



June 9, 2020

Dr. Paul Cruz
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Austin Independent School District
4000 S. I-H 35 Frontage Rd.
Austin, TX 78704

Re: Call to Divest from Austin ISD’s School Policing

To Whom it May Concern:

As members of the Safe & Supportive School Collaborative the undersigned social justice organizations write to urge the Austin Independent School District (“AISD”) to divest from school policing in the district. AISD faces a budget shortfall given the uncertainty of the district’s financial outlook amid the novel Coronavirus pandemic and anticipates a \$49.26 million deficit. AISD should prioritize divestment of the funds it spends on policing. Children’s Defense Fund Texas, Disability Rights Texas, The Earl Carl Institute at Texas Southern University, and Texas Appleseed collaborate to advocate for policies that make schools safe and supportive of all learners, including black and brown students and those with disabilities.

As our nation mourns the murder of George Floyd, we are reminded of the physical and psychological harms of over policing on students from minority communities as well as those with disabilities. As a few examples, a former AISD officer took a plea deal after being indicted on felony charges for a physical confrontation with an eighth-grade student after the student was removed from the classroom for disruptive behavior¹ and another former AISD officer claimed he was fired for reporting workplace violations, which included an incident caught on video where an AISD reportedly slapped and used extreme language on a student who was handcuffed and in detention.² In another incident, AISD police arrested a 12-year-old student diagnosed with attention-deficit and bipolar disorders after she sprayed herself with perfume in response to students bullying and taunting her about how she smelled.³ In Austin, protesters are also mourning the death of Michael Ramos, an unarmed black and Hispanic man who died after he was shot at with a rifle by Austin police.⁴ In this moment of heightened awareness of the trauma experienced by so many at the hands of police officers, AISD should follow in the footsteps of other districts, like Portland Public Schools⁵ and Minneapolis Public Schools,⁶ by divesting in school policing. Students

¹ Ryan Autullo, *Charges dismissed against ex-AISD officer who tussled with student*, Austin-American Statesman (Jan. 7, 2019), <https://www.statesman.com/news/20190107/charges-dismissed-against-ex-aisd-officer-who-tussled-with-student>

² Russell Falcon, *Former AISD peace officer says he was fired for reporting workplace violations*, KXAN (Jul. 23, 2019), <https://www.kxan.com/news/former-aisd-peace-officer-says-he-was-fired-for-reporting-workplace-violations/>

³ Chris McGreal, *The U.S. schools with their own police*, The Guardian (Jan. 9, 2012), <https://www.theguardian.com/world/2012/jan/09/texas-police-schools>

⁴ Audrey McGlinchey, *Austin Police Report Confirms Michael Ramos Was Fatally Shot, Says Officer Considered Car A Weapon*, KUT (May 20, 2020), <https://www.kut.org/post/austin-police-report-confirms-michael-ramos-was-fatally-shot-says-officer-considered-car-weapon>

⁵ Eder Campuzano, *Portland superintendent says he’s ‘discontinuing’ presence of armed police officers in schools*, Oregon Live (Jun. 4, 2020), https://www.oregonlive.com/education/2020/06/portland-superintendent-says-hes-discontinuing-school-resource-officer-program.html?fbclid=IwAR31DRyBPICwWJqBPU5_59FthdSLXbYKKvbeR4gxNekOkzaoq2LNT5CvsAw.

⁶ Ryan Faircloth, *Minneapolis Public Schools terminates contract with Police Department over George Floyd’s death*, Minneapolis Star Tribune (Jun. 2, 2020), https://m.startribune.com/mps-school-board-ends-contract-with-police-for-school-resource-officers/570967942/?fbclid=IwAR11j715iBCne7Z_n3rVYjSD46fkokGzQVOhjS2q0R6ueO8o0q4vDSne4-k.

in New York City and Phoenix are also demanding these changes.⁷

For most of American history, schools did not maintain their own law enforcement departments.⁸ Schools once relied instead on natural and educational interventions and discipline practices. Schools should continue to rely on tiered interventions systems as part of discipline practices. Schools can, like in the past, make calls to outside police in rare emergencies that necessitate law enforcement involvement.

School-based policing is one of the fastest growing areas of law enforcement.⁹ While there is no official count of school resource officers (“SROs”), there are over 14,000 officers alone in only thirty (30) percent of our nation’s schools.¹⁰ Yet there is no evidence to show that adding SROs actually results in safer schools, according to the Justice Policy Institute.¹¹ In fact, adding SROs to campuses tend to specifically harm certain student demographics like students of color and students with disabilities.

Students of color, particularly Black and Hispanic students, are overrepresented in law enforcement referrals for offenses. In fact, Black students are referred for offenses like exhibition of firearms and terroristic threat at *twice* the rate of all other students.¹²

Students with disabilities represent only twelve (12) percent of student enrollment nationwide yet disproportionately make up twenty eight (28) percent of students referred to law enforcement.¹³ These students face an increased likelihood of harm when interacting with SROs. In a 2015 court filing, The U.S. Department of Justice explained that “SROs should not enforce the school code of conduct or engage in routine discipline of students.”¹⁴ However, the data shows SROs respond to outbursts from students with disabilities with escalated practices, without regard to whether these students pose actual threats.

