



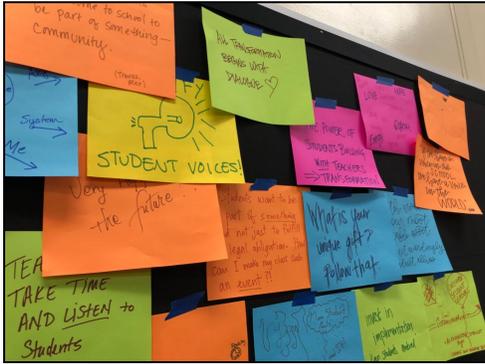
**TO:** President-Elect Joseph Biden, Jr. and Vice President-Elect Kamala Harris  
via Dr. Linda Darling-Hammond and the Education Transition Team

**FROM:** The Communities for Just Schools Fund

**DATE:** December 18, 2020

**RE:** Recommendations on School Climate, Discipline, and Safety

These recommendations are sent on behalf of the Communities for Just Schools Fund (CJSF). Our 60 partner organizations' efforts to improve school discipline and climate and ensure holistic safety span more



than 31 states and have positively impacted **millions** of students, parents and educators. They organize young people, parents and caregivers, educators, and others to advocate on behalf of students who are disproportionately impacted by the overuse of exclusionary school discipline and law enforcement interventions in and around schools. Their advocacy sheds light upon the fact that, in many places, there are far too many students who find themselves being policed and targeted for exclusion from their schools because of flawed policies and practices *and* biased perceptions of them and their communities.

Their organizing has been crucial in illuminating the need for and value of meaningful engagement with young people and their families, the lack of which exacerbates negative perceptions.

Our partner organizations offer what is otherwise all too often limited space for students of color, those with special education needs, immigrant students and LGBTQ+ students, and their family members and teachers, to advocate for themselves and their school communities. Using their own lived experiences and the effort they invest in research, data collection, and popular education, our partners are proactively working to shed light upon ways in which they are harmed by hyper-punitive policies and practices. They are also actively identifying, proposing, and even helping to implement evidence-based alternatives.

Our partners' efforts are local in focus *and* have national impact. They demonstrate how supportive schools produce better academic and social outcomes than schools with heavy police or security presence, zero tolerance discipline policies, and over-reliance on exclusionary discipline and school hardening. Their efforts in this season are quite literally a contribution to public health. They are filling **gaps unmet by many local governments in COVID-19** responses. Through direct aid, counseling, and community-building, our partners are contributing to communities' resilience in the face of trauma caused or exacerbated by the pandemic.

Their work and recommendations, examples of which are embedded below, are the foundation for our FIVE recommendations for executive and legislative action in the first 100 days:

- 1) [End police presence in schools, invest in education;](#)
- 2) [Reclaim social-emotional learning and center safety within the more holistic container of culturally affirming school climate;](#)
- 3) [Prevent digital & biometric surveillance as new manifestations of the school-to-prison pipeline;](#)
- 4) [Revise, reissue and expand school discipline and climate guidance to states and localities;](#)
- 5) [Invest in public schools and end the expansion of charter schools and voucher programs.](#)

# Recommendations for School Climate, Discipline, and Safety



RECOMMENDATIONS:

## 1. End Police Presence in Schools, Invest in Education.

- End federal funding for police in schools, including but not limited to resources made available through the Office of Community Oriented Policing Services (COPS).
- Redirect federal funding used for police and policing infrastructure in and around schools to grant programs that incentivize school districts to: 1) provide services designed to address students' social and emotional needs; 2) hire culturally effective, responsive, and culturally affirming student support staff, including but not limited to: counselors, social workers, psychologists, and restorative/transformational justice practitioners; 3) provide ongoing training and professional development for student support staff.
- Immediately end the Department of Defense 1033 program - a program that provides military grade weapons to local municipalities and schools - through Executive Order and, as proposed by many allies, advance legislation that ends the transfer of military surplus for use in or around schools, removes existing military equipment from schools, and permanently eliminates the 1033 program.
- End collaboration and data sharing between Immigration and Customs Enforcement(ICE) and schools.
- Prohibit the shameful use of strip searches, corporal punishment, restraints (chemical or physical), and seclusion in schools.

### **Rationale**

In public schools across the nation, Black and Brown students overwhelmingly attend schools that are heavily policed and underfunded. According to the U.S. Department of Education's Civil Rights Data Collection, millions of students attend schools with police officers, but no counselors, nurses, psychologists, or social workers.<sup>1</sup> This divestment in student support services and an overinvestment in school policing exacts not only a physical toll on many Black and Brown students in particular, but also an emotional, psychological, and intellectual toll. The presence of police officers in schools has created learning environments of punishment, exclusion, and disposability that deny Black and Brown students an opportunity to learn.<sup>2</sup>

Schools must be places where all students feel safe and where their needs are met. We must collectively engage in the the harder work of advancing conversations about safety beyond fear, punishment, policing, and incarceration, and towards restorative action: building relationships within our school communities with the power to prevent and heal the traumas of interpersonal and systemic violence, and to nurture the inherent genius of Black and Brown youth.<sup>3</sup>

We have the resources to fully support the well-being of our students, but we have chosen instead to funnel those dollars towards exponentially growing a justice system in which there are now nearly eight

