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Submitted via [www.regulations.gov](http://www.regulations.gov)

Alejandro Reyes  
Director, Program Legal Group  
Office for Civil Rights  
Potomac Center Plaza, Room 6125  
550 12<sup>th</sup> Street SW  
Washington, DC 20024

**Re: Federal Register Request for Information Regarding the Nondiscriminatory Administration of School Discipline, Docket ID ED-2021-OCR-0068**

Dear Director Reyes,

We write on behalf of Advancement Project National Office and the Alliance for Educational Justice (AEJ) to urge you to center the experiences and expertise of young people of color as you work to address discrimination in school discipline. Our organizations are committed to ensuring racial and educational justice for students across the country, which requires that students of color be safe, healthy and supported in their schools.

The Advancement Project National Office is a racial justice organization based in Washington, D.C. that works with communities of color to ensure that all students receive a quality public education in which they are safe, supported and can thrive. We have worked since our founding over 20 years ago to end the school-to-prison pipeline. The Alliance for Educational Justice is a national network of 35 youth and intergenerational organizing groups of color across 12 states and 14 cities dismantling the school-to-prison pipeline.

Our organizations have partnered with youth-led and grassroots organizations across the country as part of the National Campaign for Police Free Schools, fighting to create safe and nurturing educational environments for students of color. For students to truly thrive, we believe their educational and socio-emotional needs must be met by those most qualified to do so. This includes educators, counselors, and psychologists who are regularly trained in antiracist, trauma-informed practices and fully understand the nuances of adolescent development. Investment in law enforcement personnel siphons off funding and resources necessary for meeting students' needs while making schools less safe by increasing anxiety, alienating students, and creating a sense of mistrust between students and adults.<sup>1</sup>

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<sup>1</sup> Beger, R.R. (2003). "The Worst of Both Words," *Criminal Justice Review*, 28, 336-340.; Nolan, K. (2011). "Police in the Hallways: Discipline in an Urban High School".

As noted in the above-referenced request for information, on January 20, 2021, President Joe Biden issued an Executive Order on “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” to affirm the Administration’s policy of and commitment to pursuing “a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”<sup>2</sup>

If we have learned anything by the murder of George Floyd and the recent police killings of young people such as Adam Toledo, Ma’Khia Bryant and Anthony Thompson Jr., it is that the presence of law enforcement contradicts the compassionate and nurturing conditions necessary to maintain safe and positive school climates.<sup>3</sup> The officers that roam school hallways are no different from the officers on the street. Years of federal and local data reveal a relentless school-to-prison pipeline in which police disparately criminalize students of color in the same way that traditional means of law enforcement disparately criminalize communities of color.<sup>4</sup>

A new vision for school safety must emerge from this crisis. Over the past year, school boards in Minneapolis, Denver, Seattle, Oakland, Portland, Alexandria, Virginia, and many other cities, have taken historic action to remove police from schools, demonstrating that a future of schools free from policing is both possible and necessary to protect the safety and humanity of Black and Brown children.<sup>5</sup> A comprehensive approach to equity for students requires that the U.S. Department of Education, Office for Civil Rights (OCR), and the U.S. Department of Justice, Civil Rights Division (CRT) lead schools, districts, and states away from the use of school policing and clearly denounce this practice as harmful to students’ academic, social, mental and physical wellbeing.

We offer the following responses to inform your determinations about what policy guidance, technical assistance, and other resources best aid schools in providing positive, inclusive, safe, and supportive school climates and ensuring the nondiscriminatory administration of school discipline under the laws OCR enforces.

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<sup>2</sup> *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, THE WHITE HOUSE, Jan. 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>3</sup> ACLU, *Bullies in Blue: The Origins and Consequences of School Policing*, 29-31, April 2017, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_bullies\\_in\\_blue\\_4\\_11\\_17\\_final.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf).

<sup>4</sup> *Id.*

<sup>5</sup> Maya Riser-Kositsky & Stephen Sawchuk, *Which Districts Have Cut School Policing Programs?*, EDUCATION WEEK (June 4, 2021), <https://www.edweek.org/leadership/which-districts-have-cut-school-policing-programs/2021/06>.

