

# Bill would limit school police in discipline matters

By Susan Ferriss and Ben Wieder, Center for Public Integrity

As the national debate grows louder over deploying police in schools, the largest state in the union – California – is considering a bill that would require schools to set “clear guidelines” defining the role of school police and limit their involvement in disciplinary matters.

The Golden State joins Texas and Connecticut – home of the December Newtown school shootings – in considering legislation that would set limits on how schools involve police officers in discipline. Colorado adopted limits last year.

The proposals come amid burgeoning concern nationally over harsh school punishment policies, and police involvement in seemingly routine discipline. Police presence on campuses nationwide has grown steadily since two teens went on a killing spree at Columbine High School outside Denver in 1999. But a growing group of juvenile-justice researchers and judges argue that putting students into conflict with officers over minor infractions – and needlessly placing kids in the justice system – increases risks students will drop out and get into more serious trouble.

Since last December, lawmakers in various states and school administrators have rushed to fortify security in reaction to a young adult’s shooting rampage, which killed 20 first-graders and six educators in Newtown, Conn. President Obama and California Democratic Sen. Barbara Boxer, have urged appropriating money to schools that want to increase security.

California State Assemblyman Reginald Jones-Sawyer, a Democrat from Los Angeles, introduced the state school police bill, AB 549, to “get out in front,” he said, of the drive to put more

security personnel in schools. A first hearing on the bill is set for Wednesday before the Assembly Education Committee.

California lawmakers are considering restricting other discipline practices critics say have become counterproductive, including suspensions that remove pupils from school for days at a time, often causing them to fall behind in classwork and leaving them unsupervised at home. The Assembly education panel recently approved a bill April 17 that would restrict out-of-school student suspensions and expulsions for "willful defiance," the basis of almost half of all suspensions in 2011-2012, new state data shows.

The Jones-Sawyer bill faces opposition from the Association of California School Administrators. Laura Preston, the group's legislative advocate, told the Center that the proposal takes too much control away from local districts and schools because it limits what they can do with school safety dollars.

In an April 29 letter, the group argued that the bill's requirements to put police guidelines in school safety plans added up to an imposition "without regard" for "the additional time needed to do this work." Preston suggested "a conversation" about improving school police training could be an alternative to Jones-Sawyer's bill.

Jones-Sawyer's bill does have support from the California Federation of Teachers, the union representing many Los Angeles teachers. That support helps it over one major political hurdle. The California Teachers Association, an even larger union, has no position yet.

"This is not anti-police. I do believe there is a role for public safety on campuses," Jones-Sawyer said of his bill. "But before we get the guns and guards out, let's get some mental health (care) in there for students."

"There should be guidelines for when you don't need police involved in discipline," he said.

Last year, the Center for Public Integrity documented the ticketing of about 10,000 mostly black and Latino students a year, including middle-school-age children, in lower-income neighborhoods in the Los Angeles Unified School District. L.A. Unified is the nation's second-biggest school district, and with more than 300 officers and additional security guards, it has the country's largest district-controlled school police agency. At one point, school police were issuing about 1,000 tickets, or court citations, a month in 2011.

New York City police in schools, by comparison, issued 1,666 tickets to students during the entire 2011-12 school year, according to records obtained by the American Civil Liberties Union. The ACLU is suing New York City police for alleged abusive treatment of students, which the department denies.

Arguing that citations had spiraled out of control, community activists and juvenile-court judges have in recent months pressured L.A. Unified and police to seek other ways of handling some seemingly minor allegations – allegations like vandalism or possession of a marker to commit vandalism, trespassing, marijuana and tobacco possession, daytime-curfew violations and many charges of disturbing the peace or public fighting.

Fresh data obtained by the Center shows that L.A. Unified's tickets have fallen sharply, driven mostly by a drop in daytime-curfew and tardiness violations. Between January and March, about 60 students were ticketed for minor cases of tardiness, or skipping school. The truant or tardy students were referred directly to counseling under a new agreement.

For other alleged legal violations, L.A. school police issued 316 tickets this past January, 454 in February and 282 in March.

In January of last year, by comparison, officers issued more than 650 tickets.

Despite the decline, the new data also shows that certain L.A. Unified middle schools in lower-income areas continue to remain hot spots for ticketing pupils who are almost all black or Latino. The most frequent allegation for younger students is disturbing the peace – a charge that often stems from student fights, shouting matches or allegations of threats to fight.

Out of 1,590 tickets issued from last November through March, half went to children 14 and younger.

In fact, if ages are considered separately, fewer 16- and 17-year-olds were cited than students who were 13, 14 or 15 years old. Black students represent 10 percent of the district's enrollment, but were more than 37 percent of those ticketed for disturbing the peace. And 56 percent of black students cited for this infraction were between 11 and 14 years old.

L.A. Unified officials did not respond to a request for comment on the Center's new findings or Jones-Sawyer's proposal. Last December, the district said it was continuing "to work with our internal and external stakeholders to identify and evaluate non-penal alternatives to various minor violations.

Jones-Sawyer, 56, attended L.A. Unified schools and remembers kids who scuffled being taken into the office of a vice principal, who put an arm around their shoulders and talked through problems. "We have to find out why kids are angry," the assemblyman said. Reprimands were not in the form of police citations back then, he said.

He acknowledged educators' complaints that California's school counselor ranks have been decimated by budget cuts, leaving schools less able to deal with kids' conflicts. Compared with a national average of 457 students for every counselor, California's ratio of 814 students for every counselor in 2008-2009 was rock bottom among the states, according to data

gathered by the American School Counselor Association.

