

NATIONAL EDUCATION ASSOCIATION

**REPORT OF THE NEA TASK FORCE ON
SAFE, JUST, AND EQUITABLE SCHOOLS**

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I. Executive Summary

Delegates to the 2021 NEA Representative Assembly adopted NBI-A, which calls on NEA affiliates and allies to “build powerful education communities and continue our work together to eradicate institutional racism in our public school system[.]” As part of the action mandated by NBI-A, NEA established a Task Force to identify criteria for safe, just, and equitable schools and explore the role of law enforcement in such schools. Beginning in October 2021, the members of the Task Force took up the charge to craft a vision, an Association-wide plan, and recommended changes to existing policy, including the *NEA Policy Statement on Discipline and School-to-Prison Pipeline*, to guide NEA’s work on these issues.

This report presents the work of the Task Force, centered on the proposed new Policy Statement on Safe, Just, and Equitable Schools in Appendix A. While free to recommend amendments to existing policy, the Task Force members determined that NEA needed a new policy statement to meet the present moment of upheaval, appraisal, and hope among our members and in our education communities. From the outset, the Task Force resolved to title this Policy Statement in the affirmative frame of safety, justice, and equity—not the reactive one of discipline and prison. Accordingly, the Policy Statement opens with a vision of thriving school spaces informed by five guiding principles including the importance of restorative justice philosophy and cultural competence.

The Task Force brought to this work their experience as educators through the challenges of recent years. The 2020 murder of George Floyd at the hands of a police officer crystallized outrage over violence against Black lives and redoubled our commitment to root out structures that promote institutional racism across society, including in schools. The trauma of the COVID-19 pandemic and its racially disparate impact on students and communities of color deepened that commitment further and raised new concerns as schools and educators have struggled to meet unprecedented student needs. And the wave of political attacks on public school educators, and attempts to silence the history and lived experiences of our students, strengthened our resolve to meet these challenges with vision and hope by way of a new Policy Statement to guide NEA’s work to achieve safe, just, and equitable schools.

This report provides both context and content to support the new Policy Statement. Following an overview of the Task Force’s charge and process, Part III explains how the new Policy Statement builds on and adds to NEA’s existing body of policy work. Part IV describes the crisis that prompted the Task Force to call for an end to the criminalization and policing of students in schools in the proposed Policy Statement. Part V reviews the five guiding principles and sets out strategies and actions to achieve the goals of the Policy Statement. Consistent with the Policy Statement’s emphasis on creating safe, just, and equitable schools, this part of the report focuses on successful models across our Association, and weaves in elements of the Association-wide plan included as Appendix B.

II. Task Force, Charge, and Work

NEA President Becky Pringle appointed members of the Task Force on Safe, Just, and Equitable Schools in October 2021. The Task Force convened for a series of online meetings between November 2021 and April 2022 and one in-person meeting on March 9-10, 2022, in Las Vegas. The Task Force organized itself into three work groups assigned to each of the respective charges set forth in NBI-A—to formulate a vision for safe, just, and equitable schools for all students; to develop an Association-wide plan for implementing the organizational vision; and to review and make recommendations to existing NEA policies concerning school safety, justice, and equity. The completed work on each of these items is provided in this report.

The Task Force reviewed existing NEA policy, research, and other resources that address the range of issues described in NBI-A. As a result of its work, the Task Force recommends a new Policy Statement that builds on the foundation of the 2016 *Policy Statement on Discipline and the School-to-Prison Pipeline*. The proposed Policy Statement incorporates the Task Force’s vision for safe, just, and equitable schools; enhances and expands the guiding principles set forth in the original Policy Statement, including a new guiding principle addressing the criminalization and policing of students in schools; and advances strategies and activities to implement the new policy through the Association-wide plan.

III. Building and Strengthening NEA Policies on Safe, Just, and Equitable Schools

The Task Force on Safe, Just, and Equitable Schools has proposed a bold Policy Statement to guide NEA’s work to create thriving education communities and eradicate the practices that obstruct them. The Policy Statement is a logical next step that builds on policies and actions NEA has taken over the past several years. The proposed Policy Statement brings together these existing policies and unites NEA behind a strong message and plan to create safe, just, and equitable schools.

The 2015 passage of NBI-B marks the beginning of NEA’s recent work to confront and eradicate the ongoing damage of racism in our schools and society. NBI-B, which the 2015 NEA Representative Assembly (RA) unanimously passed, recognized that institutional racism—the societal patterns and practices that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality based on race—manifests itself in our schools and in the conditions our students face in their communities. Within a year and as called for in NBI-B, in 2016 RA delegates adopted the *Policy Statement on Discipline and the School-to-Prison Pipeline*. That work in turn influenced elements included in the 2018 *Policy Statement on Community Schools*. The work following NBI-B made possible the deeper learning and deliberations that led to overwhelming delegate support at the 2018 NEA RA for Resolution I-52 regarding white supremacy culture. It also furthered the efforts in 2020–2021 of both the Resolutions and Legislative Committees to review the Association’s written policy positions to reflect the *NEA Demands: Justice for Black Lives*. The Demands were announced by NEA in the aftermath of the murder of George Floyd by Minneapolis police officer Derek Chauvin, and the subsequent nationwide protests against police murders of unarmed Black men and women and against structures that promote institutional racism.

The Task Force reviewed all relevant NEA policies as a foundation for its work. As detailed below, the proposed Policy Statement on Safe, Just, and Equitable Schools builds on this existing work and expands its reach.

A. School Campuses as Thriving, Safe, and Welcoming Spaces for All Students

The proposed Policy Statement calls for schools that are thriving spaces, which are safe and welcoming for all students, discriminatory toward none, and utilize the Community School Model (CSM) supported by fully-funded wraparound services. This vision of what schools should be is supported by existing NEA policies.

Most significantly, the *Policy Statement on Community Schools* adopted in 2018 calls for community schools based on Six Pillars of Practice: 1) Strong and proven culturally relevant curriculum; 2) High-quality teaching and learning; 3) Inclusive leadership; 4) Positive behavior practices (including restorative justice); 5) Family and community partnerships; 6) Coordinated and integrated wraparound supports (community support services). The Policy Statement endorses the potential of such community schools to close opportunity gaps, support a culturally relevant and responsive climate, and create significant and sustained improvements in the school learning environment. The fourth pillar of practice emphasizes that all members of the faculty and staff are responsible for ensuring a climate where all students can learn, citing restorative behavior practices which help students learn from their mistakes and foster positive, healthy school climates where respect and compassion are core principles. Wraparound supports, or community support services, are integrated into the fabric of community schools, providing meals, health care, mental health and wellness counseling, and other services before, during, and after school.

