



December 10, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
Washington, D.C. 20500

Via email

RE: 324 Organizations and Individuals Call for Your Fiscal Year 2023 (FY23) Proposed Budget to Address Systemic Racism, Policies and Practices that Harm Black and Brown Students

Dear President Biden:

The Federal School Discipline and Climate (FedSDC) Coalition and the 324 undersigned organizations and individuals send this letter urging you to ensure that your proposed FY23 federal budget addresses systemic racism, policies and practices that criminalize, harm, and discriminate against Black, Indigenous, and other students of color, including students with disabilities, and students in the LGBTQ+ community. **To achieve this, your proposed FY23 federal budget must end all federal funding that supports and advances police in schools, student threat assessments, school hardening and/or student surveillance, including all federal funds for salaries, training, technical assistance, websites, reports, communications, and other tools.**

FedSDC is a diverse group of organizations and individuals committed to advocating for federal legislative, budgetary, and administrative action to protect the interests and educational rights of Black and Brown students and youth through a racial justice and educational equity lens. We advocate that all children deserve to go to schools that create environments and experiences that help them thrive. Establishing police-free schools and ending the use of student threat assessments, school hardening, and student surveillance, while implementing effective, non-punitive, and culturally-sustaining alternatives to punitive and exclusionary school discipline is a core value for FedSDC.

Students, youth, and children learn best in warm, welcoming, culturally-sustaining school environments where all the adults are committed to their success. But too many of our children attend schools where they feel unsafe and where they are criminalized, harassed, victimized, surveilled, and excluded from learning by law enforcement and school staff. Our schools should be places where every student can be safe, where they can show up as their full selves, and where their rights are respected and protected. To achieve that end, FedSDC urges that your FY23 federal budget proposal:

1. Provide no FY23 spending for [P.L. 115-141](#), Division S, Title V;
2. Prohibit any FY23 [Community Oriented Policing Services \(COPS\) hiring grants](#) from supporting activities described in [34 U.S.C. 10381](#) (b) (12), such as establishing school-based partnerships between local law enforcement agencies and local school systems to hire school resource officers;

3. Prohibit any Department of Homeland Security (DHS) funds, including any [DHS TVTP](#) funds, from supporting school-related activities, including student threat assessment grants, training, technical assistance, reports, websites, communications, and other tools; and
4. Prohibit FY23 spending in any agency from EITHER directly supporting police in schools, student threat assessments, school hardening, and student surveillance, OR supporting training, technical assistance, reports, websites, communications, and other tools that advance police in schools, student threat assessments, school hardening, and student surveillance.

We call upon you to bar the use of any federal funds to support the hiring, retention, compensation, equipping, or training of school-based law enforcement; the use of student threat assessments; the hardening of our schools; and the surveillance of our students and youth. These practices and policies are abusive and often discriminatory, and they perpetuate the school-to-prison and -deportation pipelines. Federal funds should instead be directed to provide supports and resources for our students and youth, including funding culturally-sustaining educational programs and hiring diverse trauma-informed school counselors, social workers, school psychologists, community schools, IDEA supports, and restorative practitioners who support the growth, nurturing, and well-being of students and young people in school. Our schools should not mirror a criminal legal system that replicates and reinforces historical patterns of racial, ableist, and economic oppression. As such, FedSDC urges you to take these crucial steps to end the injustices that the federal government has enabled in our nation's schools.

The education system in the United States is rooted in and supports white supremacist ideologies designed to exert power and control over Black and Indigenous people. Beginning in the late 17th century, laws in this country were created to maintain a racial hierarchy, ensure enslaved people were not educated, and promote assimilation into white culture by erasing Black and Indigenous culture. Throughout our history, policing and state-imposed violence have been, and remain, ever-present tools for maintaining control over Black and Brown children in schools—particularly through school discipline, hardening, and militarization.

Continuing federal support for such harmful approaches, while doubling down on police in schools, student threat assessments, school hardening, and student surveillance is intolerable, especially when history, research, and current practices all point to the same outcomes—none of them good.

- While Black children are only 15 percent of all children in school nationwide, they make up 33 percent of the children arrested,¹ despite research showing that Black children do not misbehave more than their white counterparts.²

¹ Education Week. (2017). *Which students are arrested the most? Policing America's Schools: An Education Week Analysis*. Retrieved November 29, 2021 from <https://www.edweek.org/which-students-are-arrested-most-in-school-u-s-data-by-school#/overview>

² Advancement Project, et al. (2018). *Police in schools are not the answer to the Newtown shooting*. <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>

- Students with disabilities are more than twice as likely to be arrested as those without disabilities.³
- LGBTQ students have also reported facing hostile interactions with and, in some instances, verbal assaults by the school resource officers that have been appointed to protect them.⁴
- Students who face arrests are less likely to graduate, succeed academically, and have stable employment.⁵ All these factors increase one’s likelihood of encountering the juvenile and/or criminal legal system.⁶