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<sup>1</sup> U.S. Department of Education, 2013-2014 Civil Rights Data Collection: Key Data Highlights on Equity and Opportunity Gaps in Our Nation's Public Schools." (June 7, 2016), available at: <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

<sup>2</sup> Advancement Project. "We Came to Learn: A Call to Action for Police-Free Schools," (September 2018), available at: <https://advancementproject.org/wecametolearn/>

<sup>3</sup> Communities for Just Schools Fund, "Do The Harder - Create Cultures of Connectedness in Schools: A Youth and Parent Organizer Response to the Federal Commission on School Safety,"(December 2018), available at: <https://www.cjsfund.org/do-the-work>

million adults and youth behind bars or within the probation and parole systems. A [report](#) from Communities United, Padres y Jóvenes Unidos, and other community organizing organizations exposes the \$3.4 trillion that has been invested in systems of mass incarceration since 1982 and the kinds of investments we've missed out on as a result.<sup>4</sup> For example, according to the report, just a year's worth of surplus justice spending is sufficient to accomplish any one of the following demands: increase spending by 25 percent at every K-12 public school in the country, provide every household living in poverty with an additional \$10,000 per year in income or tax credits, provide healthcare to five million uninsured persons, or fund one million new social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors to address public health and safety issues.

In the wake of protests last summer following the murder of George Floyd by police officers in Minneapolis, Minnesota, local school districts across the nation began to sever contracts with municipal police departments. In some cities, school districts dismantled school police departments altogether. These long overdue actions by school districts were made possible by the visionary demands of Black and Brown students who, for decades, have demanded an end to the school-to-prison pipeline and the criminalization of young people in their schools.

As the Biden-Harris Administration aims to fulfill its campaign pledge to “advance racial equity,” it is imperative that we double down on investments in education and student support services in public schools. Now, more than ever, schools must be locations of nurturing and healing rather than sites of harm and punishment that are a direct consequence of police presence in schools.

### **CJSF Partner Examples**

In each of the examples below, pressure from community organizers led to important next steps by boards of education to end police presence in schools.

- **Oakland, CA** - In June 2020, the Oakland Unified School District (OUSD) voted unanimously to dismantle the district's school police department by passing the “[George Floyd Resolution to Eliminate the Oakland School Police Department](#),” a resolution calling on the school district to divest from police in schools and reinvest in support for whole child initiatives and young people with disabilities. In the OUSD resolution, school officials noted that, “such a deeply embedded and institutionalized form of preemptive policing has extremely significant consequences, foreclosing opportunities toward graduation, college, and employment for Oakland's Black youth, school policing is fundamentally undermining the economic and public health of the Black community by restricting access and opportunity.” This resolution was made possible by Black Organizing Project, an Oakland-based community organization, that has organized for more than a decade to urge school officials to reimagine safety and end police presence in schools.
- **Denver, CO** - In June 2020, Denver Public Schools (DPS) [voted unanimously to end its contract](#) with the Denver Police Department and will phase out officers from all public schools through June 2021. In the Denver Public Schools resolution to eliminate school-based police officers, school

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<sup>4</sup> Communities United, Right on Justice, Make the Road NY, and Padres & Jóvenes Unidos, “The \$3.4 Trillion Mistake: The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future For All,” (2016), available at [https://maketheroadny.org/pix\\_reports/Justice%20Reinvestment%20Final%20Report.pdf](https://maketheroadny.org/pix_reports/Justice%20Reinvestment%20Final%20Report.pdf)

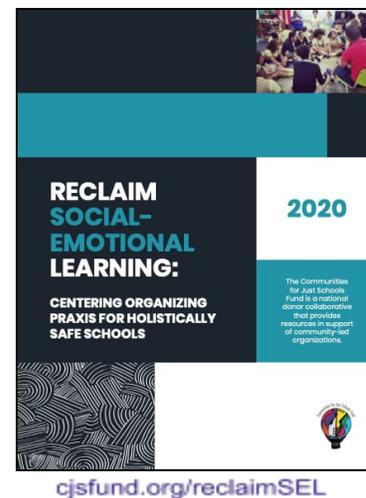
officials noted, “DPS has an obligation to promote the healthy development of each one of its students, which includes *protecting them from the impact of systemic racism* to the greatest extent possible while they are at school.” This resolution was a result of the powerful organizing of Padres y Jóvenes Unidos, a Denver-based youth and parent community organization that organizes to end the school-to-prison pipeline and school-to-deportation pipeline in Denver and the state of Colorado.

- **Milwaukee, WI** - In June 2020, the Milwaukee Public School Board unanimously passed a resolution to end all contracts between the Milwaukee Police Department and Milwaukee Public Schools. Additionally, this resolution ceased any contracts to buy or maintain criminalizing equipment, including metal detectors, facial recognition software, and social media monitoring software. The passage of this resolution was [made possible by Leaders Igniting Transformation \(LIT\)](#), a Milwaukee-based youth organizing group that works to end the school-to-prison pipeline in Milwaukee and the state of Wisconsin.

In order for schools to be holistically -- emotionally, mentally, psychologically, and physically -- safe, school districts must divest from harmful discipline, and instead invest in culturally-affirming social-emotional learning.