NEA Resolutions and the Legislative Program also address support for thriving spaces that are safe and welcoming for all students from the standpoint of physical school facilities. Resolutions C-39 and C-40 state NEA's support for school facilities that are conducive to teaching and learning, well-constructed, safe, aesthetically pleasing, and designed with nontoxic materials that promote healthy indoor air quality through properly designed, installed, and maintained heating, ventilation, and air conditioning. Resolution A-30 expresses NEA support for funding to modernize, expand, and/or replace poorly constructed or neglected facilities to provide safe, healthy, and effective teaching and learning environments for all students and educators.

The Legislative Program highlights NEA support for basic security measures in schools such as access control, panic alert buttons, and internal door locks, while recommending that schools carefully consider other expert-endorsed security measures based on local conditions, and opposes the use of federal funds to procure, maintain, or install school hardening measures, including surveillance technology, metal detectors, fencing, and other security hardware. The proposed Policy Statement strengthens these existing stances by demanding an end to participation in federal 1033 programs that deliver unnecessary weapons, vehicles, surveillance technology, and other equipment that unjustifiably militarize the police presence on school campuses, and an end to the construction of prison-like school environments that employ metal detectors, random searches, and other building and design elements that diminish a nurturing school climate.

B. Centering Students' Voices and Needs

The Policy Statement centers students' needs and lived experiences and calls on educators to work with school staff, families, and the larger community to support and meet the social, emotional, and physical needs of each student, and to recognize their spiritual needs in a broad humanitarian sense.

NEA's existing policies support social and emotional learning in schools and appropriate investments in school-based mental health professionals. In addressing a social and emotional learning curriculum, Resolution B-66 sets forth NEA's belief that students must learn skills of self-awareness, self-management, social awareness, decision-making, and relationship management. Adequate staffing of specialized instructional support personnel (school counselors, social workers, mental health workers, nurses, and/or psychologists) is necessary to provide services that develop and promote healthy social and emotional skills in all students throughout their learning. The Legislative Program also reflects NEA's support for investment in federal programs to create safe and healthy school climates by increasing the

number of mental health providers in schools. Resolution C-8 on comprehensive school health and wellness defines ideal staffing levels for—

- School counselors, focused on social/emotional development, spending at least 80 percent of their time providing direct services to students, with a counselor-to-student ratio of 1:250.
- School nurses, promoting the health of students, with a nurse-to-student ratio of 1:750, with adjustments to safely accommodate students with special health needs and chronic illness.
- School psychologists, promoting the mental health and wellness of students by addressing mental health issues that interfere with the learning process and providing crisis intervention of traumatic events and mental health and wellness counseling, with a psychologist-to-student ratio of 1:500-700, adjusting to adequately accommodate students with serious emotional disabilities.
- School social workers, providing crisis intervention, individual and group counseling, behavior management, and coordination with student families and community resources, with a social worker-to-student ratio of 1:250.

Resolution C-9 addresses the concern that mental, emotional, and environmental pressures can significantly impact students' mental and physical health and success. Furthermore, disciplining students for their actions without a program in place to discuss reasons, stressors, or provide stress management strategies only further exacerbates the issues and behaviors. It is therefore critical that school districts and affiliates provide ongoing professional development for education employees and training and guidance for parents/guardians to help and support students.

Students also need to be held responsible and accountable for their actions. For that reason, Resolution C-42 expresses NEA's belief that a student's right to a safe and stable school environment also includes responsibilities for the student such as regular school attendance, conscientious effort in classroom work and assessments, and conformance to school rules and regulations that do not infringe upon their rights. Resolution C-42 additionally notes that randomly searching students without reasonable suspicion is a violation of their Constitutional freedoms and is detrimental to school safety, restorative justice, student morale, instructional time, and nurturing learning environments. In calling for the elimination of discrimination, Resolution I-49 further addresses the importance of eliminating discrimination in schools against students wearing natural hairstyles.

The proposed Policy Statement brings together these existing policies in support of student-centered, restorative justice approaches and a clear vision for thriving schools. It also advances these positions by demanding an end to prison-like environments characterized by surveillance and searches, as well as an end to subjective and biased enforcement of disciplinary/behavioral policies such as hair and dress codes.

C. Restorative Justice, Cultural Competence, and Responsiveness

The Policy Statement emphasizes evidence-based behavioral practices centered in a philosophy of restorative justice. The proposed Policy Statement addresses the critical needs to support students who suffer from childhood trauma; to provide educators with high quality professional development on creating trauma-informed instruction and environments; and to engage partners and allies in this work.

Elements of the proposed Policy Statement build on existing Association policies. Resolution C-15 on discipline states NEA's belief that a safe and nurturing environment in which students are treated with dignity and respect is the right of every student, calling for district and administrative policies that promote restorative justice practices and positive behavioral choices. Resolution C-13 addresses how behavior that does not match the expectations for school safety is often a result of trauma or adverse conditions; it also cites the need for students to learn strategies and skills, including conflict resolution, that develop respect, self-discipline, and self-control. Resolution C-10 voices NEA support for professional development programs that equip educators to address student trauma and better respond to the impact of toxic stress on students' neurological development, behavior, and learning.

Several NEA policies address the need for schools and educators to be firmly grounded in restorative justice practices. Resolution D-18 addresses a range of professional development needs for all educators that include trauma-informed practices, behavior management, progressive discipline, conflict resolution, restorative practices, bullying prevention techniques, safety plans and emergency procedures, emergency lifesaving techniques, and crisis management. For classroom professionals and school administrators specifically, D-1 describes a quality teacher as one who integrates cultural competence and an understanding of the diversity of students and communities into teaching practice to enhance student learning, and utilizes professional practices that recognize education as vital to strengthening our society and building respect for every individual. D-13 describes an effective school administrator as one who promotes practices and programs that are focused on diversity, equity, cultural responsiveness, bullying prevention techniques, social and racial justice, the recognition of and mitigation of biases, and trauma-informed pedagogy. All of these policies, as well as those set forth in the 2016 *Policy Statement on Discipline and the School-to-Prison Pipeline*, flow into the proposed Policy Statement.

