New York has failed to fully and fairly fund schools across the state, denying students access to their constitutionally granted right to a quality education. Currently, schools across the state are owed \$4.2 billion in classroom operating aid, also known as Foundation Aid. Investment in an infrastructure of criminalization—especially in schools in Black and Brown communities—does not value learning, support, and true safety for students. We need a complete realignment of funding and policy priorities for school districts that includes a divestment of resources from the criminalization infrastructure and an investment in teaching, counseling and student support services. Investment in evidence-based programs that improve student success in school and reduce reliance on suspensions and school arrest will also help reduce the disproportionately high rates of suspension and avoid the loss of valuable instruction time experienced by young people of color. New York State’s budget should promote a climate where every teacher can teach and every student can learn.

We can build and sustain safe and supportive school communities by focusing on providing school communities with the tools, resources, and community partnerships necessary to help young people peacefully navigate conflict, build community, and create healthy and strong relationships. Proposals like the Judge Judith S. Kaye Safe and Supportive Schools Act (S.3036A-A.3873A), the Regents’ Supportive Schools Program, and budget items that fund school-based supports, offer real solutions that build safe and supportive school environments while keeping children in the classroom learning. They create strong state policies that support schools in building the skills and capacities of students and adults to constructively resolve conflict, and create learning environments that value everyone. There are effective alternatives that hold students accountable and help create healthy and inclusive school communities where both students and educators can thrive.

When we take a step back and review what we know about safe schools, we realize that placing more police in schools may create the appearance of safety but does not actually create truly safe schools. It is deeply troubling that with no supporting evidence, the New York State Senate would pass a school safety package that will cost the state hundreds of millions of dollars and undoubtedly lead to the continued criminalization of students of color and students with disabilities.

We don't need guns and metal detectors in schools. We need to equip our schools to meet the social, emotional, and mental health needs of students – guidance counselors, social workers, school psychologists, restorative justice coordinators, and school staff trained in trauma informed care. We need more staff able to identify the root causes of adverse childhood experiences and trauma, and to dismantle the school-to-prison pipeline and school-to-deportation pipeline. We urge the New York State leadership to approach safe, supportive, and inclusive schools with a 21st Century approach that prioritizes the social, emotional, and mental health needs of our most vulnerable students, and ensures fair and equitable school discipline and climate policies and practices.

Signed:



Advocates for Children of New York
 Alliance for Quality Education
 Citizen Action
 Children's Defense Fund New York
 The Committee for Hispanic Children & Families
 The Legal Aid Society

Make the Road New York
 New York Civil Liberties Union (NYCLU)
 Student Advocacy
 Urban Youth Collaborative
 YWCA Brooklyn
 Advancement Project