## 2. Reclaim social-emotional learning and center safety within the more holistic container of culturally affirming school climate.<sup>5</sup>

- Offer districts clear guidance on how SEL has been used as a metric of student compliance and how to instead ensure that schools use SEL as a lever for equity, relationship-building, and safe and supportive school climates.
- Encourage teacher training programs to adopt culturally-affirming SEL practices and pedagogy as an essential component of coursework.
- Resource states and districts to provide on-going, sustained, and frequent professional development aimed at strengthening culturally-affirming SEL capacity, anti-racist pedagogy and culturally-affirming pedagogy, and restorative/transformational justice - including technical assistance for peer-learning networks and developing and implementing student feedback surveys.
- Provide technical assistance for states and districts on how and why to make SEL data collection, analysis, and dissemination standard practice. Technical assistance should support states and districts in incorporating input from communities, parents, educators, school staff, and students that assess constructs such as a school district’s capacity to create learning environments that: are emotionally, mentally, physically, and psychologically safe; create a



<sup>5</sup> Communities for Just Schools Fund, Reclaim Social-Emotional Learning: Centering Organizing Praxis for Holistically Safe Schools, (2020), available at <https://www.cjsfund.org/reclaimsel>

sense of belonging; and are culturally-affirming and relationship-centered. These data should also include suspension rates and discipline data to provide accountability for school districts to connect SEL laws and policies with school climate and safety laws and policies.

- Provide grants to states and districts to meaningfully partner with students, families, and communities to create, plan, implement, and research culturally-affirming SEL initiatives and programs to offer more community-based, evidence-based programming and curricula.
- Create grants that expand resources for districts to hire culturally effective and responsive student support staff, including, but not limited to, school psychologists, counselors, social workers, nurses, restorative/transformational justice practitioners, SEL specialists, classroom aides, and after-school/extracurricular educators, coaches, and facilitators.
- Rescind Executive Order 13958 that establishes the President's Advisory 1776 Commission that uplifts "patriotic education" and refuses to teach the true and complex history of this nation.

### **Rationale**

In a moment when there is a national spotlight on what safe and supportive schools look and feel like, Communities for Just Schools Fund (CJSF) and our partners have been pressing back on harmful narratives about safety. Safety belongs in the more holistic, appropriate container of culturally-affirming social-emotional learning (SEL). SEL has the potential to be a tool for liberation, but current frameworks use it as a tool to police Black and Brown young people and perpetuate a settler colonialist state in school. SEL conversations, practices, and curricula are often based on white, cisgender, heteropatriarchal, ableist norms and values, which further enact emotional and psychological violence onto Black, Brown, and LGBTQ+ youth of color, in particular. The current narrative around SEL is that students must "manage" and "control" themselves and their emotions, conform and constrict their identities, and not express their fullest, most authentic selves. This narrative is troubling because we see the same policing aspects of physical violence shift to more covert forms of emotional and psychological violence and control.

For Black and Brown young people specifically, traumatic experiences, such as police brutality and the influx of racist incidents that flood media timelines without justice, are present in their everyday interactions and inside a space supposed to educate and liberate them. Schools often exacerbate the trauma and stressors of the world. Mental health services are scarce in schools across the country. The average counselor- to-student ratio across schools is 464 to 1, even though The American School Counselor Association recommends a minimum of one counselor for every 250 students. The lack of school social workers, school psychologists, and nurses is also jarring. Simply adding these positions is not enough. Counselors, school social workers, school psychologists, and nurses must also be actively anti-racist and anti-bias and use culturally-affirming practices in their work. When SEL is coupled with hardened environments, it becomes a lethal combination. When students are in classrooms, the curriculum and space are often not culturally affirming or sustaining and continues to be violent to their family, ancestors, and historical contributions. This is how SEL is another mechanism for emotionally policing students. Systemic efforts to incorporate culturally affirming social-emotional learning will not succeed if we do not work collectively to dismantle these obstacles completely rather than removing them a few bricks at a time while simultaneously fighting new obstacles that add to the wall rather than open the door.

## CJSF Partner Examples

- **Colorado** - In 2019, Padres y Jóvenes Unidos’s policy efforts led to the Colorado legislature approving the “Colorado K-5 Social and Emotional Health Act” that provides up to 10 schools participation in a pilot program that ensures that a school mental health professional is dedicated to each of grades K - 5. The pilot program is targeted to schools with high poverty rates, ethnic diversity, and a significant concentration of students in the foster care system.
- **Chicago, IL** - In Chicago, COFI-Power PAC IL and Voices of Youth in Chicago Education (VOYCE) organized to replace Chicago Public Schools’ ‘zero tolerance’ policy with a Student Code of Conduct rooted in Restorative Justice. COFI-Power PAC IL also successfully championed the: 1) elimination of suspension for children under 3rd grade, 2) elimination of expulsion for students under 6th grade, and 3) banning of group punishments – like silent lunch. VOYCE successfully advocated for the state to create a Rethinking Safety grants program that will expand resources for mental and behavioral health, restorative justice, and other trauma-informed supports for youth. This was part of VOYCE’s larger effort to end the reliance on policing and harsh discipline practices in schools.