D. Recruiting and Retaining Educators Who Reflect the Community

The proposed Policy Statement prioritizes the recruitment and retention of educators who reflect the community, value all voices, and ensure voices that have been historically exploited, ignored, or silenced are empowered and heard. Similarly, Resolution D-11 addresses educator career paths and the need for diversity and advancement among underrepresented groups. Resolutions D-2, D-4, and D-8 outline preparation, recruitment, and retention of teaching staff that center recognition and appreciation for cultural, ethnic, and racial diversity in the profession in working toward a truly just and fully integrated society.

A central underpinning of the Policy Statement is the need to build and sustain relationships both school-wide and in the broader community, engaging with families to build a shared knowledge base and a common language for restorative practices and supports designed to improve school climate. Resolution A-5 stresses that a community engaged in the life of its public schools is paramount to the future of public education, and that parents/guardians and other caregivers must set high expectations for student behavior and success. The proposed Policy Statement stresses the need to create authentic engagement between educators, students, families, and communities to build healthy relationships within the community that are transparent and ensure student and family voice is recognized as critical in shaping and driving the decisions that affect their school communities.

E. Funding Equity and Economic Justice

The Policy Statement addresses the need for policies and practices that dismantle inequitable systems by fully and equitably funding public schools and the public infrastructure that supports them. A transformative investment is needed in the physical and mental health of *all* students, including Native students and students of color, English language learners, LGBTQ+ students, and students from all economic backgrounds and abilities. The Policy Statement expressly defines a transformative investment as one that equitably and fully funds networks of public services and infrastructure, including public schools. It calls for schools that are asbestos-free, lead-free, have clean water, and proper heating and cooling, and are situated in communities with libraries, parks, transportation, food security, access to health care and child care, and affordable housing. These investments were first articulated through our *NEA Demands: Justice for Black Lives* in the summer of 2020 and are referenced in Resolution I-53 on Racial Justice calling for healthy and strong communities and schools.

F. Institutional Racism and White Supremacy Culture

The Policy Statement developed by the Task Force centers on the need to empower voices that have been historically exploited, ignored, or silenced as a result of institutional racism. NEA defines institutional racism as the norms, policies, and practices that are structured into political, societal, and economic institutions that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality to identifiable groups based on race or ethnicity. This work builds on the 2016 *Policy Statement on Discipline and the School-to-Prison Pipeline*, the first NEA policy to focus on the discriminatory impact of disciplinary/behavioral policies and practices. It takes the next step, adding a new guiding principle on criminalization and policing of students that specifically calls out the disproportionate harm those practices inflict on Black students and other students of color.

The Policy Statement also draws from Resolution I-52, adopted by RA delegates in 2018 to address white supremacy culture. Resolution I-52 calls for social and educational strategies to eradicate institutional racism and white privilege perpetuated by white supremacy culture, which refers to the characteristics of white supremacy that manifest in organizational culture and are used as norms and standards without being proactively named or chosen by the full group. White supremacy culture can damage both those who identify as Native People and People of Color and also those who identify as White, as it elevates the values, preferences, and experiences of one racial group above all others.

Resolutions I-49 and I-50 also inform this work. They call for an end to discrimination and institutional racism and emphasize that honest conversation is a precursor to change, encouraging NEA members and all education stakeholders to engage in conversations that examine assumptions, prejudices, discriminatory practices, and their effects. Resolution I-49 was amended in 2021 to address NEA's belief that intersectionality—the understanding of how a person's identities combine and compound to create unique discriminatory experiences—must be recognized within leadership, schools, and communities to advance the Association's racial and social justice work.

The Task Force's proposed Policy Statement definitively declares that institutional racism and white supremacy culture are entirely incompatible with NEA's efforts to ensure safe, just, and equitable schools for our students and states NEA's continuing commitment to beliefs, actions, advocacy, and partnerships that seek to eradicate these longstanding societal barriers.

G. Criminalization and Policing of Students

The Policy Statement advances NEA's belief that the criminalization and policing of students in schools obstructs a thriving and nurturing school environment and perpetuates the school-to-prison and school-to-deportation pipelines. Native students and students of color, including those who identify as LGBTQ+, have disabilities, and/or are English language learners, are in greater jeopardy in schools with a presence of police and law enforcement.¹ The Policy Statement also calls for ending the unnecessary militarization of school settings and the construction of prison-like school environments that employ metal detectors, random searches, and other building and design elements that diminish a thriving and nurturing school climate.

The new Policy Statement clearly indicates that all educators have a role in ending the criminalization and policing of students. To truly transform our schools into safe, just, and equitable learning communities, everyone in the school must take responsibility for ending subjective and biased enforcement of disciplinary/behavioral policies as well as overreliance on referrals to law enforcement. That does not mean the end of school discipline or effective classroom management, much less the end of basic school safety protections. However, the Policy Statement does call for an end to the policing of

¹ *Police* or more specifically *law enforcement* refers to any sworn individual with the power to arrest, detain, interrogate, and issue citations.

students in order to ensure thriving spaces for all stakeholders and to facilitate policies that dismantle inequalities and eliminate the criminalization of youth.

The Policy Statement takes a significant step forward for NEA on the issues of criminalization and policing of students in schools. It builds on aspects of NEA’s federal Legislative Program calling on decision makers at all levels, together with community stakeholders, to re-examine the role of law enforcement in public schools. NEA’s Legislative Program opposes the use of law enforcement in the school disciplinary process and the reliance by educators on school-based law enforcement in the regulation of student behavior, resulting in unwarranted school-based arrests and referrals of students to the criminal justice system. The 2021 Legislative Program amendments also state NEA opposition to both the use of federal funds to create, maintain, train, and grow a law enforcement presence on school campuses, and the hiring of private security in place of school resource officers or sworn law enforcement officers.

On matters of staff training and school safety, Resolution C-13, which addresses safe schools and communities, states that school security personnel must be properly trained to respond to confrontational and violent situations and all school staff must be provided with appropriate, ongoing training on how to create, promote, and maintain a safe school climate. C-13 further calls for the training of qualified school-based mental health professionals, law enforcement officers, and other personnel in restorative justice practices to foster a safe school community.

The proposed Policy Statement builds on and extends these commitments, unequivocally calling for an end to criminalization and policing of students in schools, and investing all educators in the work to end these practices.

IV. The Need to End the Criminalization and Policing of Students

The proposed Policy Statement responds to a crisis of criminalization and policing of students in schools that disproportionately harms certain students on the basis of race, ethnicity, disability, and gender identity. We detail our findings as to that crisis below.