## **1. Usefulness of current and previous guidance OCR and CRT have issued on school discipline:**

The January 8, 2014 *Dear Colleague Letter on Nondiscriminatory Administration of School Discipline* and the accompanying guidance package were in direct response to decades of advocacy led by students, families, grassroots organizations, and communities impacted by the discriminatory school-to-prison pipeline.<sup>6</sup> This guidance sent a message to schools and districts that they must finally address exclusionary discipline policies and practices that disproportionately impact students of color, and that these policies and practices may be discriminatory in violation of federal civil rights laws enforced by OCR.<sup>7</sup>

Although this guidance merely clarified existing law, it served as an important resource for educators, schools, districts, and states on how to create and maintain safe schools that equitably serve all students.<sup>8</sup> It affirmed what those leading this fight have known: that racial discrimination in school discipline is a significant problem.

In addition to providing several promising policies and practices for schools to adopt – including restorative justice practices; hiring counselors, nurses, and psychologists; and training for educators – the 2014 guidance also provided recommendations on the “appropriate use of law enforcement.”<sup>9</sup> These recommendations included defining and formalizing roles and responsibilities of school resource officers (SROs) or other law enforcement personnel, ensuring written agreements or memorandums of understanding (MOUs), and training for school resource officers.<sup>10</sup>

As the Departments consider new guidance and resources for schools and districts, we urge you to move away from endorsing any use of law enforcement as “appropriate.” The measures recommended in the 2014 guidance are insufficient to protect students from harm. Even when certain measures have been adopted to try to limit the roles, tactics, and responsibilities of law

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<sup>6</sup> *Dear Colleague Letter on Nondiscriminatory Administration of School Discipline*, OFFICE FOR CIVIL RIGHTS, Jan. 8 2014, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>; See also, Leadership Conference Education Fund, *School Discipline Guidance and Students’ Civil Rights*, 1-2, (Mar. 2018), <http://civilrightsdocs.info/pdf/education/School-Discipline-Policy-Brief.pdf>.

<sup>7</sup> Evie Blad, *New Federal School Discipline Guidance Addresses Discrimination, Suspensions*, Education Week (Jan. 8 2014), <https://www.edweek.org/teaching-learning/new-federal-school-discipline-guidance-addresses-discrimination-suspensions/2014/01>.

<sup>8</sup> Evie Blad, *Here’s What the End of Obama-Era Discipline Guidance Means for Schools*, Education Week (Dec. 18 2018), <https://www.edweek.org/leadership/heres-what-the-end-of-obama-era-discipline-guidance-means-for-schools/2018/12>.

<sup>9</sup> *Dear Colleague Letter on Nondiscriminatory Administration of School Discipline*, OFFICE FOR CIVIL RIGHTS, Jan. 8 2014, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

<sup>10</sup> *Id.*, Appendix I(C)

enforcement or increase training, students continue to be harmed.<sup>11</sup> For example, while many MOUs dictate that SROs should not be involved in minor discipline infractions, recent research suggests that SROs “still involve themselves in school discipline in subtle and informal ways.”<sup>12</sup> Even when SROs are not directly involved in discipline, their presence can shift schools’ practices in ways that make exclusionary discipline more likely.<sup>13</sup>

Recent national data from the Civil Rights Data Collection (CRDC) demonstrates the potential impact of this guidance. From the 2015-16 school year to the 2017-18 school year, before the guidance was rescinded, there was an overall two percent decline in exclusionary discipline across the country.<sup>14</sup> However, three types of discipline increased – including referrals to law enforcement, by 12 percent, and arrests of students from school, by five percent.<sup>15</sup> Moreover, the increased presence of police in schools has been associated with increases in suspension and expulsion for Black students and greater discipline disparities between Black and white students.<sup>16</sup>

**2. Ongoing or emerging school discipline policies or practices that are relevant to the communities we work alongside, including those we believe raise concerns about potentially discriminatory implementation or effects on students’ access to educational opportunities based on race, color, national origin, sex, or disability:**

The proliferation of law enforcement in our nation’s schools is a pressing and alarming issue that our organizations have worked tirelessly to combat. In 2018, our organizations released a joint report, *We Came to Learn: A Call to Action for Police Free Schools*, which chronicles the violent history of school policing in the United States and the ongoing harms that students, particularly Black and Brown, LGBTQ+, and students with disabilities face at the hands of school police officers.<sup>17</sup>

### **Intersectional impact of school police**

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<sup>11</sup> Aaron Kupchik, *Combatting the School-To-Prison-Pipeline*, End Zero Tolerance (Aug. 2020) <https://www.endzerotolerance.org/single-post/2019/03/11/Research-on-the-Impact-of-School-Policing>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*, Office for Civil Rights, U.S. Department of Education, Civil Rights Data Collection, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> Finn, Jeremy D. and Servoss, Timothy J. "Misbehavior, Suspensions, and Security Measures in High School: Racial/Ethnic and Gender Differences," *Journal of Applied Research on Children: Informing Policy for Children at Risk*: 5:2 (2014).

