

COUNSELORS NOT COPS: ENDING THE REGULAR PRESENCE OF LAW ENFORCEMENT IN SCHOOLS

The Dignity in Schools Campaign is a national coalition of over 100 organizations that promotes alternatives to a culture of zero-tolerance, punishment, criminalization and the dismantling of public schools. DSC fights for the human right of every young person to a quality education and to be treated with dignity.

The presence of police in schools has escalated dramatically in the last several decades, and the figures on arrests and referrals to law enforcement show disproportionate targeting of Black and Latino students. This is just one aspect of the school-to-prison pipeline, where some students are denied an opportunity to succeed, and instead are pushed out of school and into the juvenile or criminal justice system.

While the complete emotional, social and financial impact of daily police presence in schools is not fully understood, it is clear that students and their families are criminalized, and that school-based arrests and referrals to law enforcement go up when police have a regular presence in schools.

The Dignity in Schools Campaign has developed a set of policy recommendations for schools, districts, states and federal policy-makers to end the regular presence of law enforcement in schools.

These recommendations build on our DSC Model Code on Education and Dignity¹ and are based on best practices, research and experiences of students, parents, intervention workers, peace-builders and educators from around the country, and on a human rights framework for schools. They are designed so that communities and policy-makers can identify specific areas of concern and implement the recommended language, including changing laws and policies, while taking into account the diverse needs and characteristics of individual communities. We recognize that some recommendations in this platform break new ground and are rooted in a new vision for our schools.



¹ A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools, Dignity in Schools Campaign, Revised October 2013, <http://dignityinschools.org/our-work/model-school-code>.

SUMMARY OF COUNSELORS NOT COPS POLICY RECOMMENDATIONS

The Dignity in Schools Campaign has developed the following recommendations for schools, districts, states and federal policy-makers:

1. End the Regular Presence of Law Enforcement in Schools

We are calling for removal of any law enforcement personnel assigned to be present on a regular basis in schools, including sworn officers (and unsworn if they are armed security), municipal police officers, school police officers, school resource officers (SROs), sheriff's deputies, parole and probation officers, tribal officers, truancy officers, ICE officers or other immigration officials and armed security guards.

2. Create Safe Schools through Positive Safety and Discipline Measures

Instead, school staff trained to ensure safe and positive school climates, such as community intervention workers, peacebuilders, behavior interventionists, transformative or restorative justice coordinators, school aides, counselors and other support staff, can and do prevent and address safety concerns and conflicts. These staff monitor school entrances and ensure a welcoming environment, respond to the root causes of conflict and disruptive behaviors, prevent and intervene to stop intergroup and interethnic tension, and address students' needs.

3. Restrict the Role of Law Enforcement that are Called in to Schools

On those rare occasions when it is appropriate for law enforcement to enter a school building, there should be agreements with police departments that limit the cases when law enforcement can be called in to a school, with particular safeguards in place to ensure students' rights to education and dignity are protected, in addition to their constitutional rights to counsel and due process.

Visit www.dignityinschools.org for more resources on alternatives to police in schools and building positive, safe and supportive school climates, including "A Resource Guide on Counselors Not Cops: Supplemental Materials for DSC Policy Recommendations on Ending the Regular Presence of Law Enforcement in Schools."

COUNSELORS NOT COPS POLICY RECOMMENDATIONS

1) End the Regular Presence of Law Enforcement in Schools

Remove any law enforcement personnel that are assigned to be present on a regular basis in and around² a school or set of schools during regular school hours and any school-run activities in the building. This would prohibit a regular presence, such as being stationed full or part-time in a school or set of schools, making daily or weekly visits, or the inclusion of a school in an officer's regular beat. This includes School Resource Officers (SROs), police, security officers and any other law enforcement personnel³ that meet the following criteria:

- a. Have the power to arrest, detain, interrogate, question, fine or ticket students on municipal code, juvenile, criminal or immigration-related matters.
- b. Have the power to punish youth for violations of probation or parole.
- c. Carry any type of weapon, including but not limited to a firearm, baton, taser, rubber bullets, bean bags, mace, pepper/OC spray, and/or carry handcuffs or other forms of restraint.
- d. Report to, are certified by, or receive training from a police department, including personnel who can report students to a gang database or other police databases.
- e. Schools should also prohibit any school staff from carrying the weapons described above.

2) Create Safe Schools through Positive Safety and Discipline Measures

Support schools to create safe and supportive climates for learning to build relationships with students, get to the root of problems in the school and surrounding community, and prevent and address safety concerns in a way that protects the health, well-being and human rights of students, parents and staff.

