

June 16, 2020

Dear Burlington School Commissioners,

We write to voice our concern about the unnecessary placement of SROs in our schools, which study shows harms students, and to request that you seek alternatives to this practice in alignment with your restorative practices program.

The placement of law enforcement officials in schools in recent decades in response to the war on drugs was disproportionately directed at people of color. Unfortunately, the resulting School Resource Officer role that emerged over the years causes a pattern of harm to children. While intended to protect the student body, SROs are often relied upon to administer school discipline. The use of SROs to address difficult student behavior and interactions, which are often rooted in adverse childhood experiences and trauma, is not appropriate in our classrooms and leads to the criminalization of such behavior. Furthermore, the regular use of SRO's for citations into court and arrests has a disparate impact on our African-American students as well as our students on IEPs and LGBTQ youth.

When law enforcement is placed in a school, students are three times more likely to face arrest than students in schools without SROs.¹ When students face arrest at school they lose classroom time, which interrupts learning and sets in motion a vicious cycle of getting behind in class, loss of motivation, and internalizing failure. Students facing school-based citations, arrests and referrals to law enforcement are saddled with long-term devastating impacts. Studies show that being arrested has detrimental psychological effects on children, makes them 2-4 times as likely to drop out of school, reduces their future employment prospects, and increases the chance that they will commit crimes in the future.²

Over the past five years, the former and current school board elevated the need for, and funded for restorative practices. This work must be accelerated in order to remove the crutch that SROs have become in educational settings. The reliance on SRO's contravenes the district's basic function, to help our students succeed personally and academically. Students involved in misconduct must be doubly engaged by our district using an inclusive restorative approach - not intimidated by uniformed police presence on school campuses, not cited for trauma-based behaviors and not removed from school via arrest.

Although we lack more recent data, according to the US Department of Education's Civil Rights Data Collection, the 2011-2012 school year saw fifty-seven Burlington School District students referred to law enforcement or arrested in our schools. Despite repeated requests from the school board's Diversity, Equity & Inclusion Committee for more granular data that distinguishes between school-based versus neighborhood-based citations, arrests, or negative encounters between students and SROs, the Burlington Police Department did not develop a data-tracking and collection system that was identified as a need in a 2015 Memorandum of Understanding between the District and the Burlington Police Department. Given this failure to adequately demonstrate that students are not being unduly cited and/or arrested, it is time to eliminate this law enforcement strategy from our school district's disciplinary practices.

Furthermore, for the data that does exist, information regarding the reasons for arrest and referral is not published. Former school commissioners know that at least some instances were for low-level disciplinary infractions. For example, in one case, a child was interrogated by law enforcement at school for writing offensive Facebook posts. While offensive posts, fighting, and bullying are deplorable and should be handled through positive disciplinary interventions and student supports, they should not be considered criminal offenses requiring

¹ Matthew T. Theriot, "School Resource Officers and the Criminalization of Student Behavior." *Journal of Criminal Justice* 37 (2009): 280-287. <https://goo.gl/2fybtW>.

² See Gary Sweeten, "Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement," *Justice Quarterly* 43: 478-79 (2006).

police involvement. Unfortunately, SROs are unnecessarily involved in disciplinary matters that undermines the District's commitment to restorative practices.

A police presence in schools was originally thought to make our schools safer. Columbine, Parkland, and Great Mills all had armed personnel on campus, yet all three incidents resulted in tragedy. A 2013 Congressional Research Service report states: "The body of research on the effectiveness of SRO programs is limited, both in terms of the number of studies published and the methodological rigor of the studies conducted. The research that is available draws conflicting conclusions about whether SRO programs are effective at reducing school violence. A 2009 study found there was not a large difference in serious crime between schools that had SROs and those that did not. However, students at policed schools were more likely to be arrested than those at unpoliced schools, but were not, in most circumstances, more likely to be actually charged in court. The one exception: students at policed schools were almost five times more likely to be charged with "disorderly conduct."³

Of particular importance for you to read is the statement from the Sentencing Project on this issue:

<https://www.njcn.org/uploads/digital-library/The-Facts-About-Dangers-of-Added-Police-in-Schools-The-Sentencing-Project.pdf>

See also the ACLU on the impact of police in the schools.