<sup>17</sup> *We Came to Learn: A Call to Action for Police-Free Schools*, Advancement Project and Alliance for Educational Justice, <https://advancementproject.org/wecametolearn/>.

We know that the mere presence of police in schools serves to reinforce and accelerate the school-to-prison pipeline, and this is borne out by the national data. The most recent CRDC data, for the 2017-18 school year, confirmed the disproportionate impact of school policing on students of colors and students with disabilities that we have seen revealed in dataset after data set.<sup>18</sup> During that school year, Black students represented only 15 percent of the total student enrollment but accounted for 29 percent of all students referred to law enforcement.<sup>19</sup> White students, on the other hand, accounted for 47 percent of all students in 2017-18, but only 38 percent of referrals to law enforcement.<sup>20</sup> Students served under the Individuals with Disabilities Education Act (IDEA) represented 13 percent of all students but were 27 percent of students referred to law enforcement in 2017-18.<sup>21</sup> Even more concerning is the increase in referrals and arrests between 2015-16 and 2017-18 while the disproportionate use of referrals and arrests continues.<sup>22</sup>

Moreover, Black students with disabilities – who exist at the intersection of these identities – represented 18 percent of all students provided services under IDEA but 32 percent of those who were referred to law enforcement.<sup>23</sup> Black secondary students with disabilities in hundreds of large districts were referred to law enforcement at rates that far surpass other students with disabilities from other racial groups.<sup>24</sup>

Black boys were subject to arrest and law enforcement referrals at a rate more than 2 times higher than their white peers, while Black girls were 3.7 times more likely to be arrested than white girls.<sup>25</sup> Research shows that higher discipline rates for students of color are not due to higher rates of misbehavior, but instead due to systemic racism.<sup>26</sup> As the Departments work to

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<sup>18</sup> *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*, Office for Civil Rights, U.S. Department of Education, Civil Rights Data Collection, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> U.S. Education Department, Office for Civil Rights, Civil Rights Data Collection, 2017-18 State and National Estimations, released June 2021, available at <https://ocrdata.ed.gov/estimations/2017-2018>.

<sup>24</sup> John McDonald, *National Analysis Details Troubling Levels of Pre-existing Education Inequities for Students with Disabilities*, The Civil Rights Project (Mar. 23 2021), <https://www.civilrightsproject.ucla.edu/news/press-releases/2021-press-releases/national-analysis-details-troubling-levels-of-pre-existing-education-inequities-for-students-with-disabilities>.

<sup>25</sup> *Data Snapshot: 2017-2018 National Data on School Discipline by Race and Gender*, Georgetown Law Center on Poverty and Inequality, Initiative on Gender Justice and Opportunity, <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>

<sup>26</sup> Skiba, Russell & Michael, Robert & Nardo, Abra & Peterson, Reece. (2002). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. *The Urban Review*. 34. 317-42.

issue new guidance, we urge you to make clear that students, particularly students of color, may experience multiple forms of discrimination at the intersection of their identifies, and that they are entitled to protection under all the laws that OCR enforces – including discrimination on the bases of race, national origin, color, gender, sexual orientation, and disability status.

### **Physical and sexual assaults of young people by school police**

We know that, unfortunately, the harm to students by school police is not limited to their referrals and arrests. Our organizations have tracked assaults on young people at the hands of school police – including physical and sexual assaults – and have tracked over 150 assaults that have made the news since 2007, often raising both Title VI and Title IX concerns.<sup>27</sup> As schools reopened their doors in the spring, two Black girls in two separate Florida school districts were physically assaulted by law enforcement on the same day in January of this year.<sup>28</sup>