States, districts and schools should shift resources away from practices and staffing that criminalize students, and invest in positive approaches and school staff funded through the core education budget,⁴ including:

- a. Employing staff⁵ trained to ensure safe and positive school climates, such as community intervention workers, peace-builders, transformative or restorative justice coordinators, behavior interventionists, school aides, counselors and other support staff.⁶

² For the purposes of these recommendations, "in and around" is meant to encapsulate the criminalization by law enforcement that specifically targets students while they are coming in and out of school.

³ Law enforcement includes sworn officers (and unsworn if they are armed security), municipal police officers, school police officers, school resource officers (SROs), sheriff's deputies, parole and probation officers, tribal officers, truancy officers, ICE officers or other immigration officials and armed security guards.

⁴ Whether these roles are school-based staff or employed by community-based organizations or government institutions, they must be funded through a district's core education budget and considered a permanent part of the school community.

Roles for these staff include to:

- Help prevent and address safety concerns and conflict;
- Monitor school entrances and ensure a welcoming environment;
- Respond to the root causes of behavior;
- Prevent and intervene to stop intergroup and interethnic tension;
- Address students' needs; and
- Work with stakeholders to create a school safety plan, including a plan for evacuation should the need arise, and ensure all staff are trained to carry out the plan. (See the Resources Guide for further definitions of different staff roles and practices.)

b. Ongoing training and support for all school staff in positive approaches to school climate and discipline, including:

- Trauma-informed practice;
- Child and adolescent development and psychology;
- Comprehensive youth development practices and programming;
- Conflict resolution and peer mediation;
- De-escalation techniques;
- Violence prevention and intervention;
- Intergroup and interethnic conflict, intervention and truce-building strategies;
- Bias-based and sexual harassment and sexual violence;
- Working with youth with disabilities or physical, emotional, or mental conditions;
- Working with LGBTQ and gender non-conforming youth;
- Cultural competencies (including understanding and addressing racism, sexism, homophobia, transphobia, ableism, adultism/ageism, and other implicit and explicit biases);
- The impacts of arrest, court, detention, incarceration and/or deportation on youth life chances;
- Effective strategies for building safe schools without relying on suppression;
- Restorative and transformative justice practices;
- School-Wide Positive Behavioral Interventions and Supports; and/or
- Other positive approaches to school climate and discipline being used in the district.

c. Promoting youth and parent leadership within the school through leadership councils that have an integral role in creating, implementing, monitoring and evaluating safe and supportive school climates. This may include serving as restorative justice facilitators in the school, ensuring there are trainings for all parents, students and community members to fully understand how positive alternatives are being implemented and who is responsible for different aspects of maintaining a positive school climate, and monitoring any agreements with law enforcement (detailed below).

⁵ These staff should be protected by all applicable labor laws, including overtime pay where applicable, and should not be expected to perform these duties outside of their paid hours.

⁶ Each school must determine what their needs are in terms of supportive school staff, which may include both guidance counselors and therapeutic counselors, social workers, therapists, psychologists, substance abuse counselors, and other mental health professionals. All of these roles are meant to address the root causes of issues impacting students and the larger school climate.

- d. Developing district-level structures, such as a Student and Teacher Supportive Services Department, that will:
 - Coordinate support staff, including counselors, social workers, nurses, dropout prevention coordinators, community intervention workers, peacebuilders, behavior interventionists, parent coordinators and others, who are working to promote safe and positive school environments and address the root causes of problems; and
 - Monitor implementation and provide support and coaching for schools that are struggling to implement these practices.
- e. Intentional recruiting of Black and Latino administrators, teachers, school safety and support staff trained in the positive approaches above to ensure that school staff reflect the communities in which they are working.

3) Restrict the Role of Law Enforcement that are Called in to Schools

In order to limit the rare cases when law enforcement can be called into schools and to protect students rights while they are on the school site, require that all school districts adopt a publically accessible Memorandum of Understanding (MOU) between schools and local police departments (including tribal controlled schools) that limits the role of any law enforcement personnel who come in to contact with schools, including by:

- a. Ensuring that any SROs, police or security officers that are called into a school are not involved in school discipline issues. They shall be responsible only for responding to serious criminal law matters where there is a real and immediate threat of serious physical injury or where it is mandated by law that such offenses be referred to the criminal justice system.
- b. Setting strict limits on what law enforcement personnel can and cannot do when they are called to schools to respond to serious criminal matters, including notifying the school before entering school property, requiring that school officials immediately contact a student's parents or guardians when law enforcement is called, and whenever possible, before law enforcement is called, and requiring caregiver notification before interrogating or questioning of students.
- c. Prohibiting law enforcement from approaching, interrogating, questioning, fining, ticketing, responding to warrants, or arresting students on school grounds for non-school related incidents.
- d. Eliminating the ability of law enforcement to question or interrogate students in schools without a parent or guardian present, and allow adequate time for parents or guardians to arrive.