### **3. Prevent Digital & Biometric Surveillance As New Manifestations Of The School-to-prison Pipeline.**

- Prohibit federal dollars from being used for facial recognition and biometric technologies in schools.
- Modernize FERPA to protect and limit the use of all student information whether held by schools or vendors—including a prohibition on non-educational uses of student information.<sup>6</sup>
- Issue guidance to school districts on how to fulfill their legal obligations under FERPA to protect student data and to be transparent about how data are collected, shared, protected, and used—including the use of data analytics and predictive algorithms; limit all unnecessary third party access to student data; ensure parents/caregivers are offered clear and accessible methods for opting out of data sharing; and avoid the risks associated with granting third party vendors a “school official” exception under FERPA.
- Eliminate federal funding to states and districts that is being used to weaponize data against Black, Brown, and LGBTQ+ students and students with disabilities - including funding for behavioral threat assessments and multi-system data sharing agreements.



<sup>6</sup> Joel Reidenberg, “Statement before the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies of the Committee on Homeland Security, House of Representatives Serial No. 113-76 and the Subcommittee on Early Childhood, Elementary, and Secondary Education of the Committee on Education and the Workforce, House of Representatives Serial No. 113-61, House of Representatives, One Hundred Thirteenth Congress, Second Session (June 25, 2014), <https://files.eric.ed.gov/fulltext/ED557963.pdf>

- Provide technical assistance for districts on how to prevent other systems from accessing student and family data for inappropriate reasons.
- Fund *community-rooted* research on the development and use of humanizing data analytics that treat the experiences of Black, Brown, and LGBTQ+ students as *assets* not risks.
- Incentivize states to abolish state gang databases, pass moratoriums on virtual suspensions, and pass additional measures that curtail the surveillance of young people in and around schools.

## **Rationale**

The current era of digital learning has heightened pre-existing concerns about student surveillance and privacy as students are now monitored through social media, digital learning platforms, facial recognition cameras, device usage, location data, covid-surveillance tools, and more. As technologies have advanced over the years, the scope and depth of the surveillance and data collection has vastly expanded, with very little oversight or regulation.

Millions of students are monitored daily by private vendors contracted by schools. Gaggle, for example, is a leading provider of school email and shared document monitoring and is currently used to monitor a staggering 4.5 million students across 1,400 school districts.<sup>7</sup> Surveillance companies like Gaggle are able to monitor everything from professional emails to personal chat messages, without permission from the students themselves. Student surveillance does not stop at the school doors, but continues everywhere children carry their school-issued computers and whenever they log into school accounts. Digital learning during the Covid-19 pandemic has meant that students and families have found themselves subject to school surveillance inside their homes and to devastating effects. For example, families struggling to support their children with virtual learning have experienced traumatic and unnecessary contact with law enforcement and child services.<sup>8</sup>

As students return to physical school buildings, they are increasingly greeted by facial recognition technology despite studies that prove that facial recognition technology is inaccurate, and miscategorizes the faces of women and people of color, who, as a recent federal study shows, are up to one hundred times more likely to be falsely identified.<sup>9</sup> With no oversight for the use of facial recognition technology in schools, students of color run the risk of winding up in unregulated police and gang databases, or even arrested and prosecuted, due to the inaccuracy of this technology and its disproportionate use against communities of color.

The weaponization of student data--including but not limited to biometric, demographic, behavioral, performance, and discipline data--is nothing new, however. Community organizers as well as experts on student privacy and civil rights have been increasingly alarmed by the rising trend of behavioral threat assessments in schools. Promoted as a process for evaluating communicated threats to school communities, the reality is that perceived threats are often based on subjective opinions about a student

<sup>7</sup> Lois Beckett, "Under digital surveillance: how American schools spy on millions of kids," *The Guardian* (October 22, 2019), <https://www.theguardian.com/world/2019/oct/22/school-student-surveillance-bark-gaggle>

<sup>8</sup> Bianca Vasquez Tonnes, "Your child's a no show at virtual school? You may get a call from child services," *Boston Globe* (April 15, 2020), <https://www.bostonglobe.com/2020/08/15/metro/your-childs-no-show-virtual-school-you-may-get-call-states-foster-care-agency>

<sup>9</sup> National Institute of Standards and Technology. "NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software," (December 19, 2019), <https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>

and can serve as the basis for initiating a formal assessment and/or discipline process, which can lead to serious consequences for students. Blurred lines between behavior and personal characteristics in threat assessment protocols often turn instruments designed to assess the danger of actual, communicated threats into attempts to predict *future* behavior. When threat assessment goes beyond communicated threats in this way, the risk of decisions based on implicit and explicit bias increases dramatically.<sup>10</sup> After Parkland, the federal government enthusiastically pushed adoption of threat assessments through reports, legislation and resources, leading several states to pass laws embracing threat assessments.<sup>11</sup>

Data sharing agreements between school districts and other youth-serving systems are also on the rise with the intended purpose of identifying “at risk” students. Such agreements are particularly harmful when law enforcement agencies are involved, as students of color are already subject to disproportionate scrutiny from police nationwide. For example, an investigative report recently revealed that the Pasco County police department in Florida uses sensitive data from the local school district to keep a list of over 400 middle and high school students it deems future criminals. The Pasco County sheriff's office uses academic performance and discipline data from schools, as well as records from the state Department of Children and Families, to identify “at-risk youth who are destined to a life of crime.”<sup>12</sup> Data sharing agreements that lack public accountability are increasingly dangerous as digital and biometric monitoring and surveillance technologies proliferate during the Covid-19 pandemic.