Further, students of color are more likely than their white peers to attend a school with a police officer.⁷ And when police are stationed in schools with a higher population of white students, police are more likely to focus on external threats to school safety; however, school police in districts with more Black students tend to focus on the students themselves as the source of threat.⁸ School policing also negatively affects students living at the intersection of multiple, traditionally-marginalized identities. Girls of color experience disproportionate rates of police harassment and violence while in school,⁹ causing alarming rates of school pushout, especially for Black and Indigenous girls. For example, Black girls are four times more likely than white girls to be arrested at school,¹⁰ often for minor, discretionary infractions informed by race- and sex-based stereotypes.¹¹

These are just a handful of the troubling but consistently documented facts that demonstrate the harms of having police in schools rather than sufficient staff specifically trained to support the academic, social, emotional, and behavioral needs of students, especially developing children and teens. Although the presence of school police and related approaches are largely said to be for the purpose of preventing or thwarting school shootings, significant research indicates that students are not safer in schools with such

³ U.S. Department of Education (DOE), Office for Civil Rights. (2021). *2017-18 State and National Estimations*. Civil Rights Data Collection. <https://ocrdata.ed.gov/estimations/2017-2018>

⁴ Lambda Legal (2015). *Protected and served?* <https://www.lambdalegal.org/protected-and-served>

⁵ Nance, J. (2016). Students, police, and the School-to-Prison Pipeline, *Washington Law Review*, 93, 919-926, <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1782&context=facultypub>

⁶ Nance (2016).

⁷ Irwin, K. Davidson, J., & Hall-Sanchez, A. (2013). The race to punish in American schools: Class and race predictors of punitive school-crime control, *Critical Criminology*, 21, 47–71 .

⁸ Fisher., B. W., et al. (2020). Protecting the flock or policing the sheep? Differences in school resource officers’ perceptions of threats by school racial composition. *Social Problems*. Online doi: 10.1093/socpro/spaa062

⁹ YWCA USA (2020) *We still deserve safety: Ending the criminalization of women and girls of color* (examples pp. 23-25). <https://www.ywca.org/wp-content/uploads/20200909-WeStillDeserveSafety-FINALREPORT.pdf> ; Epstein et al. (2020). *Data Snapshot: 2017-2018 National Data on School Discipline by Race and Gender*. Georgetown Law Center on Poverty and Inequality’s Initiative on Gender Justice & Opportunity. <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-SchoolDiscipline-by-Race-and-Gender.pdf>

¹⁰ Epstein et al. (2020).

¹¹ Patrick, K., Onyeka-Crawford, A., & Duchesneau (2020). “...and they cared”: *How to create better, safer learning environments for girls of color*. National Women’s Law Center & The Education Trust https://nwlc.org/wpcontent/uploads/2020/08/FINAL_NWLC_EDTrust_Guide.pdf

a presence,¹² and recent tragic examples demonstrate this even during school shootings.¹³ Community collaboration and evidence-based student support practices have been shown to do more to maintain school safety, promote inclusion, support school-appropriate behavior, and support the well-being of children and youth in schools. The COVID-19 pandemic has increased the need for such student supports, as youth are now experiencing an array of stresses and traumas associated with social isolation, loss of family members, COVID infection, increased family financial stresses, and lost learning opportunities.

The Department of Justice (DOJ), through its COPS Office, has provided nearly \$1 billion in federal grants to state and local governments for the policing, surveillance, hardening, and militarization of schools.¹⁴ COPS is the single largest source of federal funding for police in schools.¹⁵ The DOJ also provides funding for training and support of school police, as well as student threat assessments, school hardening, and student surveillance through the COPS Office and COPS programming, such as the COPS Hiring Program (CHP) and School Violence Prevention Program (SVPP), and the Bureau of Justice Assistance (BJA) Students, Teachers, and Officers Preventing (STOP) School Violence Program. Funds from the Department of Homeland Security and other agencies also advance such efforts, especially harmful school threat assessments.¹⁶ Given the clear need for federal action, the President's FY23 Proposed Federal Budget is a key next step.

FedSDC urges you to prioritize the well-being of children and youth and publicly recognize the abuse and trauma inflicted upon them by punitive and criminalizing practices in K-12 schools every day, especially at the hands of school police. We are united in our call to upend policies and practices rooted in white supremacy and discrimination that continue to place students of color, students with disabilities, and LGBTQ+ students in harm's way. You have already committed to advancing racial equity and equity for people with disabilities and people who identify as LGBTQ+ throughout the federal

¹² Gottfredson, D. et al. (2020) Effects of school resource officers on school crime and responses to school crime. *Criminology and Public Policy*, 19, 905-940. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9133.12512> The study's findings "suggest that increasing SROs does not improve school safety and that by increasing exclusionary responses to school discipline incidents it increases the criminalization of school discipline"; Crosse, S., et al. (2021). Are effects of School Resource Officers moderated by student race and ethnicity? *Crime & Delinquency*. Online. <https://journals.sagepub.com/doi/abs/10.1177/0011128721999346> Results indicated that "increases in offenses and exclusionary reactions due to increased SRO presence were most evident for Black and Hispanic as opposed to White students. Educational decision-makers should carefully weigh the benefits of placing SROs in schools against the knowledge that this practice differentially increases recorded school crime and exclusion from school for students of color".