<https://www.endzerotolerance.org/single-post/2019/03/11/Research-on-the-Impact-of-School-Policing>

As a result of these concerns, the school board in 2014 voted to defund SROs. Subsequently, after the fiscal year 2015 budget passed without the SRO's, Mayor Weinberger and then-Chief Schirling reinstated the SRO's in the police department budget using general fund dollars. Later, at the Board's urging, an MOU was signed between the District and the Burlington Police Department (BPD) to delineate the role of SROs in the schools. This was needed, because we know that bias emerges when police have a great deal of discretion. While many would argue that some SROs are good people, the fact is that BPD's officer training prepares them for managing and intervening in behaviors and activities taking place within the general population that has tentacles to laws, regulations and rules governing crime, traffic violations, and domestic violence. Most of the behavior and activity for which SROs are called in the schools are related to adolescent behavior, trauma, and/or special educational needs. A police presence worsens that trauma and SROs lack comprehensive trauma training, and the student information protected by privacy, to handle student behavior in the schools—but other types of personnel do.

As the BSD Administration has acknowledged, a major challenge has traditionally been educators' lack of training on behavioral and conflict management. The availability of SROs increases the likelihood that they will call the police (SRO) to handle a situation. Too often those calls are made on young black male students—for the same reason we see police bias against young black men—because of racial bias that black male behavior is "dangerous." Instead, the right skill set may be one that we, as a community can develop in a newly designed "Restorative Justice Officer" position. We believe that current funding used for SROs could be redirected to align with the District's stated restorative practices program goals.

Recently, that is within the last month, other schools have voted to remove SROs from their schools. In Denver, the school board voted unanimously to remove SROs. This is the statement of that district's superintendent on this issue and vote:

"George Floyd's death, and every tragic death of Black people at the hands of law enforcement, have brought to light how we as a district can respond and do more for our students of color. Ever since the issue of removing school resource officers was first raised, I emphasized how critical it is to hear from many different voices in the community. We heard from several stakeholders tonight, with pros and cons

³ Matthew T. Theriot, *Ibid.*

on both sides. It's important to think about the full context here: strong safety resources on our campuses; trusting relationships with the adults in our schools; and the urgent and absolute need to end the school-to-prison pipeline. I believe the board has voted on this resolution with the best interest of students at heart.

There is absolutely nothing more important than all of our students feeling safe, cared for, and protected in our schools. An education does not happen without that. Our students need to trust the adults who are on our campuses with them. I appreciate the board's forcefulness and tenacity in bringing this issue forward.”⁴

It is noteworthy that this decision relied on public comment.

Perhaps most importantly, you are being asked to weigh in on this topic without sufficient time to consult with the community, especially families of color and of children on IEPs, about their experiences with SROs in the schools. We urge you to take the time to consult with the communities you represent and to hear their voices. The Board's background and direct experience with this issue is insufficient to weigh in without consultation.

Sincerely,

Jay Diaz,

Senior Staff Attorney, ACLU of Vermont

Kiah Morris,

Policy Director, Rights & Democracy

Robert Appel,

Attorney at Law & former ED/Counsel
VT Human Rights Commission and defender general

Susan Comerford,

Associate Professor of Social Work, PhD, UVM

Alison Segar,

BSD parent and Ward 5 resident

Liz Curry,

2013-2020 Ward 3 Burlington School Commissioner

⁴See <https://denver.cbslocal.com/2020/06/11/school-leaders-parents-debate-police-officers-in-denver-public-schools/>. See also the following article on the steps taken by other districts to remove SROs. <https://www.washingtonpost.com/education/2020/06/12/schools-police-george-floyd-protests/>