### CJSF Partner Examples

- **Ramsey County, MN** - In 2019, the Twin Cities Innovation Alliance and the Coalition to Stop the Cradle to Prison Algorithm won the dissolution of a problematic joint powers agreement between the City of St. Paul, Ramsey County, and St. Paul Public Schools that would have further criminalized students of color and their families.<sup>13</sup> The legal agreement would have expanded the ability of participating agencies (county child-serving agencies, local law enforcement, and the school district) to collect, share, and use cross-linked identifiable data about children and families with the goal of identifying young people “at risk of involvement with criminal justice systems.” The community coalition pushed back on this data sharing agreement given (1) a lack of transparency and community involvement in the design of the legal agreement; (2) structural exclusion of community participation and oversight of data collection and use; (3) the failure of the agreeing parties to acknowledge or commit to reducing systems’ disproportionate harm on communities of color and bias in data inputs.<sup>14</sup>
- **Los Angeles County, CA** - The Youth Justice Coalition (YJC) organizes young people in or affected by the juvenile and criminal justice systems to end disproportionate contact with law enforcement and confinement of people of color. One of YJC’s organizing priorities is to expose and dismantle

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<sup>10</sup> Harold Jordan, “The Risks of Threat Assessment to Students Are Dire,” *Youth Today*, (March 25, 2020), <https://youthtoday.org/2020/03/the-risks-of-threat-assessment-to-students-are-dire/>

<sup>11</sup> Miriam Rollin, “Here’s How ‘Threat Assessments’ May Be Targeting Vulnerable Students,” *Education Post*, (Dec 12, 2019), <https://educationpost.org/heres-how-threat-assessments-may-be-targeting-vulnerable-students/>

<sup>12</sup> Neil Bedl & Kathleen McGrory, “Pasco’s sheriff uses grades and abuse histories to label schoolchildren potential criminals,” *Tampa Bay Times*, (November 19, 2020), <https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>

<sup>13</sup> Carrie Pomeroy, “How community members in Ramsey County stopped a big-data plan from flagging students as at-risk,” *Twin Cities Daily Planet* (Feb 20, 2019), <https://www.tcdailyplanet.net/how-community-members-in-ramsey-county-stopped-a-big-data-plan-from-flagging-students-as-at-risk/>

<sup>14</sup> Stop the Cradle to Prison Algorithm Coalition, “Improving Outcomes For Kids & Families Beyond Predictive Analytics & Data Sharing,” Policy Brief.

“the War on Gangs as a War on Youth of Color--including challenging the lack of due process and community input in the implementation by police, sheriffs and the courts of gang suppression tactics including gang injunctions and gang databases that serve to sweep thousands of youth into the system without notification, appeal, removal or resource.”<sup>15</sup> YJC coordinates a statewide coalition to dismantle gang databases, injunctions and enhancement. In 2017, YJC and allies wrote and passed California Assembly Bill 90 that moved administration of all shared gang databases away from law enforcement and under the administration of the State Department of Justice and blocked federal access to shared gang databases in the state of California for immigration purposes.<sup>16</sup> Just this year, YJC organizing resulted in the Los Angeles Police Commission voting to permanently end the LAPD’s use of the CalGang database.<sup>17</sup> YJC continues to organize for the full dismantlement of the CalGang database, as well as push back on expanded policies that increase student criminalization as a response to the Parkland shooting.

- **New York** - To curtail student and family surveillance during remote learning, the Alliance for Quality Education, Girls for Gender Equity, the Urban Youth Collaborative, and other members of the “Solutions Not Suspensions” Coalition called on the state Education Department to implement a moratorium on new suspensions during the 2020-2021 school year, permanent withdrawal of the suspensions that were pending when remote instruction began, expanded availability of counseling, and other social-emotional supports and interventions.<sup>18</sup> New York City based organizers and advocates are also mobilizing to prevent the unnecessary involvement of child welfare agencies in cases of remote truancy since city schools shuttered last spring. City educators filed 361 educational neglect reports against parents over the course of three pandemic-racked months of school.<sup>19</sup> Concerns persist that tech-deprived families could be targeted as classes resume online.