We then consider the presence, roles, and impact of police officers and law enforcement in schools. Following an overview of the history and context of school-based law enforcement, often termed school resource officers or “SROs,” we track the increased reliance on SROs in recent years. SROs may be the face of school policing, but they are not the entire story. Too often our students are asked to learn in criminalized, even prison-like environments that focus on punitive discipline rather than restorative justice and damage our school communities.

Finally, we examine the role and responsibility of educators—defined as every adult on a school campus—in confronting and ending the criminalization and policing of students.

A. Naming the Crisis

The terms *criminalization* and *policing of students* best describe the practices that prevent the creation of safe, just, and equitable schools. The criminalization and policing of students comprehends a wide range of school policies and practices that impact all stakeholders and disproportionately deny educational opportunity to Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners. The policies and practices that criminalize and subject students to policing include, but are not limited to:

- Subjective, arbitrary, and biased disciplinary policies that quickly escalate even minor infractions of school rules—including, for example, hair and dress codes.
- Punitive approaches to student behavior that overuse exclusionary discipline including suspension and expulsion.
- Reliance on school-based law enforcement and SROs to police student behavior.
- Overreliance on referrals to law enforcement, Immigration and Customs Enforcement (ICE), and juvenile justice systems.
- Presence of uniformed, armed law enforcement and security personnel on school campuses.
- Increased surveillance and policing of students by all educators, defined as every adult on a school campus.
- Prevalence of prison-like conditions at schools.

These policies contribute to educational trauma and lost opportunities for all students. Harsh discipline, policing, and prison-like environments can cause emotional damage to students, educators, and communities, with the greatest impact occurring in communities composed primarily of Native People and People of Color. The risk is particularly high now as we emerge from the pandemic with a large majority of students experiencing social-emotional and behavioral concerns and trauma from a pandemic that has disproportionately impacted students of color.² Now more than ever, NEA’s vision of nurturing schools and thriving school climates is vital and necessary.

It is worth noting two limits on the reach of this work at the outset. First, in choosing to define the crisis in terms of criminalization and policing, the Task Force did not intend to suggest that police have no role to play in safe, just, and equitable school communities. Second, the proposed Policy Statement focuses on the experience of students in schools and does not attempt to make policy recommendations addressing the juvenile justice, criminal justice, and deportation systems.

First, we can address the crisis of the criminalization and policing of students without losing the vital role of law enforcement in our communities, including our school communities. In its work, Task Force members recognized that educators have expressed heightened, serious concerns about their physical and mental well-being on the job. We can end the policing and criminalization of students while still protecting educators. Even in districts that have removed SROs from school campuses, educators may call for emergency services, as they would in the case of a fire or medical emergency, and police can and should be part of plans to address school safety emergencies like school shootings. The Black Organizing Project in Oakland puts it well: “OPD has the legal responsibility to provide emergency response, just as it currently provides every day to the 48 charter schools in OUSD that do not have any OSPD officers stationed at them.”³ In this Policy Statement, the Task Force has focused its recommendations on the policing of students in schools, *as students* – not on policing generally.

Second, the Policy Statement is focused on criminalization of students in schools, *as students*, and not on criminalization of youth throughout society, a subject beyond the scope of this report. Nevertheless, the Task Force members acknowledged the many ways in which larger societal trends have become embedded in school discipline/behavioral policies and school climates more generally. The criminalization and policing of student behavior—particularly the obsession with swift, sure, and brutal consequences for even minor rule infractions—share history with trends in the criminalization and policing of youth over the past 40 years, as described in section D below. Student behavior is frequently described in criminal terms, such as labeling a fight an “assault and battery” rather than an opportunity for learning and restorative justice.

Recent events provide vital context for the proposed Policy Statement. The murders of George Floyd, Breonna Taylor, and many other Black Americans have inspired the Black Lives Matter movement

² Richard Mendel, *Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline* (Washington, DC, The Sentencing Project, 2021), 5-6, <https://www.sentencingproject.org/publications/back-to-school-action-guide-re-engaging-students-and-closing-the-school-to-prison-pipeline/>.

³ Black Organizing Project, *The People’s Plan for Police-Free Schools*. (California: Black Organizing Project, 2019), <https://blackorganizingproject.org/wp-content/uploads/2021/07/The-Peoples-Plan-2019-Online-Reduced-Size.pdf>.

against arbitrary and deadly use of force by police, reinforcing the sense of fear that many students of color bring to interactions with law enforcement. When the COVID-19 pandemic forced schools to adopt remote learning, school policing and surveillance invaded students' homes, with schools suspending and expelling students for their on-camera behavior. And with metal detectors, surveillance technology, and "lock-down" drills a regular feature of school life, police are increasingly present and increasingly engaged in the regulation of student behavior.

B. The School-to-Prison and School-to-Deportation Pipelines

The Task Force built on the work reflected in the 2016 Report of the NEA Committee on Discipline and the School-to-Prison Pipeline; that work remains relevant and salient today. However, the Task Force chose to "complicate" the pipeline metaphor, which has been criticized as implying that the "process of criminalizing students is unidirectional or linear."⁴ While recognizing that the metaphor is helpful, the Task Force understands that the "reality is that a complex 'system or web' of 'policies and social practices, in and out of schools, punitive and non-punitive in nature' all work in tandem to criminalize youth."⁵

The school-to-prison pipeline is a direct result of institutional racism and intolerance. The pipeline describes the ways in which zero-tolerance discipline policies, increased police presence in schools, insufficient services and support, and the failure to address and invest in restorative justice practices push more and more students out of schools and into the juvenile and criminal justice systems. The school-to-prison pipeline disproportionately affects students of color, including those who identify as LGBTQ+, have disabilities, and/or are English language learners. As a result, those students are routinely placed in contact with the criminal justice system for infractions of school rules and behavioral matters, subjecting them to punishments that are harsher than those received by their White peers for the same behavior.⁶ As in 2016, we recognize that national-level data cannot capture the full scope of the problem, which differs from region to region, but affirm "it is clear that *color* is the controlling factor in discipline disparity."⁷

The school-to-deportation pipeline is "part of a larger trend within the school-to-prison pipeline that disproportionately harms Black and Brown youth."⁸ It describes the discipline and policing practices under which immigrants, undocumented children, and people of color are pushed into the criminal justice system, detention, and even deportation proceedings.⁹

Criminalizing the school environment has severe consequences for immigrant youth. There are over 600,000 undocumented K-12 students in the United States, over half from Central and South America and nearly a quarter from Asia.¹⁰ An additional 5.8 million U.S. citizen children live in mixed-status

⁴ Raymond Magsaysay, "Asian Americans and Pacific Islanders and the Prison Industrial Complex," *Michigan Journal of Race and Law* Vol 26 (2021): <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1377&context=mjrl> at 482, (citing Alicia Pantoja, "Reframing the School-to-Prison Pipeline: The Experiences of Latin@ Youth and Families," *Ass'n Mexican Am. Educators*, 17, 19 (2013)).