Nonetheless, critics of involving officers in discipline matters say peer counseling, intermediate steps prior to police involvement and other cost-effective alternatives exist and are practiced in other states, and in schools in Oakland and San Francisco now as well.

Jones-Sawyer's bill says schools "shall consider existing strategies and model approaches to minimize the involvement of law enforcement in pupil conduct and minor offenses that do not rise to the level of a serious and immediate threat to physical safety."

In addition to requiring that schools' mandatory safety plans define police roles, the bill would also require schools to "prioritize" federal and state public-safety funding on mental-health aid and other supportive behavioral-intervention programs – not just police. Schools would also have to publicly develop "memorandum of understanding" about officers' duties.

"I think this bill is a huge shift in how we are talking about school safety," said Zoe Rawson, a lawyer with the Labor/Community Strategy Center, a community group listed as a nonlegislative "sponsor" of Jones-Sawyer's bill. The Strategy Center has represented students who received tickets and is negotiating with L.A. Unified and school police on standards that limit police involvement on district campuses.

The legislation gives "leverage" to local communities to set standards, Rawson said. "Right now, there is nothing required around police having frequent contact with young people."

Any district in California with a school police force, or school resource officers, would be affected by Jones-Sawyer's bill. Oakland's district has its own school police, as does the Central Valley's Kern Union High School District, which has more than two dozen high school campuses in Kern County.

After the Newtown massacre, the Obama administration proposed allocating \$150 million in federal funds for schools to hire police or counselors or install bullet-proof glass or other security technology. The recommendations are in the 2014 Obama budget proposal now winding its way through the budget process.

Boxer, a California Democrat, introduced a bill to bring back federal funding cut in recent years for school police and offer grants to schools in need from a pool of at least \$40 million a year. The measure was folded into the gun bill that stalled in the Senate on April 17, but Boxer is expected to revive it.

Various states are also considering how to fund more school police through property taxes or by tapping other state coffers.

Los Angeles County Presiding Juvenile Court Judge Michael Nash is so concerned about the rush to put police in schools that he wrote – as president of a national judges' group – to Vice President Joe Biden, who was chairing a post-Newton gun-violence task force.

Penned by Nash as president of the National Council of Juvenile and Family Court Judges, the January letter warns that “the influx of police in schools” in recent years is already “one of the main contributors” to minors sent unnecessarily into the criminal justice system.

Nash told the Center he supports Jones-Sawyer's bill.

“I like this bill,” he said. “I have been asserting that, in considering school safety and enlisting personnel to maintain safety, we have to be clear in differentiating between security and discipline.”

Colorado – the state that was shaken by the 1999 Columbine High School massacre – enacted reforms last year that require

police to “de-escalate” student fights and for schools to ease up on referrals of students to law enforcement due to “zero tolerance” policies. Denver public school discipline data shows a 71 percent increase in referrals of students to police between 2000 and 2004, with 7 percent of referrals for serious offenses like carrying a weapon, according to analysis by the nonprofit Advancement Project.

Texas legislators are considering a bill that requires schools with police to adopt “graduated sanctions” and other means rather than having officers send children to court for disruption and disorderly conduct. The bill, which has bipartisan support, also requires school staff to submit sworn statements and prove steps were taken to counsel students before police referral to court. The state Senate has already approved the bill, which is now before its House of Representatives.

In Connecticut, where legislators are trying to balance new calls for security with concerns about over-policing, the legislature’s joint Committee of the Judiciary on April 19 voted overwhelmingly, 40-4, to approve a proposal requiring school boards to draft memorandum of understanding with police to limit their use in disciplinary responses. The proposal says agreements should spell out the need for “a graduated response model” to discipline problems. The bill is now before the state’s House of Representatives and, if approved, will go to the state Senate.

A Senate bill in Florida that would have required that schools refrain from referring students to law enforcement for “petty acts of misconduct” or misdemeanors – without written explanations – died when it failed to get out of legislative committees this spring.

In March, the U.S. Justice Department’s civil rights office reached a court-sanctioned agreement stemming from a federal investigation into alleged excessive involvement of police in

discipline meted out in Meridian, Miss.

The agreement with the district of 6,100 students in Meridian essentially regulates school police on the district's campuses. The district is required to train school police officers in "bias-free" policing and stop involving police in minor behavioral disputes in the majority-black district. Civil rights investigators said police in Meridian told them they were ferrying students to jail on allegations of defiance and disrespect at schools.

L.A. Unified, last summer, started referring most tickets not to court but directly to the Los Angeles County Probation Department. Because of a budget crisis, the county had to close its lower-level juvenile courts, where parents and students were usually summoned to answer to citations school police issued that carried hundreds of dollars in fines.

Judges and civil rights advocates saw the closure as an opportunity to keep most students out of court, and instead first divert students, through probation officers, to community-based counseling or other family treatment.

Between November and March, the big three infractions students were cited for were allegations of possessing or using less than an ounce of marijuana – 514 tickets – and disturbing the peace, for which 496 students were cited. Tobacco or smoking "paraphernalia" was next with 252 tickets.

Rawson, with the Labor/Community Strategy Center, said it is a positive step that most ticketed students at L.A. Unified are no longer sent directly into court.

But as a lawyer who has represented students, she's concerned that black and Latino students in lower-income neighborhood schools are "over-policed" compared to students in more affluent areas. L.A. Unified's school police chief, Steven Zipperman, told the Center last year that officers are generally evenly distributed to schools – mostly high schools



– but that schools of all grade levels can request that officers be dispatched to intervene in a problem.

Conflict with police officers, Rawson said, can leave students with a sense that their citation is a first step toward future clashes with law enforcement. The youngest student cited between March and December was a 9-year-old accused of vandalism.