

February 25, 2021

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

Dear President Biden:

On behalf of the American Civil Liberties Union and the undersigned 151 organizations, we write to ask you to end the use of Department of Justice federal funding for police in schools. Instead, we urge you to issue an executive order directing the Department of Justice to shift its funding away from supporting the use of school-based police and toward the use of much-needed mental health professionals in our schools. We also urge you to work with Congress to support positive school climates by submitting an FY 2022 budget that specifically prohibits all federal funding of police in schools, and endorsing the

Our students need more counselors, school psychologists, school social workers, and school nurses who use evidence-based and trauma-informed practices to enable children to thrive in positive learning environments.

Continuing the federal funding of police in schools (including School Resource Officers) funds the criminalization, discrimination, and mental and physical harm of our students.¹ We know that placing police in schools makes it more likely for students in those schools to be suspended, referred to law enforcement, and arrested in school.² These adverse outcomes inevitably lead to more students pulled into the criminal legal system.³ Students who are Black, Brown, Indigenous, LGBTQ, and those with disabilities experience most acutely the impact of school policing.⁴ Research has shown that transgender and nonbinary students experience higher levels of violence and criminalization than their cisgender peers.⁵ Students of color are more likely to attend a school with a police officer, and are more likely to be referred and arrested while at school.⁶ In districts with more Black students, school police are more likely to focus on the students themselves as the threats—in stark contrast to districts with more white students where police are more likely to focus on external

¹ A School Resource Officer is defined in federal statute as “a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations.” 34 U.S.C. § 10389(4) (2018).

² Benjamin W. Fisher, and Emily A. Hennessy, *School Resource Officers and exclusionary discipline in U.S. high schools: A systematic review and meta-analysis*, *Adolescent Research Review* 1, 217 (2016); Matthew Theriot, *School resource officers and the criminalization of student behavior*, 37 *Journal of Criminal Justice* 3, 280 (2009); Emily M. Homer & Benjamin W. Fisher, *Police in schools and student arrest rates across the United States: Examining differences by race, ethnicity, and gender*, 19 *Journal of School Violence* 2, 192 (2019).

³ Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 *Wash. L. Rev.* 919 (2016).

⁴ For an interactive map tracking incidents of school police violence against students of color and students with disabilities, see [the pipeline among LGBTQ youth](#) (2016),

[/Educational_Exclusion_2013.pdf](#)

⁶ American Civil Liberties Union, *Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students* (“Cops and No Counselors”) (2019), https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

other supportive approaches. Schools that employ more school-based mental health providers see fewer disciplinary incidents, improved academic achievement, and improved graduation rates.¹⁴ One in every five children develop mental health disabilities, and students are 21 times more likely to seek mental health treatment from school-based providers than anywhere else.¹⁵ The COVID-19 pandemic has increased this need as youth are now experiencing an array of stresses and traumas associated with social isolation, loss of family members, and COVID infection.¹⁶ School closures and distance learning have not diminished the traumatizing and destabilizing impact of police officers, as they are now making house calls for academic concerns.¹⁷ Counselors and other mental health providers have the specialized training and experience to support students—not police. There are 14 million students in schools with police but no counselor, nurse, psychologist, or social worker—nearly one third of our student population.¹⁸ Police violence in schools and communities has traumatized many Black and Brown students; instead of being victimized

data, the evidence, and our students in eliminating federal support of police in schools. With a new commitment to divert this federal funding to fund the placement of more mental health professionals in our schools, your administration would display leadership in recognizing our students and communities' calls for safer schools where our students can feel supported and thrive.

If you have any questions about the issues raised in this letter, please contact West Resendes of the American Civil Liberties Union at wresendes@aclu.org and Chris Scott of the Open Society Policy Center at christopher.scott@opensocietyfoundations.org.

Sincerely,

American Civil Liberties Union
Open Society Policy Center
A Black Education Network (ABEN)
A Little Piece of Light
ACCESS
Access Living
Activists With A Purpose
Advocacy Without Borders
Advocates For Children of New York
African American Roundtable, Inc
AL Association for the Arts, Inc.
Alabama Justice Initiative
American School Counselor Association
Autistic Self Advocacy Network
Autistic Women and Nonbinary Network
Bazelon Center for Mental Health Law
Bend the Arc: Jewish Action
Black and Brown Womyn Power Coalition, Inc.
Black Parallel School Board
Black With No Chaser
BreakOUT!
Center for Disability Rights
Center for Law and Social Policy (CLASP)
Center for LGBTQ Economic Advancement & Research
Center for Popular Democracy
Center for Public Representation
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School
Children's Defense Fund - NY
Children's Law Center, Inc.
Cia Siab, Inc.
Citizens for Juvenile Justice
Citizens for Public Schools
Clearinghouse on Women's Issues
Coalition for Juvenile Justice
Communities for Just Schools Fund
Council for Children's Rights
Council of Parent Attorneys and Advocates
Criminalization of Poverty Project at the Institute for Policy Studies
Defending Rights & Dissent

Muslim Voices Coalition
National Action Network
National Association of Counsel for Children
National Association of Criminal Defense Lawyers
National Black Child Development Institute
National Black Justice Coalition
National Black Women's Justice Institute
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Center for Youth Law
National Council of Churches of Christ in the USA (NCC)
National Crittenton
National Disability Rights Network (NDRN)
National Equality Action Team (NEAT)
National Juvenile Defender Center
National Juvenile Justice Network
National Network for Arab American Communities
National Urban League
National Women's Law Center
Native American Disability Law Center
New Bedford Coalition to Save Our Schools
New Settlement
New Hour for Women and Children -

The Sentencing Project
THRIVE Center
UnidosUS
Virginia Council on LGBTQ+
Voices for Vermont's Children
Vote Huntsville
Washington Lawyers' Committee for Civil Rights & Urban Affairs
Worcester Interfaith
Youth Justice Education Clinic, Loyola Law School
Youth on Board
Youth, Rights & Justice
YWCA USA

INDIVIDUALS

Ashley Jackson

