



June 20, 2022

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Charles E. Schumer  
Majority Leader  
U.S. Senate  
Washington, D.C. 20510

Dear Speaker Pelosi and Majority Leader Schumer:

The tragic mass shooting last month at Robb Elementary School in Uvalde, Texas has devastated us and our communities. As we mourn the horrific murders of 19 children and 2 educators, and hope for healing of those left injured and traumatized by the shooting, we are clear in our responsibility as civil rights leaders to ensure young people across the country are truly safe in their schools. We ask that as Congress considers legislation to curb gun violence, you prioritize culturally affirming solutions that address children's emotional, health and safety needs in the classroom over punitive policies.

We are encouraged by the long overdue action from Congress seeking to address gun violence and enact meaningful protections from guns. We must be sure that any action to protect children from gun violence does not include any expansion of measures that have been especially harmful to Black, Latinx, and other students of color, students with disabilities, and LGBTQ students. In response to prior tragic mass shootings, states and localities have increased police presence and surveillance, and expanded school

hardening measures. The result has been criminalization and physical harm to students and deterioration of learning environments -- not an end to mass shootings. We must do better this time.

In the more than two decades since the 1999 mass shooting at Columbine High School, and following dozens of mass shootings in schools, the federal government has supplied billions of dollars for school-based law enforcement (sometimes called school resource officers, or SROs) and other school hardening measures, including metal detectors, locks, and surveillance technologies. In the first year it was authorized, the federal Community Oriented Policing Services in Schools Program (COPS) dispersed \$68 million to jurisdictions, resulting in the hiring of 599 school-based law enforcement officers in 289 communities across the country.<sup>1</sup> This federal program seeded the significant local and state spending on school policing in the decades that followed. Yet, research has found that school police do not prevent school shootings or gun-related incidents,<sup>2</sup> do not lessen their severity,<sup>3</sup> and that the death rate is actually *higher* in schools with armed officers during mass shootings in schools.<sup>4</sup>

Not only do school police not prevent school shootings, they also harm students' education and criminalize them. The most recent federal data also shows the disproportionate impact of school policing on students of color and students with disabilities that we have seen revealed in dataset after dataset: Black students represent only 15 percent of the total student enrollment but account for 29 percent of all students referred to law enforcement.<sup>5</sup> Students with disabilities served under the Individuals with Disabilities Education Act (IDEA) represent 13 percent of all students but 27 percent of students referred to law enforcement. Police presence is also associated with increases in suspension and expulsion for Black students and greater discipline disparities between Black and white students, undermining educational outcomes and pushing these young people into the school-to-prison pipeline.<sup>6</sup>

The disparate impact of policing on Black students and other students of color continues with the use of surveillance and other school hardening tactics. A study of federal data found 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

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<sup>1</sup> Girouard, C., *School Resource Officer Training Program*, U.S. Department of Justice-Office of Juvenile Justice and Delinquency Prevention (2001), available at <https://www.ojp.gov/pdffiles1/ojjdp/fs200105.pdf>. In the years since, the Department of Justice provides more than half a billion dollars each year for state and local law enforcement through its COPS grant, including more than \$50 million for school violence prevention programs.

<sup>2</sup> Sorensen, Lucy C., et al., *The Thin Blue Line in Schools: New Evidence on School-Based Policing Across the U.S.* (2021), Brown University, available at <https://www.edworkingpapers.com/ai21-476>.

<sup>3</sup> Levingston, M., et al, *A Descriptive Analysis of School and School Shooter Characteristics and the Severity of School Shootings in the United States, 1999-2018*, Journal of Adolescent Health, available at [https://www.jahonline.org/article/S1054-139X\(18\)30832-2/pdf](https://www.jahonline.org/article/S1054-139X(18)30832-2/pdf)

<sup>4</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* (2021), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7887654/>

<sup>5</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, available at <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

<sup>6</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).

surveillance.<sup>7</sup> The study even found that more intense surveillance measures increase as the portion of students of color in the school increase. 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.

Yet, again, there is not evidence of the efficacy of school hardening and surveillance tactics. In fact, research has shown that measures including metal detectors, locked doors, and security cameras do not deter school shootings.<sup>8</sup> Uvalde not only had its own school district police department, but it also had threat assessment teams at each school as well as social media monitoring, and had received a grant from the state to bolster school security in 2020.<sup>9</sup>

Instead, these school policing tactics have summarily failed to prevent violence, have instead caused harm and trauma,<sup>10</sup> and have drained school districts of critical resources better spent on hiring trusted, well-trained educators, counselors, restorative justice practitioners, school nurses and other professionals with the qualifications to support students.<sup>11</sup> These investments in mental health supports are critical for our young people, but if provided alongside more school policing and hardening, Black, Latinx, and other students of color, students with disabilities, and LGBTQ students in particular will only be further criminalized, dehumanized, and harmed.

In this moment, we need solutions that fit the problem and we cannot be distracted by proposals that will only cause more harm to Black children and other students of color, students with disabilities, and LGBTQ students. In crafting solutions, we must be clear that the causes of the problem – gun violence – are white supremacist ideologies, racism, and lack of protections from guns. Our policy solutions must protect students not cause more harm, including unintended but well-documented harms. This must be a moment of unity and strength to advance those policies which will help, while walking away from the policies that hurt. We look forward to the opportunity to discuss this matter with you.

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<sup>7</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>8</sup> Madfis, E., *How to Stop School Rampage Killing: Lessons from Averted Mass Shootings and Bombings* (2020).

<sup>9</sup> See, for example, *Uvalde had budgeted over \$16 million for police over last 4 years as criticism continues*. <https://www.chron.com/news/local/article/Uvalde-law-enforcement-expenses-school-shooting-17216129.php>; *Texas already “hardened” schools. It didn’t save Uvalde*. <https://www.texastribune.org/2022/05/26/texas-ualde-shooting-harden-schools/>; *Uvalde CISD purchases social media monitoring years before shooting*. <https://www.dallasnews.com/news/investigations/2022/05/25/ualde-cisd-purchased-social-media-monitoring-service-years-before-shooting/>.

<sup>10</sup> The Advancement Project National Office and the Alliance for Educational Justice have tracked over 200 police assaults against students, primarily students of color, since 2007: <https://policefreeschools.org/map/>

<sup>11</sup> Whitaker, A., et al., *Cops and no counselors: How the Lack of School Mental Health Staff is Harming Students*. The American Civil Liberties Union, <https://www.aclu.org/report/cops-and-no-counselors>.

Sincerely,

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