⁵ *Id.*

⁶ 2016 Report at 9 (citing Prudence Carter, et al. *You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities*. (Bloomington, IN: The Equity Project at Indiana University, 2014), https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/Acknowledging-Race_121514.pdf).

⁷ *Id.* at 4. (summarizing findings from U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection Data Snapshot: School Discipline, Issue Brief No. 1*. Washington, DC 2014. <https://ocrdata.ed.gov/assets/downloads/CRDC-School-Discipline-Snapshot.pdf>).

⁸ Advancement Project, *The School-to-Deportation Pipeline Mini-Action Kit* (Washington, DC: Advancement Project, 2017), 2: <https://advancementproject.org/wp-content/uploads/2017/11/School-to-Deportation-Pipeline-Action-Kit-FINAL-compressed.pdf>.

⁹ *Id.*

¹⁰ "At least 600,000 K-12 undocumented students need a pathway to citizenship. Most are ineligible for Deferred Action for Childhood Arrivals (DACA)," *FWD.us*, August 19, 2021: <https://www.fwd.us/news/k-12-undocumented-students/>.

households in which at least one member of the household is undocumented.¹¹ For these families, any contact with law enforcement can lead to interactions with immigration enforcement, jeopardizing both the student’s safety and their family members’ safety. Even for documented immigrants, certain types of arrests and convictions can trigger negative immigration consequences, either rendering the child ineligible for adjustment of status or leading ICE to place the child in removal proceedings.¹²

Many police departments have forged partnerships with ICE, known as 287(g) agreements, and will alert ICE when they detain someone who is, or who they merely suspect is, undocumented.¹³ School use of police to monitor “gang activity” is especially harmful. SROs and school officials provide police and ICE with information about students they suspect are in gangs.¹⁴ ICE can use that information to detain, question, and deport immigrant youth. Moreover, due to racial profiling by law enforcement personnel, youth of color, especially Latin(o/a/x) youth, are more likely to be suspected of gang activity.¹⁵

To cite just one example, a school-based police officer in the Boston Public Schools filed a report about a high school student who was involved in an attempt to start a fight, alleging that the student was associated with the gang MS-13, and shared his report with the Boston Regional Intelligence Center (BRIC), a unit of the Boston Police Department that shares information with other law enforcement agencies, including ICE. ICE arrested that student nine months later, detained him for a year, and ultimately deported him to El Salvador. Public outcry over the ICE arrest led to litigation and the revelation that Boston Public Schools officials had shared over 100 “student incident reports” with the BRIC between 2014 and 2017.¹⁶

Other criminalization tactics, including surveillance tactics, fall particularly hard on Muslim students, including immigrant students. A youth organizer of the Arab-American Association in Brooklyn, N.Y. reported that, “as a Muslim student, going through a metal detector you always fear having something with you.”¹⁷ As another organizer explained, South Asian Muslim students are “at the intersection of issues like policing and the war on terrorism.”¹⁸ In Texas in 2015, a Muslim student whose family fled Sudan to escape persecution built a clock at school – but school officials thought it was a bomb and “had him arrested.”¹⁹ Youth in Queens, N.Y. reported law enforcement responses to “non-violent infractions” including “being picked up in police vans when they were tardy to school, or left school premises during official school hours.”²⁰ Although they were not officially arrested, students would think that they were and felt intimidated.²¹

¹¹ “Immigration reform can keep millions of mixed-status families together,” *Fwd.us*, September 9, 2021, <https://www.fwd.us/news/mixed-status-families/>.

¹² “Immigration Consequences of Crimes Summary Checklist,” *Immigration Defense Project*, (June 2017), <https://www.immigrantdefenseproject.org/wp-content/uploads/Imm-Consq-checklist-2017-v3.pdf>.

¹³ Angelika Albaladejo, “Biden Promised to Protect Sanctuary Cities. So Why Is ICE Still Partnering with Local Cops?” *VC Star*, April 1, 2022, <https://www.vcstar.com/story/news/2022/04/01/why-ice-still-partnering-local-cops/7247514001/>.

¹⁴ Advancement Project, “The School-to-Deportation Pipeline Mini-Action Kit,” 3.

¹⁵ *Id.*

¹⁶ Shannon Dooling, “Citing New Documents, Advocates Call on Boston Public Schools to Stop Sharing Info with ICE,” *WBUR*, January 7, 2020, <https://www.wbur.org/news/2020/01/06/bps-ice-information-sharing-new-documents>.

¹⁷ Matthew Rodriguez, “Meet the Muslim Students Who Have Been Harassed at School for Less Than a Clock,” *MIC.com*, September 7, 2015, <https://www.mic.com/articles/125446/meet-the-muslim-students-who-have-been-harassed-at-school-for-less-than-a-clock>.

¹⁸ *Id.*

¹⁹ Alexia Fernandez, “Muslim boy who was arrested for building a clock says his family was forced to leave the U.S. for safety,” *LA Times*, August 8, 2016, <https://www.latimes.com/nation/nationnow/la-na-muslim-student-clock-lawsuit-20160808-snap-story.html>.

²⁰ Desis Rising Up and Moving (DRUM), *Education Not Deportation: Impacts of New York City School Safety Policies on South Asian Immigrant Youth*, (New York: Dignity in Schools, 2006), 20, <https://dignityinschools.org/resources/education-not-deportation-impacts-of-new-york-city-school-safety-policies-on-south-asian-immigrant-youth/>.

