Written Statement by the Steering Committee of the
National Juvenile Justice and Delinquency Prevention Coalition
before the
House Committee on Homeland Security
Subcommittee on Emergency Preparedness, Response, & Recovery
September 26, 2019

Hearing on “Engaging the Community: Perspectives on School Security”

Chairman Payne, Ranking Member King, and Members of the Subcommittee:

On behalf of the National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC) Steering Committee, we write to offer comments on today’s hearing titled, “Engaging the Community: Perspectives on School Security.” NJJDPC is a collaborative array of national and state youth and family-serving, social justice, law enforcement, corrections, and faith-based organizations, working to ensure healthy families, build strong communities, and improve public safety by promoting fair and effective policies, practices, and programs for youth involved or at risk of becoming involved in the juvenile and criminal justice systems. In furtherance of these goals, we know that it is critical that students feel safe and supported in schools. We thank you for the opportunity to provide comments on this pressing issue.

State and Local Responses to Incidents of School Violence

Starting in the early 2000s and stemming from high-profile school shootings like Columbine, schools began to incorporate zero-tolerance policies and increased police presence in schools. While initially intended to address gun violence in school, these zero-tolerance policies quickly lead to students being suspended, expelled, or arrested for activities unrelated to school safety. Not only have schools expanded their zero-tolerance policies, but some state laws now require schools to report certain infractions to law enforcement agencies. While these laws are primarily intended to target...
criminal conduct, some jurisdictions have actually criminalized nonviolent and nonthreatening behavior in schools, including disrupting class and truancy.\(^4\)

Research has shown that youth of color are no more likely to misbehave than white youth.\(^5\) However, over 70 percent of students involved in school related arrests or referred to law enforcement are African-American or Latinx.\(^6\) Given so many students of color are funneled to the justice system from schools, it is not surprising to learn that, while the U.S. has significantly reduced its reliance on youth incarceration, racial and ethnic disparities have grown. In fact, Native American youth are three times more likely to be incarcerated than their white peers,\(^7\) and black youth are five times more likely than white youth to be incarcerated.\(^8\) Latinx youth are 65 percent more likely to be detained or committed than white youth.\(^9\)

These zero-tolerance policies are designed to eliminate educators’ discretion, and thus have an even greater effect on students with disabilities, particularly those students with depression, autism, and behavioral disorders.\(^10\) Students with these types of disabilities often have a harder time sitting still or struggle with social interactions. When teachers are not properly trained, it often results in children with disabilities being removed from the classroom, and ultimately being suspended or expelled.\(^11\) It is estimated that an astonishing “70 percent of youth who enter the justice system have a mental health, sensory or learning disability, and anywhere between 28 percent and 43 percent of detained or incarcerated youth have special education needs.”\(^12\) The outcomes are even worse for students of color with a disability. Data from the Department of Education revealed that more than one in four black boys and one in five black girls with disabilities will be suspended each school year.\(^13\) Sensible policies are not one-size-fits-all; sensible policies respect the uniqueness of each young person, especially when they violate school policies or state laws, and respond accordingly.

Similar to the implementation of zero-tolerance policies, police officers have been placed in schools to further student safety, but their presence has mostly led to criminalizing ordinary childhood and adolescent behaviors. There are numerous examples of inappropriate school-based police responses

\(^4\) Id. at 1755 (…for example, in Toledo, Ohio, it is illegal to disrupt a class, and in Texas it is a crime for a child age twelve or older to miss three days of school within a four week period.").


\(^11\) Id.


\(^13\) Reynolds Lewis, supra note 10.
to our country’s children. Just recently, an officer with the Orlando Police Department who served as the school resource officer at a public charter school arrested two 6-year-old children in unrelated incidents. One of the 6-year-olds was reportedly arrested for having a temper tantrum, behavior that is typical for a child that age. The Orlando Police Department requires officers to get a supervisor’s approval when arresting anyone under 12, which the officer in this case did not do. The officer has been fired, and the two children will not be prosecuted, but the impact of being handcuffed, fingerprinted, and detained in a police car will likely have a long-lasting, traumatic impact on both children. Aramis Ayala, State Attorney in Orange County, stated that she “refuse[s] to knowingly play any role in the school-to-prison pipeline at any age. These very young children are to be protected, nurtured, and disciplined in a manner that does not rely on the criminal justice system to do it.” Unfortunately, incidents like this are only more likely given schools in Florida are now mandated to have law enforcement present thanks to legislation passed after the mass shooting at Stoneman Douglass High School.