There is a breadth of examples:

- a fourteen-year (14) old student in Houston ISD was restrained, handcuffed, and pepper sprayed by an SRO after allegedly throwing a single item of food during lunch¹⁵;
- a seventeen-year (17) old student in Katy ISD was tased six times by an SRO after leaving the classroom where he was being bullied¹⁶;
- a seven-year (7) old in Dallas ISD was tased and handcuffed by an SRO after a verbal outburst in the classroom¹⁷;
- a ten-year (10) old in Denton ISD was handcuffed and pinned on the floor face down by an SRO¹⁸;
- an eight-year (8) old in Southlake, Texas was secluded and mocked by an SRO, escalating an already

⁷ Katie Reilly, ‘Police Do Not Belong in Our Schools.’ Students are Demanding an End to Campus Cops After the Death of George Floyd, TIME (Jun. 5, 2020), https://time.com/5848959/school-contracts-police/?utm_source=twitter&utm_medium=social&utm_campaign=editorial&utm_term=_&linkId=90212299

⁸ *A Brief History of School-Based Law Enforcement*, Texas State: Texas School Safety Center (Feb. 2016), <https://txssc.txstate.edu/topics/law-enforcement/articles/brief-history>.

⁹ Cheryl Corley, *Do Police Officers in Schools Really Make Them Safer?*, NPR (Mar. 8, 2018), <https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>.

¹⁰ Id.
¹¹ *Measured Responses: Why increasing law enforcement in schools is not an effective public safety response to the Newtown tragedy*, Justice Policy Institute (Dec. 2012), <http://www.justicepolicy.org/uploads/justicepolicy/documents/schoolsafetyfactsheet.pdf>.

¹² Deborah Fowler and Morgan Craven, *Collateral Consequences: The Increase in Texas Student Arrests Following the Parkland and Santa Fe Tragedies*, Texas Appleseed, <http://stories.texasappleseed.org/collateral-consequences>.

¹³ U.S. Department of Education, *Office for Civil Rights, 2015-2016 Civil Rights Data Collection, School Climate & Safety*, p. 39-40, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

¹⁴ Statement of Interest of the United States, *S.R. v. Kenton Co.*, 15-CV-WOB-JGW (E.D.Ky.) (Doc. 32, at 13) (Oct. 2, 2015), available at: <https://www.justice.gov/opa/file/780346/download>

¹⁵ *MC v. HISD TEA Special Education Complaint 202015305*.

¹⁶ Brooke A. Lewis, *Parent of Katy ISD Special-needs student sues district over Tasing incident*, Houston Chronicle (Jun. 8, 2018), <https://www.chron.com/neighborhood/katy/news/article/Lawsuit-filed-against-Katy-ISD-after-tasing-of-12975360.php>.

¹⁷ E.A. Crunden, *Dallas school police tased a 7 year old, and then body slammed a 12 year old the next day*, Think Progress (May 18, 2017), <https://archive.thinkprogress.org/dallas-police-schools-violence-kids-fd6cd565a8c0/>.

¹⁸ *Denton ISD Faces Scrutiny After Officer Seen Handcuffing, Pinning Down Autistic Child*, CBSDFW (Aug. 11, 2018), <https://dfw.cbslocal.com/2018/08/11/denton-isd-officer-seen-handcuffing-pinning-down-autistic-child/>.

upsetting outburst¹⁹.

All incidents were related to the students' disabilities. SROs are entangled in a long history of abusive uses of force that leave students with disabilities suffering from harmful, lasting effects. Furthermore, when a former AISD SRO learned about an audit for the district's police department, he claimed there was "major dysfunction at that department, especially in chain of command."²⁰

Students can face expulsion or suspension when referred to law enforcement. In fact, when law enforcement charges students, they are almost always also suspended or expelled. Students with disabilities are four times as likely to be suspended from school than students without.²¹ Black and Hispanic students are suspended from school at a disproportionate rate too.²² When a student is suspended or expelled, that student misses out on relationship development that promotes pro-social growth and positive life outcomes.²³ By maintaining SROs or other law enforcement mechanisms, districts are placing students with disabilities at a distinct disadvantage.

This is why we urge AISD to divest from school policing. The district will not only protect students but also save resources. Of the cases even referred to police, only twenty-five (25) percent even result in a guilty plea or verdict; a majority of the cases are dismissed or adjudicated.²⁴ In recent years, AISD has had to consider increasing the student-to-teacher ratio to reduce budget deficits.²⁵ AISD is also among the Central Texas school districts that recently did not meet national student-to-counselor ratio recommendations.²⁶ The American School Counselor Association recommends a 1 to 250 ratio.²⁷

AISD must take a stand against school-policing for the sake of its students. We urge AISD to divest from school policing and allocate any available resources instead to hire and train mental health counselors and social workers to handle instances of bullying, harassment, disruptiveness, vandalism, drug and alcohol abuse, and other non-violent incidents. In order to for this to work, AISD must adequately fund these additional positions and programs.

In solidarity,

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CC: AISD Trustees

¹⁹ *Wilson v. City of Southlake*, 936 F.3d 326 (5th Cir. 2019).

²⁰ Tom Miller, *Austin ISD refuses to make district police department audit public*, KXAN (Feb. 26, 2019), <https://www.kxan.com/news/local/austin/austin-isd-refuses-to-make-district-police-department-audit-public/>

²¹ *Education Under Arrest: The case against police in schools*, Justice Policy Institute, 21-23 (2011), http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Tom Miller, *Austin ISD considers increasing class sizes to save money*, KXAN (Oct. 9, 2018), <https://www.kxan.com/news/local/austin/austin-isd-considers-increasing-class-sizes-to-save-money/1508838695/>

²⁶ Erica Proffer, Joe Ellis, *Majority of Central Texas schools do not have enough counselors*, KVUE (Nov. 2, 2018), <https://www.kvue.com/article/news/local/majority-of-central-texas-schools-do-not-have-enough-counselors/269-610806440>

²⁷ *Career and Roles*, America School Counselor Association (last visited Jun. 5, 2020), <https://www.schoolcounselor.org/school-counselors-members/careers-roles#ratios>.