### **Discriminatory policing through surveillance tactics**

School policing is also not limited to law enforcement personnel roaming school hallways. We have seen increased use of surveillance tactics, including anonymous reporting systems, social media monitoring, and threat assessment teams that coordinate with law enforcement.<sup>29</sup> These dangerous and unproven practices will disproportionately criminalize Black and Brown students and threaten their safety.<sup>30</sup> In Pasco County, Florida, it was revealed late last year that the Sheriff's Office illegally used confidential student data to profile students to predict whether they were likely to “fall into a life of crime,” including their test scores, histories of abuse, and discipline records, and policed and harassed them and their families as a result.<sup>31</sup> As discipline in Pasco County disproportionately impacts students of color, this surveillance likely also disproportionately impacts students of color – but the students and parents have not been notified if they exist on this list.<sup>32</sup> This type of surveillance may not only be a violation of Title VI, but also of the Family Educational Rights and Privacy Act (FERPA).

It is well documented that security and school police are more common at majority-Black

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<sup>27</sup> *We Came to Learn: A Call to Action for Police-Free Schools*, Advancement Project and Alliance. For Educational Justice, [wecametolearn.com](http://wecametolearn.com).

<sup>28</sup> *Id.*

<sup>29</sup> Faiza Patel & Rachel Levinson-Waldman, *Expert Brief: School Surveillance Zone*, Brennan Center for Justice (Apr. 30 2019), <https://www.brennancenter.org/our-work/research-reports/school-surveillance-zone>.

<sup>30</sup> *Id.*

<sup>31</sup> Neil Bedi & Katherine McGrory, *Pasco's sheriff uses grades and abuse histories to label schoolchildren potential criminals*, Tampa Bay Times (Nov. 19 2020), <https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>.

<sup>32</sup> *Id.*

schools, raising Title VI concerns across school discipline and resource equity.<sup>33</sup> An analysis of data from the U.S. Department of Education’s School Survey on Crime and Safety conducted in 2009-10 and 2013-14—to examine school security methods used before and after the Newtown, Connecticut school shooting found this pattern continues with the use of surveillance.<sup>34</sup> The results showed a clear and consistent pattern that the concentration of students of color was a predictor of whether or not schools decided to rely on more intense security measures, even after controlling for a host of variables that might explain the presence of stricter student surveillance, such as school crime, neighborhood crime, school disorder (disciplinary or behavioral problems on campus), and other student demographics and school characteristics.<sup>35</sup>

The study found that as the portion of students of color in the school increased, so did the odds that the school would rely on more intense surveillance methods.<sup>36</sup> In schools where students of color accounted for more than half of the student body, the probability of the school using a mix of metal detectors, school police and security guards, locked gates, and random sweeps was two to 18 times greater than at schools where the population of students of color was less than 20 percent.<sup>37</sup>

### **School policing harms immigrant and documented students**

Immigrant students are particularly vulnerable to school policing. The school-to-deportation pipeline is part of a larger school-to-prison pipeline. Immigrants and undocumented students pushed out of school and into the criminal justice system are at risk of detention and potentially deportation proceedings because of school policing and heightened surveillance.<sup>38</sup> Any interaction that results in police collecting a student’s information, including tickets, citations, and arrests can put a student at risk.<sup>39</sup> Immigration and Customs Enforcement (ICE) has used information about immigrant youth and alleged “gang affiliation” to detain young people.<sup>40</sup> Often people are included in a gang database because they live in an area that allegedly has a lot

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<sup>33</sup> Evie Blad, *On-Site Police, Security More Common at Majority-Black Secondary Schools*, Education Week (Apr. 26 2018), <https://www.edweek.org/leadership/on-site-police-security-more-common-at-majority-black-secondary-schools/2018/04>.

<sup>34</sup> Nance, Jason P., *Student Surveillance, Racial Inequalities, and Implicit Racial Bias* (August 27, 2016). 66 Emory Law Journal 765 (2017), University of Florida Levin College of Law Research Paper No. 16-30, Available at SSRN: <https://ssrn.com/abstract=2830885>

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Coshandra Dillard, *The School-to-Deportation Pipeline*, Learning for Justice (2018), <https://www.learningforjustice.org/magazine/fall-2018/the-school-to-deportation-pipeline>.