²¹ *Id.*

C. Who is Affected by the Criminalization and the Policing of Students?

No student can reach their full potential in schools that criminalize and police students. Between the 2015-2016 school year and 2017-2018 school year, referrals to law enforcement increased by 12 percent, school-related arrests increased by 5 percent, expulsions with educational services increased by 7 percent.²² But data also show that certain groups of students are systematically shut out of educational opportunity because of their race or ethnicity, the language they speak, their disability, or their sexual and gender identity. The most recent data collected on school disciplinary trends by the U.S. Department of Education's Office of Civil Rights (OCR)²³ found that:

- Black students comprise only 15.1 percent of enrollment but 28.7 percent of referrals to law enforcement and 31.6 percent of school arrests.
- Black students with disabilities who received services under the Individuals with Disabilities Education Act (IDEA)²⁴ were just 2.3 percent of total enrollment but 8.4 percent of referrals and 9.1 percent of arrests; they also received 6.2 percent of in-school suspensions and 8.8 percent of out-of-school suspensions.
- Black girls made up 7.4 percent of the student population but 11.2 percent of in-school suspensions and 13.3 percent of out-of-school suspensions—almost twice their rate of enrollment. Black boys were suspended at rates *three times higher* than their share of enrollment.
- Students with disabilities represent a quarter of the students who are referred to law enforcement or subjected to school-related arrests, while representing just 12 percent of the student population. These students were arrested at a rate 2.9 times that of students without disabilities. In some states, they were 10 times more likely to be arrested than their counterparts.

The OCR's data collection does not include information about discipline of LGBTQ+ youth, but in national surveys, LGBTQ+ youth report that they receive a disproportionate share of harsh, exclusionary discipline. Over 15 percent of LGBTQ+ students reported receiving a suspension, and 1.3 percent of LGBTQ+ students reported being expelled. Even more troubling are the rates of exclusionary discipline reported by LGBTQ+ youth of color. While only 36.3 percent and 35.2 percent of White/European LGBTQ+ students and Asian/South Asian/Pacific Islander LGBTQ+ students, respectively, reported being disciplined at school, 46.7 percent of Black LGBTQ+ students, 44.1 percent of Latin(o/a/x) LGBTQ+ students, and 47.3 percent of Multiracial LGBTQ+ students reported being disciplined.²⁵

The data also shows significant disparities at the state level:²⁶

- Nationally, Asian students were generally disproportionately underrepresented in arrests and referrals. However, in some states, Asian American and Pacific Islander students were overrepresented in the data. For example, in Hawaii, Asian students made up 16.6 percent of the arrests, but only 13.7 percent of the enrolled student body.
- Similarly, Hispanic or Latin(o/a/x) students and mixed-race students were about evenly represented in national discipline data but were overrepresented in some states. In California, Hispanic or Latin(o/a/x) students represented 26.6 percent of the student body but 58 percent of

²² U.S. Department of Education Office of Civil Rights, *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*, (Washington, DC, June 2021), 4, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

²³ *Id.* 21-22.

²⁴ Students with disabilities may also receive services under Section 504 of the Rehabilitation Act.

²⁵ GLSEN, *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth*, (New York: GLSEN, 2016): https://www.glsen.org/sites/default/files/2019-11/Educational_Exclusion_2013.pdf.

²⁶ State level disparities were determined by comparing OCR's data on enrollment in 2017-2018 and arrests in 2017-2018, available at the Civil Rights Data Collection homepage. U.S. Department of Education Office of Civil Rights, "2017-2018 State and National Estimations," Civil Rights Data Collection, accessed May 5, 2022, <https://ocrdata.ed.gov/estimations/2017-2018>.

the arrests. Similarly, in Arizona, they represented 22.1 percent of the student population but 49.6 percent of the arrests.

- Nationally, Native Hawaiian and Pacific Islander students made up 0.4 percent of the student body and 0.9 percent of the arrests. But in Hawaii, where Native Hawaiian and Pacific Islander students make up 13.7 percent of the student body, they comprise 56.2 percent of the arrested students.
- Nationally, Native and Native Alaskan students are slightly overrepresented in discipline data: they comprise just one percent of enrollment, and 1.7 percent and 1.6 percent of arrests and referrals, respectively.²⁷ But states with higher Native populations showed more stark racial disparities. Alaska reported just eight student arrests over the period, but all of them were American Indian or Alaskan Native students. In Montana, American Indians or Alaska Natives made up 37.2 percent of the arrests, despite making up only 5.6 percent of the student population.²⁸

Disparities in school discipline, encounters with SROs, and referrals to law enforcement and into the juvenile and criminal justice systems have lifelong negative repercussions for the harmed students. Even a single-day suspension increases the risk of dropping out of school altogether; in turn, students who drop out are at greater risk of ending up in the juvenile justice or prison system.²⁹ As NEA reported in 2016, “[t]he invariable results of the shocking disparities in disciplinary actions are disparities in high school graduation rates, the rates youth are subjected to the juvenile justice and criminal justice systems, and in the life trajectories of our students.”³⁰ Research also shows a direct connection between suspension and academic achievement and attainment, as well as significant negative impact on life after school.³¹

D. Police in Schools: History and Context

For many decades the use of SROs has been on the rise.³² Public schools in the United States have employed police officers since at least the 1940s. Some programs espoused positive goals and intentions, such as improving community relationships with the police or encouraging youth to have respect for “law and order,” but often they represented a reaction to desegregation of schools and neighborhoods, Black and Latin(o/a/x) students fighting for their rights, and fictionalized accounts of crimes committed by Black youth.³³ To take one example, the Los Angeles School Police Department “traces its origins to

²⁷ Native Americans still feel the impact of Indian boarding schools, which tore children away from their families and placed them in boarding schools where they were frequently abused, all in an explicit attempt to force them to assimilate to white culture. The University of Minnesota has created a digital project tracing the effects of boarding schools from the early 1800s through the present: “Boarding Schools and the School to Prison Pipeline,” University of Minnesota, last updated April 2016, <http://carceralcolonialism.cla.umn.edu/web/projects/boardingschool2prison/>.

²⁸ Disproportionate discipline of American Indian students in Montana goes back at least a decade. Melina Angelos Healey, “The School-to-Prison Pipeline Tragedy on Montana’s American Indian Reservations,” *NYU Review of Law & Social Change*, 37, No. 4 (Dec. 2017): 671-726, 688-89 https://socialchangenyu.com/wp-content/uploads/2017/12/Melina-Angelos-Healey_RLSC_43.4.pdf.

²⁹ See *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, Appendix D.

³⁰ 2016 Report at 5.

³¹ 2016 Report at 9-10 (citing Russell J. Skiba, et al. *New and Developing Research on Disparities in Discipline*. (Bloomington, IN: The Equity Project at Indiana University, 2014), https://www.njcn.org/uploads/digital-library/OSF_Discipline-Disparities_Disparity_NewResearch_3.18.14.pdf).

