



June 29, 2020

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via email: boe@mcpsmd.org

Re: Removal of Law Enforcement from Montgomery County Public Schools

Dear Board of Education members:

We appreciate that Montgomery County Public Schools (MCPS) is committed to ensuring that “academic success is not predictable by race, ethnicity, gender, socioeconomic status, language proficiency or disability.”¹ We also agree with the Board that “students are more likely to succeed when they are in a safe and welcoming environment to learn.”² We are concerned, however, that these values and beliefs are undermined by the School Resource Officer (SRO) program which **perpetuates racial inequality and thrusts Black students into the school-to-prison pipeline.**³ **For the reasons stated below, we respectfully urge the Board to remove the regular presence of law enforcement from MCPS schools and to reinvest those resources in equitable student and family supports.**

As one of our nation’s leading racial justice organizations, the Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee) has worked to secure equal justice for all through the rule of law for more than 50 years, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities. To advance this mission, the Lawyers’ Committee has advocated for underserved students of color and families in several areas, including education. Working with communities, we have played an instrumental role in helping state and local governments meet the needs of underserved students of color through policy-making collaboration, advocacy, and, when necessary, litigation.

As a national civil rights organization, we understand the importance of local knowledge and locally- led movements to sparking real change in communities across this country. That’s why we are more than honored to join in chorus with many diverse voices in Montgomery County calling for the removal of the regular presence of law enforcement (SROs) from Montgomery County Public Schools. We urge you to divest the \$3 million from SROs and invest in true transformative and restorative justice that keep schools safe without criminalizing Black students. Additional investment should be made into deepening restorative justice programs and providing wraparound supports, including the hiring of more community intervention workers, transformative justice coordinators, culturally competent counselors, nurses and other support staff who provide critical supports that create safe and supportive learning environments where all students can thrive.

¹ MCPS Strategic Plan FY 2018-2021, <https://www.montgomeryschoolsmd.org/campaigns/Strategic-Planning-FY19-22/>

² *Ibid.*

³ This Letter uses the terms “Black” and “African American” interchangeably and the term “White” to mean White/Non-Hispanic. This Memo uses the term “Hispanic” interchangeably with the gender-neutral term “Latinx.”

The Covid-19 pandemic has exposed and exacerbated the racial inequities that have fraught our institutions for generations. When school buildings closed affecting nearly 55 million students, Black, Latinx, and Native American students disproportionately had less access to devices and home internet service, their teachers had less support for online learning, and many of their parents were deemed essential and/or were unable to work from home and help with school assignments. And the brutal murders of Breonna Taylor, George Floyd, Ahmaud Arbery, and Rayshard Brooks unleashed global protests for Black lives that have imbued many of us with **fierce urgency** to reimagine what public safety looks like and how we might achieve justice in education and beyond.

We recognize that on June 11th of this year, the Board resolved to gather more information and engage in further study at least until January 2021, before exploring any modifications to the SRO program or its termination.⁴ However, as the maxim goes, *justice too long delayed is justice denied*. Black students should not bear the brunt of the Board proceeding with “all deliberate speed” and deserve to feel safe at school and treated with dignity, respect, and equality today and always.

Thus, **we respectfully urge the Board to suspend the SRO program immediately**. Strong evidence already exists that suggests the presence of law enforcement in schools harms students, particularly Black students, and that there are research- and equity-based alternatives to ensure school safety.

First, there is no reliable evidence that police improve student safety, school discipline, or climate. We agree that a safe school produces an environment conducive for learning. However, no study has found that the presence of police in schools decreases school violence.

In fact, what research does show is that the presence of law enforcement results in increased harms for students, shifting the focus from learning and supporting students to over-disciplining and criminalizing them. Students are removed from classes, subjected to physical restraint, interrogation, and other risks to their rights to education, due process, and equal treatment. Thus, students feel less safe, and more fearful, at schools with SROs.⁵ Schools with SROs tend to have higher rates of exclusionary school discipline than do other, comparable, schools.⁶ Even when SROs are not directly involved in school discipline, their presence can shift schools’ practices in subtle ways that make exclusionary discipline more likely.⁷

Beyond discipline, the presence of SROs perpetuates the school-to-prison pipeline by criminalizing trivial and routine discipline issues which sends kids to juvenile court rather than to the principal’s office. We know that the presence of SROs can mean more arrests for

⁴ “Montgomery County considers modifying police presence in schools,” WUSA. June 11, 2020.

<https://www.wusa9.com/article/news/education/school-resource-officers-montgomery-county-schools/65-5acb67cf-7165-44e8-8a11-a797c21401a0>

⁵ Bachman, R., Randolph, A., & Brown, B. L. (2011). Predicting perceptions of fear at school and going to and from school for African American and White students: The effects of school security measures. *Youth & Society*, 43, 705–726; Perumean-Chaney, S. E., & Sutton, L. M. (2013). Students and perceived school safety: The impact of school security measures. *American Journal of Criminal Justice*, 38, 570–588.