<sup>39</sup> *Id.*

<sup>40</sup> Julia Edwards Ainsley, *Exclusive: U.S. immigration raids to target teenaged suspected gang members*, Reuters (July 21 2017), <https://www.reuters.com/article/us-usa-immigration-raids-exclusive/exclusive-u-s-immigration-raids-to-target-teenaged-suspected-gang-members-idUSKBN1A62K6>.

of gang activity, live in the same house as someone who is in a gang, wear a certain type of sneaker, or draw certain symbols.<sup>41</sup> Information about alleged gang affiliation comes from local law enforcement who are often interacting with young people because they are stationed in schools.<sup>42</sup>

### **New research continues to reinforce that school police do not contribute to “safety”**

Opponents of police free schools claim that police are needed in schools in order to keep students safe – despite no clear evidence that they do. In fact, there is no conclusive evidence that the presence of police in schools reduces student crime, nor that they prevent mass shootings. During the Parkland, Florida shooting at Marjory Stoneman Douglass High School, the SRO stood idly outside while the mass shooting occurred indoors.<sup>43</sup> After students sued county officials for this failure, a federal judge dismissed their claims and declared that neither the school nor sheriff’s deputies had a legal obligation to protect students from the alleged shooter.<sup>44</sup>

Taken together, this ruling and the lack of evidence on the efficacy of SRO violence prevention negate the argument that SROs keep students safe. Researchers at Hamline University recently unveiled a study from public data that indicates that there is no association between the presence of an SRO and the deterrence of violence.<sup>45</sup> Furthermore, the study determined that there is a higher mortality rate when an armed officer is present during a school mass shooting.<sup>46</sup> School policing has summarily failed to prevent violence and has drained school districts of critical resources better spent on hiring high-quality educators, counselors, school nurses and other professionals trained to support students’ needs.<sup>47</sup>

Instead of ensuring safety and improving behavior, police presence often heightens disorder among students by diminishing the authority of school staff.<sup>48</sup> When students perceive a negative school climate, they are less likely to be engaged, more likely to be truant or dropout and more

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<sup>41</sup> Vaidya Gullapalli, *Spotlight: The Dangers of Gang Databases and Gang Policing*, The Appeal (July 3 2019), <https://theappeal.org/spotlight-the-dangers-of-gang-databases-and-gang-policing/>.

<sup>42</sup> Matt Masterson, CPS Announces New Reforms to School Resource Officer Program, WTWW (Aug. 20 2020), <https://news.wttw.com/2020/08/19/cps-announces-new-reforms-school-resource-officer-program>.

<sup>43</sup> Adeel Hassan, *Officers Had No Duty to Protect Students in Parkland Massacre, Judge Rules*, NY Times (Dec. 18 2018), <https://www.nytimes.com/2018/12/18/us/parkland-shooting-lawsuit-ruling-police.html>.

<sup>44</sup> *Id.*

<sup>45</sup> Peterson J, Densley J, Erickson G, Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019, *JAMA Netw Open*. 2021;4(2):e2037394. doi:10.1001/jamanetworkopen.2020.37394.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Tyler Whittenberg & Maria Fernandez, *Ending Student Criminalization and the School-to-Prison Pipeline*, NYU Steinhardt - The Metropolitan Center for Research on Equity and the Transformation of Schools, <https://steinhardt.nyu.edu/metrocenter/ejroc/ending-student-criminalization-and-school-prison-pipeline>.



likely to have issues with bullying.<sup>49</sup> School staff are tasked with supporting children and youth who take risks and push boundaries because they are still in the process of learning to regulate their thoughts, actions, and emotions.<sup>50</sup> However, in policed schools serving youth of color, students' appropriate developmental needs and typical youthful angst are met with the heavy hand of the law instead of the support of a caring adult.<sup>51</sup>

It is clear that school policing does not serve to provide safety, but there is ample evidence that they enforce racial disparities that make Black and Brown students *less* safe.<sup>52</sup> Not only does school policing have a disproportionate, adverse impact on students of color, it is detrimental to achieving important educational goals.<sup>53</sup> Like the more than 35 schools and districts that have ended the practice of school policing in response to youth-led demands, the Departments should also follow the lead of impacted young people and clearly signal that the continued use of school policing is harmful to students and likely illegally discriminatory.<sup>54</sup>

### **3. Promising practices for the administration of nondiscriminatory school discipline and creating positive school climates:**

We urge the Departments to hear the demands of the young people and their allies who have been engaging in the struggle for police-free schools for years. They are fighting to dismantle the infrastructure, culture, and practice of school policing, end school hardening and student surveillance, and build a new liberatory education system. Over 1.7 million children attend school with school police, but not school counselors.<sup>55</sup> As schools and districts across the country divest from policing, they must invest in resources and supports that truly keep all students safe and thriving.