³² American Civil Liberties Union (ACLU), *Bullies in Blue: The Origins and Consequences of School Policing* (New York: ACLU, 2017): 3-5, https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf.

³³ *Id.*

1948, when a security unit was created to patrol schools under the pretense of protecting school property after integration.”³⁴

By 1972, urban school districts in 40 states had some form of policing within their schools.³⁵ Districts in several major cities partnered with police departments to identify children whom they suspected would become involved in crime, regardless of whether they had committed any crimes, branding them with terms like “pre-delinquent” for the rest of their education.³⁶ In the 1990s, politicians warned that a new generation of juvenile “superpredators” would cause a wave of violent juvenile crime.³⁷ Against this background, state and federal governments encouraged draconian school discipline policies, with 90 percent of school districts implementing some form of zero-tolerance or three-strikes discipline policy, and increased school policing.³⁸

It is now generally accepted that claims about rising juvenile crime during the 1990s were false or exaggerated. These reports were even debunked at the time.³⁹ But that did not stop state and federal agencies from pouring millions of dollars into school policing programs. The federal government supported SRO programs through Community Oriented Policing Services (COPS) grants, Safe and Drug-Free Schools and Communities Act grants, the Office of Juvenile Justice and Delinquency Prevention’s Juvenile Accountability Incentive Block Grants and Juvenile Accountability Block Grants, Bureau of Justice Assistance Grants, and Byrne Justice Assistance Grants.⁴⁰ Numerous states created grant programs modeled after these federal ones.⁴¹

Today, many calls for armed guards on campuses are a response to horrific school shootings. Communities worried about the safety of their children find comfort in the idea of increased police presence in schools. But there is no proof that SROs prevent school shootings. *Washington Post* reporters identified 197 shootings that happened at primary or secondary schools between April 1999 and March 2018, but found only one instance where an SRO was responsible for stopping an active shooter on school property.⁴² Moreover, armed guards were present during the shootings at both Columbine High School and Marjory Stoneman Douglas High School, two of the deadliest school shootings in U.S. history.⁴³

Across this period, reliance on school-based police officers has increased despite rising concerns about their benefit and indeed the mounting evidence of the harm they can do. In 1975, just one percent of schools reported a police officer stationed onsite; by the 2003-2004 school year, that figure had risen to 36 percent.⁴⁴ Today, the National Association of School Resource Officers proudly asserts that “school-based policing is the fastest-growing area of law enforcement.”⁴⁵

³⁴ Tyler Whittenberg & Maria Fernandez, *Ending Student Criminalization and the School-to-Prison Pipeline* (New York: NYU: The Education Justice Research and Organizing Collaborative (EJ-ROC), 2022).

<https://steinhardt.nyu.edu/metrocenter/ejroc/ending-student-criminalization-and-school-prison-pipeline>.

³⁵ ACLU, *Bullies in Blue*, 5.

³⁶ *Id.*

³⁷ *Id.* at 6-7.

³⁸ *Id.* at 7-8.

³⁹ *Id.*

⁴⁰ ACLU, *Bullies in Blue*, 11.

⁴¹ There are similar state grant programs in at least Arizona, Idaho, Indiana, Kentucky, Minnesota, Mississippi, New York, Pennsylvania, Tennessee, and Virginia. *Id.*

⁴² John Woodrow Cox and Steven Rich, “Scarred by school shootings,” *The Washington Post*, March 25, 2018,

<https://www.washingtonpost.com/graphics/2018/local/us-school-shootings-history/>.

⁴³ Bayliss Fiddiman, et al. “Smart Investments for Safer Schools,” *Center for American Progress*, December 19, 2018,

<https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/>.

⁴⁴ ACLU, *Bullies in Blue*, 10.

⁴⁵ “About NASRO,” National Association of School Resource Officers, accessed April 19, 2022,

<https://www.nasro.org/main/about-nasro/>.

E. Police in Schools: Impact

Research shows that when SROs are present at a school, the overall rates of arrests and referrals to law enforcement increase. A study found that for every SRO hired, there were 2.5 more in-school arrests of students ages seven to 14 annually.⁴⁶ Research shows that when law enforcement is present in school, educators tend to rely on law enforcement to handle student misconduct.⁴⁷ A Congressional Research Service report found that having SROs on campus could lead to more arrests for minor infractions like disorderly conduct, lending “credence to the idea that student misbehavior is being criminalized.”⁴⁸

According to many studies, school-based police only rarely arrest students for serious offenses; far more often, students are arrested for minor offenses that likely would have been handled as school discipline in schools without SROs. The ACLU found that minor school discipline issues dominated the school-based arrests in numerous districts across the country including San Bernardino City Unified District, where “91 percent of these arrests were for misdemeanors like disorderly conduct,” and Jefferson Parish in Louisiana, where the “most common cause of student arrests is ‘interference with an educational facility.’”⁴⁹ And in Denver, Colo., the vast majority of school-based referrals to law enforcement were not for serious offenses like weapons possession or other issues that raised safety concerns: rather, “between 2007 and 2012, most of the referrals to law enforcement were for detrimental behavior, drug violations, ‘other’ violations of code of conduct, and disobedience/defiance The majority of referrals were for minor behaviors like use of obscenities, disruptive appearance, and destruction of non-school property.”⁵⁰

The presence of law enforcement on school campuses can criminalize student behavior even in states that have passed laws to limit the most egregious school discipline practices. According to groundbreaking reporting by *The Chicago Tribune* and *Pro-Publica* published on April 28, 2022:

Across Illinois, police are ticketing thousands of students a year for in-school adolescent behavior once handled only by the principal’s office—for littering, for making loud noises, for using offensive words or gestures, for breaking a soap dish in the bathroom.

Ticketing students violates the intent of an Illinois law that prohibits schools from fining students as a form of discipline. Instead of issuing fines directly, school officials refer students to police, who then ticket them for municipal ordinance violations.⁵¹

The harmful and ineffective practices described in this Illinois report vividly portray the insidious nature of the criminalization and policing of students. The ticketing scheme funnels students into a quasi-criminal justice system for student behavioral issues, saddling them with hundreds of dollars of fines (and potential collection actions) as well as a permanent record without benefit of the most basic due process protections. Students—many of whom have already received school discipline—must miss school to attend hearings related to the ticket. Personnel at every stage of the process, from the police officers issuing the tickets (or leaving a ticket pad with a school-employed truancy officer, as documented in one high school)

⁴⁶ Jazmyne Owens, “Rethinking Safety, Security, and the Role of Police in Our Schools,” *New America*, December 21, 2020, <https://www.newamerica.org/education-policy/edcentral/rethinking-safety-security-and-role-police-our-schools/>.