¹³ Chavez, N. (2019, June 4) This is what Scot Peterson did during the Parkland school shooting, *CNN*. <https://www.cnn.com/2019/06/04/us/parkland-scot-peterson-actions/index.html>

¹⁴ U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services, (2020). 2020 COPS Office School Violence Prevention Program. https://cops.usdoj.gov/pdf/2020AwardDocs/svpp/Post_Award_FactSheet.pdf

¹⁵ Brock, M., Kriger, N. & Miró, R. (2017). *School safety policies and programs administered by the US Federal Government: 1990-2016*. Washington, DC: Federal Research Division, Library of Congress. <https://www.ncjrs.gov/pdffiles1/nij/grants/251517.pdf>

¹⁶ See the 50-organization sign-on comment to the U.S. Department of Education regarding school threat assessments: <https://www.regulations.gov/comment/ED-2021-OCR-0068-3622>

government. To support this important work, we welcome the opportunity to work with you in advancing an FY23 proposed federal budget that creates safer, better schools for all students.

We look forward to working with you and your Administration to ensure all students and youth are afforded every opportunity to attend safe, inclusive, culturally-sustaining, and healthy schools. If you have any questions about the issues raised in this letter, please contact Christopher Scott, Open Society Policy Center at Christopher.Scott@opensocietyfoundations.org or Breon Wells, The Daniel Initiative at Breon.Wells@thedanielinitiative.com.

Sincerely,

ORGANIZATIONS

Advancement Project National Office
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Center for Disability Rights
Center for Popular Democracy
Dignity in Schools Campaign
Open Society Policy Center
The Daniel Initiative

Advocates for Children of New York
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Alliance for Quality Education
American Civil Liberties Union (ACLU)
American Friends Service Committee
Association for Special Children and Families
Autistic Self Advocacy Network
Baltimore Police-Free Schools Coalition
Bazelon Center for Mental Health Law
Black Child Development Institute Denver Affiliate
Black Lives Matter
Blacks in Law Enforcement of America
Blue Future
CASA
Center for Law and Social Policy (CLASP)
Center for Learner Equity
Chicago Lawyers' Committee
Children's Rights Clinic, Southwestern Law School
Choice Program at UMBC
Colorado Statewide Parent Coalition
Communities United for Restorative Youth Justice
Community Inclusion & Development Alliance

Community Organizing and Family Issues
Council of Parent Attorneys and Advocates
Disability Rights Education & Defense Fund
Disability Rights Maryland
Disability Rights New Jersey
Disability Rights Wisconsin
Drug Policy Alliance
Ella Baker Center for Human Rights
Engaged Latino Parents Advancing Students Outcomes (ELPASO)
Equality California
Every Texan
Faith in New Jersey
Families and Friends of Louisiana's Incarcerated Children
Family Based Services Association of NJ
Family Law Practice Clinic - CUNY School of Law
Family Voices NJ
Fannie Lou Hamer Center for Change
Federation for Children with Special Needs
Florida Student Power Network
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)
Hilton Head for Peace
Hispanic Federation
Human Rights Campaign
IDRA (Intercultural Development Research Association)
InterReligious Task Force on Central America
Just City
Juvenile Law Center
Klein Visioneering Group
Know Your IX
Maine Parent Federation
Meedra Surratte, Parent Information Center of Delaware
Michigan Teacher of the Year Network
Mommieactivist and Sons
NAACP
National Association of Counsel for Children
National Black Child Development Institute
National Black Justice Coalition
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Youth Law
National Council of Churches
National Crittenton

National Disability Rights Network (NDRN)
National Immigration Project (NIPNLG)
National Juvenile Defender Center
National Juvenile Justice Network
National Parents Union
National Women's Law Center
Native American Disability Law Center
NETWORK Lobby for Catholic Social Justice
New Jersey Parents Caucus
Nollie Jenkins Family Center, Inc.
Northern Hills for Children
One Pa
One Pennsylvania/ Education Rights Network
Our Revolution Ohio
Parent to Parent of Georgia, Inc
Parents Educating Parents, Inc
Parents Organized for Public Education
PEAK Parent Center
Poverty & Race Research Action Council
POWER PAC IL
Project KnuckleHead
PTI Nebraska
Public Advocacy for Kids (PAK)
Pyramid CPRC
R.A.C.C.E.
Racial Justice NOW
Recipe, INC
Represent Justice
Show and Tell Corporation
Southern Maine Showing Up For Racial Justice (SURJ)
SPAN Parent Advocacy Network (SPAN)
Stand for Children
State Wide Education Organized Committee
Student Advocacy Center of Michigan
Sur Legal Collaborative
The Advocacy Institute
The Arizona Center for Disability Law
The Augustus F. Hawkins Foundation
The Black Police Experience
The Children's Agenda
The Festival Center
The Policing and Social Justice Project

The United Methodist Church - General Board of Church and Society
United We Stand of New York
Urban Youth Collaborative
URGE: Unite for Reproductive & Gender Equity
Voices for Vermont's Children
Washington Lawyers' Committee for Civil Rights & Urban Affairs
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