#### 4. Revise, reissue and expand school discipline and climate guidance to states and localities.

- Reissue a *strengthened* version of the guidance package issued by the U.S. Departments of Education and Justice in 2014 that sought to address disproportionate discipline policies and practices. This revised and expanded guidance should include guidance regarding how to:
  - decriminalize and demilitarize schools through the removal of police and surveillance equipment and technologies;
  - Divest from school hardening and invest in fostering anti-racist and affirming school climates;
  - promote culturally sustaining and restorative practices as an alternative to punitive discipline;

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<sup>15</sup> Youth Justice Coalition, “Mission and history,” <https://youthjusticela.org/history/>

<sup>16</sup> National Immigration Law Center, “AB 90: More Welcome Fixes to California’s Gang Databases,” <https://www.nilc.org/issues/immigration-enforcement/ab90-fixes-to-calif-gang-databases/>

<sup>17</sup> Liberty Hill Foundation, “Victory As LAPD Ceases Use of Cal Gangs Database,” (August 27, 2020), <https://www.libertyhill.org/2020/08/27/victory-lapd-ceases-use-of-cal-gangs-database>

<sup>18</sup> Solutions Not Suspension Coalition, Letter to Chancellor Betty Rosa, (April 16, 2020), [https://www.nyclu.org/sites/default/files/20201604\\_snsletter\\_regentrosa\\_discipline\\_during\\_covid-19.pdf](https://www.nyclu.org/sites/default/files/20201604_snsletter_regentrosa_discipline_during_covid-19.pdf)

<sup>19</sup> Eileen Grench, “With School Start Confusion, New Concern Over Child Welfare Probes of Kids Lacking Tech,” The City, (September 21, 2020), <https://www.thecity.nyc/education/2020/9/21/21450177/new-concern-over-child-welfare-probes-of-kids-lacking-tech>

- Embed effective, regular anti-bias training for educators to improve classroom practices and eliminate disparate impact; and assess training impact on educator practice and student experiences;
- invest in staff and structures that support student needs instead of structures that criminalize them;
- meaningfully engage students, families, and the community in an ongoing the process of evaluating, revising/eliminating/creating and implementing school discipline and climate policies and practices;
- discontinue discriminatory dress and grooming code policies that can lead to sex and race discrimination; and
- use healing- and relationship-centered engagement in place of punitive or deficit-based practices.

## **Rationale**

In December of 2018, the Federal Commission on School Safety chaired by Education Secretary Betsy DeVos, released recommendations proven to make school *less safe* for students of color, LGBTQ+, and gender nonconforming youth, and their communities. The recommendations included rescinding critical federal civil rights guidance on school discipline. Just three days after the release of the Commission’s report, the Departments of Education and Justice scrapped the Obama-era guidance aimed at closing racial disparities in school discipline.

The 2014 joint guidance package outlined evidence-based best practices and offered recommendations and guidance for school officials to use in ensuring that they are administering discipline in a manner that does not discriminate against students on the basis of race and ethnicity.<sup>20</sup> Grassroots community leaders, parents, and youth and their allies actively pushed for years for this guidance as an important means of ensuring school districts had a full understanding of existing laws and regulations and were supported in accessing existing best practice.

Research shows that biases, implicit and explicit, too often govern classroom decisions. During the 2013-2014 school year, Black children were three times as likely as their white peers to be suspended.<sup>21</sup> Students of color are also more likely to be identified as having a disability, and students of color with disabilities are suspended or expelled at the highest rates.<sup>22</sup> Since the 2014 guidance was issued, however, suspensions have gone down in many places. While the decreasing reliance on exclusionary discipline is positive, it is offset by a simultaneous increase in racial disparities - shining a bright light on the absolute imperative that our nation lean more fully into the work we must do to right historical wrongs that play out today as disparate treatment in schools.<sup>23</sup>

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<sup>20</sup> U.S. Department of Education. (8 January 2014). “U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices,” <https://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package>

<sup>21</sup> U.S. Department of Education Office for Civil Rights. (March 2018). “Data Snapshot: School Discipline,” <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>

<sup>22</sup> U.S. Department of Education. (23 February 2016). “U.S. Department of Education Takes Action to Deliver Equity for Students with Disabilities,” <https://www.ed.gov/news/press-releases/us-department-education-takes-action-deliver-equity-students-disabilities> ; The Center for Civil Rights Remedies. (February 2015). “Are We Closing the School Discipline Gap?”

<sup>23</sup> Emma Brown. (7 June 2016). “New federal civil rights data show persistent racial gaps in discipline, access to advanced coursework” in The Washington Post,

The guidance was created because there are far too many students who are not safe in schools. They are not safe because they are policed and targeted for exclusion via flawed policies and practices and fatally flawed perceptions of them and their communities. Rescinding the guidance did nothing to promote safe schools. Rather, it further exposed young people--especially Black and Brown students, LGBTQ+ students, and students with disabilities--to the harms of exclusionary discipline and to the school-to-prison pipeline.<sup>24</sup>

## 5. Invest in public schools and end the expansion of charter schools and voucher programs.

- End federal funding for charter schools and voucher programs, reinvest resources in traditional public schools.
- Implement a moratorium on charter school expansion.
- Ensure a just reopening to public schools in the wake of the COVID-19 pandemic.
- Expand community schools by resourcing the “[Sustainable Community Schools](#)” model, developed by parents, students, and educators.

### Rationale

The Biden-Harris Administration has pledged to, “build the best, most innovative schools in the country in low-income communities and communities of color.” To this end, we urge the incoming Administration to resource innovations in traditional public schools and end federal funding for charter schools and voucher programs. Over the last decade, school privatization policies that claim to advance innovation and “school choice” have been an *illusion* of choice in Black communities and communities of color. The expansion of school privatization in the form of charter schools and voucher programs has resulted in the defunding of public education, furtherance of racial segregation, and the dismantling of democratically elected school boards in favor of appointed boards that are unaccountable to students, parents, or educators.