⁶ Fisher, Benjamin W., and Emily A. Hennessy (2016) “School Resource Officers and Exclusionary Discipline in U.S. High Schools: A systematic review and meta-analysis.” *Adolescent Research Review* 1: 217-233; see also Weisburst, Emily K. (2019) “Patrolling Public Schools: The impact of funding for school police on student discipline and long-term education outcomes.” *Journal of Policy Analysis and Management* (<https://doi.org/10.1002/pam.22116>) and *Why and When Do School Resource Officers Engage in School Discipline? The Role of Context in Shaping Disciplinary Involvement*. *American Journal of Education* 126 (November 2019), the University of Chicago; 0195-6744/2019/12601-0002 (page 37).

⁷ Kupchik, Aaron (2010) *Homeroom Security: School discipline in an age of fear*. New York, NY: NYU Press.

minor offenses, such as disorderly conduct or simple assault, exposing more children to juvenile and criminal justice systems.⁸

Second, Black students are considerably more likely to experience these harms. As the Board is aware, nationally and in Montgomery County, Black children are subjected to disparate discipline punishment compared to their White peers.⁹ Black students tend to face more severe consequences for similar or less serious conduct than their White peers, from in-school suspensions to out-of-school-suspensions to expulsions¹⁰. In turn, this often results in the loss of learning time, which not only affects their academic achievement but also their socio-emotional behavior, especially for students with disabilities¹¹. And despite some efforts to address these disparities, the disproportionate use of exclusionary discipline remains significant and is greater today than it was a decade ago.¹²

Encounters with police trigger stress, trauma, and anxiety for Black youth, which harm mental health and erode educational performance. One study found that prolonged low-level contact with police significantly reduced the performance on standardized tests for Black teenage boys, perpetuating racial inequalities in educational outcomes.¹³

Despite evidence that demonstrating that Black students misbehave at the same rates as their peers, Black students are suspended and expelled—and therefore excluded from school—at much higher rates.¹⁴ **In Montgomery County, the data is startling.** While Black students comprise 21% of the student population, they accounted for more than 45% of suspensions and expulsions during the 2018-19 school year. Between the start of the 2016-17 school year and the end of the 2018-19 school year, 738 MCPS students were arrested on school property or because of incidents on school property. Nearly 50% (354) of the arrests were of Black students.¹⁵

And frankly, the presence of police in schools and in communities means Black students face significant risk of assault¹⁶. George Floyd is only the latest Black life to fall senselessly at the hands of law enforcement¹⁷. Across the country, research shows that Black men are nearly 3.5 times more likely than Whites to be killed by law enforcement.¹⁸ This is the context – in which Black students can be seen more as threats than students – where

⁸ Teske, Steven A., and J. Brian Huff (2011) “The Court’s Role in Dismantling the School-to-Prison Pipeline.” *Juvenile and Family Justice Today Winter 2011: 14-17; Na and Gottfredson (2013).*

⁹ See, e.g., U.S. Commission on Civil Rights (2019). “Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities” (available at: <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>).

¹⁰ “Are We Closing the School Discipline Gap”, The Center for Civil Rights Remedies. (February 2015). https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf

¹¹ *Ibid* at 9.

¹² “Disparities in School Discipline in Maryland.” Maryland Advisory Committee to the U.S. Commission on Civil Rights. (October 2019). <https://www.usccr.gov/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>

¹³ Legewie, J. and Fagan, J. Aggressive Policing and the Educational Performance of Minority Youth. *American Sociological Review* (2019).

¹⁴ Barrett, N., McEachin, A., Mills, J. N., & Valant, J. (2017). What are the sources of school discipline disparities by student race and family income?. Retrieved from New Orleans: <https://educationresearchallianceola.org/publications/what-are-the-sources-of-school-discipline-disparities-by-student-race-and-family-income..>

¹⁵ Peetz, Caitlynn. “Black children make up one-fifth of MCPS enrollment, half of arrests.” *Bethesda Magazine* June 24, 2020

<https://bethesdamagazine.com/bethesda-beat/schools/black-children-make-up-one-fifth-of-mcps-enrollment-a-half-of-arrests/>

¹⁶ “We Came To Learn: A Call to Action for Police Free Schools”. The Advancement Project <https://advancementproject.org/wp-content/uploads/WCTLweb/index.html#page=1>

¹⁷ Richard A. Oppel Jr. and Lazaro Gamio, “Minneapolis Police Use Force Against Black People at 7 Times the Rate of Whites” *The New York Times*. (June 3, 2020) <https://www.nytimes.com/interactive/2020/06/03/us/minneapolis-police-use-of-force.html?action=click&module=Spotlight&pgtype=Homepage>

¹⁸ Frank Edwards, Michael H. Esposito, and Hedwig Lee, 2018: *Risk of Police-Involved Death by Race/Ethnicity and Place, United States, 2012–2018* *American Journal of Public Health* 108, 1241_1248, <https://doi.org/10.2105/AJPH.2018.304559>

communities across the country are calling for police-free schools to ensure that Black students are “afforded the presumption of childhood they deserve.”¹⁹

Third, MCPS can pursue alternative options for ensuring safety, de-escalating conflict, and promoting positive behavior. At such a tenuous time, Montgomery County should build on its commitment to safe, healthy, and inclusive school environments with serious investments in evidence-based policies and practices that keep children and staff safe, value all children including Black children and other children of color and do not exacerbate the school-to-prison pipeline, further criminalize Black children, or increase the over-policing of students in schools and communities.