Some of the specific demands our partners are making include:

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Patrick Cremin, *School Policing was Designed to Criminalize Black Students. We Must Follow Black Voices Calling for its Abolition*, Harvard Civil Rights – Civil Liberties Law Review, <https://harvardcrl.org/school-policing-was-designed-to-criminalize-black-students-we-must-follow-black-voices-calling-for-its-abolition/>. See also, ACLU, *11 Million Days Lost: Race, Discipline, and Safety at U.S. Public Schools*, <https://www.aclu.org/report/11-million-days-lost-race-discipline-and-safety-us-public-schools-part-1>.

<sup>53</sup> *Id.*

<sup>54</sup> Maya Riser-Kositsky & Stephen Sawchuk, *Which Districts Have Cut School Policing Programs?*, EDUCATION WEEK (June 4, 2021), <https://www.edweek.org/leadership/which-districts-have-cut-school-policing-programs/2021/06>.

<sup>55</sup> American Civil Liberties Union. *Cops Not Counselors: How the Lack of School Mental Health Staff Is Harming Students* (2018), <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

- Invest in resources that support the whole child, including expanding school-based mental health support and hiring, at minimum, the recommended student-to-professional ratios for counselors (250:1); nurses (750:1); and school psychologists (700:1).
- Implement collective processes for crafting alternatives to school policing that center students and community members most impacted by youth criminalization. For example, schools and districts could engage students and parents in organizing and training school-based violence interrupters (e.g., “safety squads”) that operate outside of the justice system and respond with trauma-informed care.
- Implement culturally-relevant and student-responsive curriculum that enhances students self-determination and intrinsic motivation while creating healthier school environments.
- Create transparent, independent district-wide complaint systems for students and families to report school police interactions, violence, and abuse without the threat of stigmatization or retaliation.
- Develop sanctuary schools where all immigrant, Latinx, Black, and Indigenous students feel free to learn and are safe from the threat of school-based arrests and deportation by prohibiting undue information sharing between law enforcement, Immigration and Customs Enforcement (ICE), and the Department of Homeland Security as well as prohibiting all immigration enforcement on school grounds.
- Enact policies that remove metal detectors, various forms of student surveillance and police officers from schools. Additionally, policymakers should prohibit police officers and school staff from carrying weapons on school campuses, including electronic restraints, chemical restraints.
- Ensure that police officers are only called into schools as an instrument of last resort. This can be achieved through policies and interagency agreements that eliminate the regular presence of police officers on campus and place limits on requests for police assistance. It is also necessary to independently review instances when educators and administrators call police into schools to ensure these policies are being followed.
- To better assess the extent of student criminalization and identify districts of concern, States should release data on school-based arrests and referrals to law enforcement disaggregated by race, ethnicity, gender, age, offense, school district and school site.
- State Education Agencies should identify school districts and school sites with harmful school policing practices and oversee targeted interventions. Collecting and disseminating the full range of aforementioned data indicators will allow state actors and



community members to more accurately identify school policing issues in specific school districts or at particular school sites. After identifying school policing issues within a particular district and school site, the State should collect qualitative data to further contextualize the issue and assist students, families, community members, educators, and administrators in developing targeted interventions that limit student criminalization and support students' needs.

We urge the Departments to strengthen and reissue guidance to school districts and states that includes the recommendations and demands from students most impacted by the school-to-prison pipeline. We urge the Departments to use their authority to collect data annually to monitor for discriminatory discipline, to enforce federal civil rights laws where discriminatory school discipline and policing is happening, and to end the federal funding of harmful measures that criminalize and harm students, including federal funding for school police and surveillance.

We appreciate the opportunity to respond to your request for information about the critical issue of discriminatory school discipline. We look forward to working closely with the Departments to ensure all students are free, safe, and thriving in their schools, and that all schools are loving, affirming, liberatory, freedom spaces. If you have any questions, please contact Tyler Whittenberg ([twhittenberg@advancementproject.org](mailto:twhittenberg@advancementproject.org)), Deputy Director for the Opportunity to Learn Program at Advancement Project.

Sincerely,

Judith Browne Dianis  
Executive Director,  
Advancement Project – National Office

Jonathan Stith  
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