There is no evidence that charter schools outperform public schools. What has been evident, is the alarming rate of school pushout in charter schools involving students with disabilities, particularly Black students with disabilities, and English language learners. Nationally, charter schools serve fewer students with disabilities.<sup>25</sup> Charter schools are often praised for their autonomy and enrollment flexibility, yet exploit this flexibility by cherry picking higher performing students and counseling out students who are not considered to be a good fit.<sup>26</sup>

In addition, charter school expansion and corporate-backed school privatization efforts have a troubling history of exploitation in Black and Brown communities - particularly in times of disaster. In the aftermath of Hurricane Katrina, as residents were displaced across the country, state and private actors accelerated

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<https://www.washingtonpost.com/local/education/new-federal-civil-rights-data-show-persistent-racial-gaps-in-discipline-access-to-advanced-cour-sework/>

<sup>24</sup> This section draws on the Communities for Just School Fund’s report, “Do the Harder Work: Create Cultures of Connectedness in Schools,” available at <https://www.cjsfund.org/do-the-work>

<sup>25</sup> Rich, Motoko. “Charter Schools Still Enroll Fewer Disabled Students.” New York Times (June 19, 2012), available at <https://www.nytimes.com/2012/06/20/education/in-charter-schools-fewer-with-disabilities.html>

<sup>26</sup> Jabbar, Huriya. “How Do School Leaders Respond to Competition? Evidence from New Orleans.” (2015), available at: <https://educationresearchalliancenola.org/publications/how-do-school-leaders-respond-to-competition>

plans to privatize New Orleans public schools by imposing a new wave of charter schools, vouchers, school closures and teacher layoffs. These efforts [destabilized and disrupted the education](#) of thousands of students and prioritized corporate interests over the educational needs of students.<sup>27</sup> In the wake of Hurricane Maria, residents in Puerto Rico faced similar challenges.<sup>28</sup>

There are growing concerns about the impact of school privatization in the wake of our nation's current disaster - the COVID-19 pandemic. In New York, Governor Cuomo has [called on](#) philanthropic and private sector actors to "develop a blueprint to reimagine education."<sup>29</sup> As the Biden-Harris Administration aims to fulfill its campaign pledge to lead a "just and equitable recovery," it is important that we are guided by the transformative ideas and solutions advanced by Black and Brown students, not corporate and private sector interests. Young people are calling for deeper investments in public schools and a commitment from school officials to be responsive to their academic and social emotional needs. We urge the Biden-Administration to strengthen investments in public education and to look to students and their communities for innovations in education, rather than private interests.

Finally, as the Biden-Harris Administration aims to fulfill its campaign pledge to expand the Community Schools model and provide "wraparound support" for students and their families, we urge the adoption of the [Sustainable Community Schools](#) model, championed by the Journey for Justice Alliance (J4J), a national network of Black and Brown led grassroots community-based organizations committed to community-driven school improvement and equity in public education.<sup>30</sup> The Sustainable Community Schools model would implement full service community schools in high poverty neighborhoods with the following critical elements: 1) Curriculum that is engaging, culturally relevant and challenging; 2) High quality teaching, not high stakes testing; 3) Wrap-around supports such as health care, eye care and social and emotional services; 4) Accountable and culturally competent providers; 5) Transformational parent and community engagement; and 6) Inclusive school leadership who are committed to making the Community School strategy integral to the school's mandate and functioning.

### **[CJSF Partner Examples](#)**

- **Chicago, IL** - In 2018, Chicago Public Schools [announced](#) the Sustainable Community Schools Initiative, a \$10 million dollar pilot program in twenty Chicago public elementary and high schools, aimed at connecting school communities with local after-school, health and family engagement services and to provide social support services to strengthen student achievement.<sup>31</sup> This profound investment in Chicago students and their families was the result of community organizing efforts led by the Journey for Justice Alliance (J4J) to advance the Sustainable Community Schools model throughout the city of Chicago, and nationally. In Fall 2015, members of J4J, in partnership with

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<sup>27</sup> Gabor, Andrea. "The Myth of the New Orleans School Makeover," The New York Times (August 22, 2015), available at <https://www.nytimes.com/2015/08/23/opinion/sunday/the-myth-of-the-new-orleans-school-makeover.html>

<sup>28</sup>Cardoza, Kavitha. "Puerto Rico's beleaguered public schools face controversial reform after Hurricane Maria," (September 18, 2018), available at <https://www.pbs.org/newshour/show/puerto-ricos-beleaguered-public-schools-face-controversial-reform-after-hurricane-maria>