**Congressional Response to Incidents of School Violence**

Not only have states and school systems responded to incidents of school violence in ways that ultimately harm vulnerable youth, at the federal level we have seen similar harmful legislative

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16 Id.

17 Id.


19 Id.

proposals gain traction. The Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 was included as part of the Fiscal Year 2018 omnibus spending bill.\textsuperscript{21} It authorizes $75 million annually for state and local schools to fund training to prevent student violence; to develop and operate an anonymous reporting system for threats of school violence; to develop and operate school threat assessment and intervention teams; to coordinate with local law enforcement; and to invest in any additional measures to improve school security. There have also been a series of bills that would encourage schools to implement threat assessment systems, including the Threat Assessment, Prevention, and Safety Act of 2019 (TAPS Act) (H.R. 838) and the Suicide & Threat Assessment Nationally Dedicated to Universal Prevention (STANDUP) Act (H.R. 2599).\textsuperscript{22}

These measures threaten to further criminalize vulnerable youth. For example, the TAPS Act applies a law enforcement and terrorism frame to addressing student behavior in schools. Increasing data sharing across government agencies about perceived “patterns of concerning behavior,” as recommended in the TAPS Act, particularly without strict standards of proof, could drastically undermine students’ civil rights. Further, the TAPS Act’s focus on data sharing without adequate safeguards for students and families and without monitoring to determine whether specific communities are being targeted could easily undermine the civil rights of students of color, students with disabilities, immigrant students, LGBTQ students, and religious minorities – without providing for meaningful improvement to school safety and climate. The STANDUP Act also conflates suicide assessment and threat assessment systems, and requires schools to coordinate with local law enforcement.

While the STOP School Violence Act authorizes grant recipients to spend funds on violence prevention training, a reporter discovered earlier this year that the funding has resulted in the “hardening of the nation’s schools with the kind of sally ports and surveillance equipment more closely associated with bank vaults or prisons.”\textsuperscript{23} Though investing in such measures might seem like an obvious step in protecting students and teachers, a report from the National Association of School Psychologists found that “[t]here is no clear evidence that the use of metal detectors, security cameras, or guards in schools is effective in prevention school violence.”\textsuperscript{24} The report also noted that the presence of security guards and surveillance equipment can have a negative impact on students’ perception of safety, and, in some cases, can increase the level of fear in students.\textsuperscript{25}

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We all want to ensure that students remain safe in school, so they can complete their education, be ready for work and adulthood, and become contributing members of society. When zero tolerance policies and law enforcement presence target typical child and adolescent misbehavior, we undermine both the individual child and long term public safety. There are effective, age-appropriate, gender-responsive, culturally competent restorative justice practices or positive behavior intervention strategies that are more effective in holding youth accountable without disrupting their education. These practices have been adopted by school districts around the country including in places like Kentucky, Texas, and Washington, DC—all without reducing safety.\(^{26}\) We know that children whose schooling is disrupted with arrest or incarceration are 14 times more likely to drop out.\(^{27}\) That is an outcome we cannot afford as a nation. When this falls disproportionately on any one group of students the results will ripple far beyond the individual, and harm communities that are already largely under-resourced.

**Conclusion**

Congress should embrace policies that help build positive school climates to ensure the safety and well-being of everyone in the school building. Threat assessments and school hardening measures fail to do so. The tragedies that have occurred in schools across the country demand serious investments in evidence-based practices that keep children and staff safe and do not exacerbate the school-to-prison pipeline or further criminalize marginalized students.\(^{28}\)

We thank the Subcommittee for holding this important hearing. We all want to ensure that students remain safe in school, so they can complete their education, be ready for work and adulthood, and become contributing members of society. We look forward to working with the Subcommittee on further addressing this important issue.

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If you have questions, please feel free to contact any member of the NJJDPC Steering Committee, whose contact information can be found here:

[https://www.promotesafecommunities.org/steeringcommittee](https://www.promotesafecommunities.org/steeringcommittee)

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