The County should double-down on its efforts to implement and deepen Positive Behavior Interventions and Supports (PBIS) and restorative justice, policies which have demonstrated massive decreases in office referrals for student misconduct.²⁰ Furthermore, the County should invest in the hiring of mental health and behavioral specialists, and other resource coordinators who are trained to engage and respond to children with mental health, trauma-related and special education-related issues.

In fact, we know that school psychologists, school counselors and social workers are overwhelmed in Montgomery County. Currently, in MCPS, each school-based school psychologist typically serves a caseload of approximately 1,800 students, far above the ratio of 1:500 recommended by the National Association of School Psychologists. Additionally, each elementary school counselor currently serves approximately 600 students, far from the American School Counselor Association (ASCA) recommended ratio of 1:250 for K-12 schools.²¹ Lastly, funding for nursing staff has not kept pace with increased enrollment in Montgomery County, which has 98 nurses for 206 schools and a nurse-to-student ratio of 1 to 1,660, well beyond the American Academy of Pediatrics recommended ratio of one nurse to each school.²²

Conclusion

It is not an open question. The presence of police can be harmful for students in Montgomery County.²³ Many of us have seen the disturbing videos from across the country of SROs being physically abusive with students—[putting students in chokeholds](#),²⁴ [slamming them to the floor](#),²⁵ [assaulting students](#)²⁶—even putting an [seven-year-old in handcuffs](#)²⁷ behind his back. In the last few weeks, there have been nearly 70 protests and demonstrations across Montgomery County calling for racial equality and justice.

¹⁹ *Ibid* at 16.

²⁰ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices: Final Report and Collaborative Action Plan (December 20, 2018). <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

²¹ “Mental health of MCPS students must get our attention”, Bethesda Magazine. (June 20, 2020). <https://bethesdamagazine.com/bethesda-beat/opinion/opinion-mental-health-of-mcps-students-must-get-our-attention/>

²² *Ibid*.

²³ *Ibid* at 12.

²⁴ “‘I feared for my life,’ Camden student recalled after incident between him and a police officer” *KARK 4 News* (February 10, 2020).

<https://www.kark.com/news/local-news/i-feared-for-my-life-student-said-as-he-recalled-the-incident-between-him-and-a-police-officer/>

²⁵ “Former Louisiana police officers indicted for allegedly slamming teenage student” *ABC News* (December 18, 2018). <https://abcnews.go.com/US/louisiana-police-officers-indicted-allegedly-slamming-teenage-student/story?id=59879203>

²⁶ “Florida school’s resource officer arrested after video shows him slamming 15-year-old girl to ground, police say” *ABC News* (November 5, 2019).

<https://abcnews.go.com/US/florida-schools-resource-officer-arrested-video-shows-slamming/story?id=66775374>

²⁷ “Kansas City second grader handcuffed at school” *KSHB News*. (May 2, 2014). <https://kobi5.com/news/local-news/kansas-city-second-grader-handcuffed-at-school-11992/>

And, while Montgomery County is still grappling with the implications of the recent deaths of its own residents [Robert White](#)²⁸ and [Finan Berhe](#)²⁹, the Board has an opportunity to ensure that the incidents we've seen on online don't happen in its schools. A police-free schools future in Montgomery County is both possible and necessary to protect the safety and humanity of Black children and all children in Montgomery County's community. In these past weeks, school boards in Minneapolis, Seattle, Denver, Milwaukee, Portland, Rochester, and many more districts have acted swiftly to end contracts between their school districts and local police departments, and to remove police from schools. The time is now to heed the long-standing demands of Montgomery County's youth organizers and community members to remove law enforcement from Montgomery County Public Schools.

Respectfully submitted,



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²⁸ "Silver Spring residents demand action after investigation clears officer in death of Robert White" *WTOP News* (April 8, 2019) <https://wtop.com/montgomery-county/2019/04/demands-for-action-from-residents-upset-by-investigation-into-a-police-involved-shooting-death-in-silver-spring/>

²⁹ "I don't want to shoot you! Police body cam captures fatal encounter." *The Washington Post* (May 9, 2020). https://www.washingtonpost.com/local/public-safety/i-dont-want-to-shoot-you-police-body-worn-video-camera-captures-fatal-encounter/2020/05/09/41b0c064-9193-11ea-9e23-6914ee410a5f_story.html