⁷ Students' right to counsel must be communicated and protected where such rights exist, which varies in different localities. DSC calls for a publically funded right to counsel in our Model Code on Education and Dignity for students in discipline, truancy and manifestation proceedings, however this right is not currently recognized. You can find further information on the right to counsel at http://www.dignityinschools.org/files/code/ModelCode_AppendixII.pdf.

- e. Eliminating the ability of law enforcement to listen to the questioning or interrogation of students by others (such as school officials).
- f. Ensuring that students are made aware of their rights and have an opportunity for consultation with counsel⁷ and/or another trusted adult selected by the student prior to any interrogation by the police.
- g. Prohibiting schools from calling law enforcement for disciplinary matters and listing specific behaviors for which police cannot be called, including but not limited to the following behaviors as listed in our DSC Model Code on Education and Dignity⁸:
 - Disorderly conduct;
 - Trespassing or loitering;
 - Insubordination/defiance;
 - Profanity, verbal abuse and/or harassment;
 - Vandalism and/or graffiti;
 - Failure to wear or correctly wear school uniform or follow policies regarding clothing;
 - Possession of a prohibited item that does not violate the penal code (i.e. cell phones);
 - Being late, cutting class, absenteeism or truancy;
 - Fighting that does not involve a deadly weapon or immediate threat to other students;
 - Perceived drunkenness or intoxication;
 - Participation in protests, demonstrations or other political activities;
 - Possession of markers, pens, black books or other items that are alleged “graffiti tools;”
 - Possession of drugs or alcohol for personal use;
 - Possession of a tool that could be taken to be, but is not intended as a weapon—such as a nail clipper or file, small pen knife, butter knife, toy gun, pepper spray, etc.; and
 - Alleged or witnessed promoting or claiming of a neighborhood or crew/gang (including verbally, through graffiti, through clothing or hand signs).
- h. Protecting students’, parents’ and school staff’s right to film police activities.
- i. Ensuring that if the police remove a student from school, that there is a follow up process for when that student returns to school that addresses the root cause of the situation and a plan put into place that will support the success of that student.
- j. Requiring that all law enforcement personnel who come in to contact with schools receive training to ensure they are responding appropriately to youth, including at least 60 hours of training before being assigned to respond to schools covering topics as listed in our DSC Model Code on Education and Dignity.

⁸ Although municipal and state penal codes may allow for arrest, fines and other court involvement for the behaviors listed below, such actions undermine positive school climate, student attendance and achievement. Further, municipal and state penal codes often contain clear provisions that encourage community diversion by law enforcement officers. School personnel, in partnership with community diversion organizations – not police – must develop positive behavioral interventions and supports to address the typical adolescent behaviors listed.

Topics for trainings include:

- Trauma-informed practice;
 - Child and adolescent development and psychology;
 - Youth development skills and competencies;
 - Conflict resolution and peer mediation;
 - De-escalation techniques;
 - Violence prevention and intervention;
 - Intergroup and interethnic conflict, intervention and truce-building strategies;
 - Bias-based and sexual harassment and sexual violence;
 - Working with youth with disabilities or physical, emotional, or mental conditions;
 - Working with LGBTQ and gender non-conforming youth;
 - Cultural competencies (including understanding and addressing racism, sexism, homophobia, transphobia, ableism, adultism/ageism, and other implicit and explicit biases);
 - The impacts of arrest, court, detention, incarceration and/or deportation on youth life chances;
 - Effective strategies for building safe schools without relying on suppression.
 - Restorative and transformative justice practices;
 - School-Wide Positive Behavioral Interventions and Supports; and
 - Other positive approaches to school climate and discipline being used in the district.
- k. Equipping the parent and youth councils described above (see section 2) to monitor law enforcement that come into schools, including through having timely access to data on arrests and referrals to law enforcement disaggregated by student subgroup, holding regular joint meetings with the police department and school district to ensure the MOU is being followed, and potentially acting as a liaison between the police, school staff and any students they are interacting with.
- l. Ensuring that any police, security officers or other law enforcement personnel that operate within and around schools must be subject to clear and transparent civilian complaint processes that include real methods of accountability and correction. Students and parents or guardians must have easy access to the complaint process, must be notified of any investigation and outcome within 10 days and must have the right to an accessible and transparent appeal process.
- m. Publishing all the above restrictions on law enforcement in the school or district code of conduct so that parents and students are made aware of what police can and cannot do in their schools.
- n. Collecting and reporting data on all police interactions with students, including calls to police for services, referrals to law enforcement, school-based arrests, tickets and summonses, disaggregated by student sub-group. The data should be made publicly available and accessible, including through posting data on school districts' websites and translating data reports into all the languages represented in the school community.