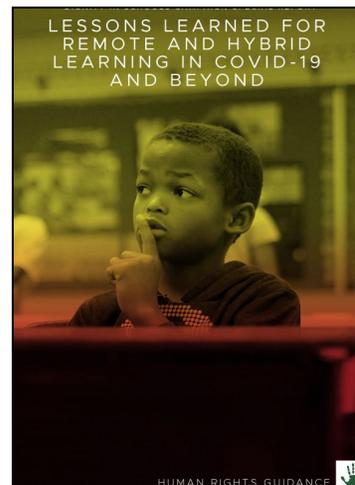
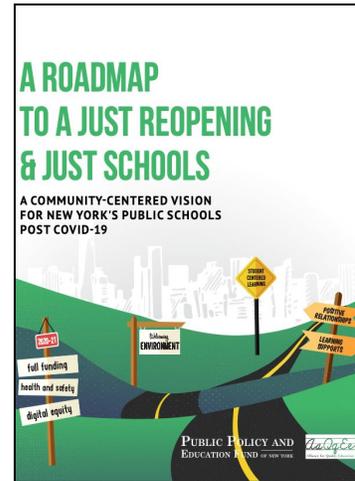
<sup>29</sup> Strauss, Valerie. "Cuomo questions why school buildings still exist - and says New York will work with Bill Gates to 'reimagine education,'" Washington Post (May 6, 2020), available at <https://www.washingtonpost.com/education/2020/05/06/cuomo-questions-why-school-buildings-still-exist-says-new-york-will-work-with-bill-gate-s-reimagine-education/>

<sup>30</sup> The Journey for Justice Alliance. "Death by a Thousand Cuts," (May 2014), available at [https://b3cdn.net/advancement/3739088d8cb8488bdf\\_6jm62a5i6.pdf](https://b3cdn.net/advancement/3739088d8cb8488bdf_6jm62a5i6.pdf)

<sup>31</sup> Masterson, Matt. "CPS Spending \$10M on Sustainable Schools Pilot Program," WTTW PBS Chicago (August 8, 2018), available at <https://news.wttw.com/2018/08/08/cps-spending-10m-sustainable-schools-pilot-program>

Chicago-based and national organizations, led a hunger strike following a vote by the Chicago Board of Education to close Walter H. Dyett High School, the last public open-enrollment high school in the Bronzeville neighborhood. After 34 days of the hunger strike and two hospitalizations, school officials reversed their decision to close the school and voted to reopen the school with an open enrollment [arts-focused curriculum](#), pledging to invest in a citywide effort to integrate the Sustainable Community Schools model in Chicago public schools.<sup>32</sup>

- **New York** - In July 2020, the Alliance for Quality Education (AQE) published, "[A Roadmap to a Just Reopening & Just Schools: A Community-Centered Vision for New York's Public Schools Post COVID-19.](#)" AQE is a statewide coalition that mobilizes communities to keep New York true to its promise of a high quality education for all students regardless of zip code. Highlights of these recommendations include the following:  
1) Ensure the health and safety of students and school personnel by providing adequate personal protective equipment (PPE), space for social distancing, and CDC recommended group sizes; 2) Fully fund pre-K-12 education; 3) suspend high stakes standardized testing requirements so that schools can focus on teaching and learning; 4) ensure that educators have the training needed to teach remotely and address trauma; 5) require coordination between agencies, school districts, pre-K and child care providers to align measures that promote the health and safety of children and their families.
- In October 2020, the Dignity in Schools Campaign (DSC), a national coalition of youth, parent, and educator organizers, released a special report, "[Lessons Learned for Remote and Hybrid Learning in COVID-19 and Beyond: Human Rights Guidance.](#)" The report provides recommendations to school officials for a just reopening of schools in the wake of the COVID-19 pandemic. These recommendations include, but are not limited to, the following guidance: 1) address school climate and discipline related to COVID-19 (including suspensions, expulsions, and arrests that stem from remote learning, such as "not social distancing" and "cameras off" during online learning); 2) manage health and safety precautions for In-person instruction; and 3) Provide access to food and other safety nets.<sup>33</sup>



<sup>32</sup> Eltagour, Marwa and Juan Perez Jr. "After hunger strike, Dyett reopens as arts-focused neighborhood high school." Chicago Tribune (September 6, 2016), available at <https://www.chicagotribune.com/news/ct-dyett-high-school-reopening-met-20160906-story.html>

<sup>33</sup> Dignity in Schools Campaign. "Lessons Learned for Remote and Hybrid Learning in COVID-19 and Beyond," (October 2020), available at

<http://dignityinschools.org/dsc-releases-a-new-special-report-lessons-learned-for-remote-learning-and-hybrid-learning-in-covid-19-and-beyond/>

## URGENCY AROUND ACTION

Whether we are talking about teaching and learning in and beyond this pandemic or school climate and safety, the lives and very humanity of Black and Brown students and their families have always been on the line - never more so than this moment in which a pandemic has laid bare for all to see the inequity across systems in this nation and this world. The opportunity, the imperative, is to fix our schools so that we can begin to remedy what ails this nation and ensure that opportunities for deep learning and connection are available to all students and teachers. We will never accomplish this goal if we do not lean into the leadership and vision of those with the most at stake - Black and Brown youth, parents, and educators who are organizing every day to highlight a path to educational equity and sustained commitments not only by systems but by and with educators.

We urge the Biden-Harris Administration to consider these recommendations for transforming school climate, discipline, and safety in our nation's schools as imperative. Public education in this nation is at a crossroads at the very same moment this nation faces a public health crisis unlike any before and is being offered an opportunity to address centuries-old moral national failures.

We welcome the opportunity to engage in dialogue towards action and commit to continuing to elevate the expertise, ideas, and solutions that reflect the lived experiences of Black and Brown students and the tremendous, purpose-driven organizing efforts our partners undertake every day.