⁴⁷ See, *infra* Roles and Accountability of Educators, at Part IV, Section H.

⁴⁸ U.S. Library of Congress, Congressional Research Service, *School Resource Officers: Issues in Congress*, by James Nathan and Kyrie E. Drago, R45251 (2018), 11, <https://crsreports.congress.gov/product/pdf/R/R45251>.

⁴⁹ ACLU, *Bullies in Blue*, 17.

⁵⁰ Advancement Project and Alliance for Educational Justice, *We Came to Learn: A Call to Action for Police-Free Schools* (New York: Advancement Project, 2018), 38, <https://advancementproject.org/wecametolearn/>.

⁵¹ Jodi S. Cohen and Jennifer Smith Richards, “The Price Kids Pay: School and Police Punish Students With Costly Tickets for Minor Misbehavior,” *ProPublica*, April 28, 2022, <https://www.propublica.org/article/illinois-school-police-tickets-fines> (citing SB 100 (Ill. Public Act 099-0456)).

to the hearing officers handing down fines have enormous discretion and power over students' lives, and no training or inclination to seek effective restorative justice practices.⁵²

The ticketing practice is also inequitable. Imposing financial consequences for school-based misconduct disproportionately hurts families that are living in or near poverty. And a follow-up article documented glaring racial inequities in the system. Using data from 42 schools that collectively enroll 20 percent of Illinois high school students, the analysts found that just 9 percent of those students were Black “but nearly 20 [percent] of tickets went to Black students.”⁵³

Indeed, national research shows that some students, particularly Black students and students with disabilities, suffer more when SROs are present in a school. In 2021 Guidance to School Districts, Illinois Attorney General Kwame Raoul stated that the “expanding role of police officers in school . . . also raises concerns about disparate impact on students of color, particularly Black students, as well as on students with disabilities. Citing national research, the Guidance continues: “Schools with SROs have been shown to rely more heavily on exclusionary discipline—and schools with majority-Black populations are more likely to have SROs. Schools with a high-security presence (including SROs) not only have more suspensions, but also demonstrate a larger disparity between Black students and White students in their suspension rates.”⁵⁴

The biases and attitudes of SROs necessarily enter into the policing of students in schools. Noting that the criminalizing impact of SROs was felt more severely in some schools than others, researchers decided to interview SROs about what they considered to be threats. They found that SROs viewed their jobs and threats differently based on the racial makeup of their district. SROs in majority White districts perceived threats to be outside of the school building, but those policing majority Black and Latin(o/a/x) communities found the students themselves to be the threats.⁵⁵ Other studies have shown that these attitudes influence the real-world actions of SROs. Police officers view “Black boys as less innocent and more responsible for their behavior” than White boys and “officers that scored higher on a test assessing their implicit dehumanization of Black people were more likely to have used force against Black boys relative to White boys.”⁵⁶

Racial disparities in school-based arrests and referrals to law enforcement are consistent with those findings. Despite numerous studies showing no significant racial disparities in the frequency or type of student misbehavior,⁵⁷ schools punish and criminalize Black students at far higher rates than their White peers. As noted above, the most recent Civil Rights Data Collection by the U.S. Department of Education shows that Black students comprise only 15.1 percent of total public school enrollment but make up 28.7 percent of referrals to law enforcement and 31.6 percent of school arrests.⁵⁸ The data also show that students with disabilities face disproportionate harm, often compounded by race or ethnicity. Students

⁵²*Id.*

⁵³ Jennifer Smith Richards and Jodi S. Cohen, “Black Students in Illinois Are Far More Likely to Be Ticketed by Police for School Behavior Than White Students,” *ProPublica*, May 6, 2022, <https://www.propublica.org/article/black-students-illinois-ticketed-by-police-for-school-behavior>.

⁵⁴ Kwame Raoul and Carmen I. Ayala, *Guidance to School Districts: Legal Standards and Enforcement of Civil Rights Laws Related to School Discipline in Illinois*. State of Illinois, Office of the Attorney General and Illinois State Board of Education, December 17, 2021, <https://illinoisattorneygeneral.gov/rights/2021%20OAG-ISBE%20School%20Discipline%20Guidance.pdf>.

⁵⁵ Benjamin W. Fisher, et al. “Protecting the Flock or Policing the Sheep? Differences in School Resource Officers’ Perceptions of Threats by School Racial Composition,” *Social Problems*, 69 No. 2 (May 2022) 319, doi: 10.1093/socpro/spaa062

⁵⁶ *Id.* at 319 (citing Philip Atiba Goff, et al. “The Essence of Innocence: Consequences of Dehumanizing Black Children.” *Journal of Personality and Social Psychology* 106 No. 4 (2014): 526.).

⁵⁷ ACLU, *Bullies in Blue*, p. 22.

⁵⁸ Asian students and White students were disproportionately underrepresented in arrests and referrals. Hispanic or Latino students and mixed-race students were about evenly represented. Native & Native Alaskan students were 1 % of enrollment but 1.7% and 1.6% of arrests and referrals, respectively. U.S. Department of Education Office of Civil Rights, *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*, (Washington, DC June 2021): 21. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

with disabilities represent 25.8 percent of the students who are arrested, while representing just 13.2 percent of the student population.⁵⁹

Not only do students of color and students with disabilities face higher rates of referrals to law enforcement and arrest, but they are also frequently the target of violent assaults by SROs. The Advancement Project catalogued over 150 assaults by SROs, including both physical and sexual assaults, that have made the news since 2007.⁶⁰ SROs have shot and killed students, tasered students, tackled and punched students in the head, sprayed students with pepper spray, choked students, thrown students to the ground, and thrown students against walls and lockers.⁶¹ Nearly as disturbing as the violence itself is the trend of officers reacting with anger and violence to completely nonviolent behaviors and infractions, such as talking on a cell phone, wearing a hat indoors, or going to the bathroom without a pass.⁶²

Unsurprisingly, regardless of race, disability, or gender, youth report that SROs detract from their learning environment and do not make them feel safer. A survey conducted among the members of Latinos Unidos Siempre (LUS), Make the Road Nevada (MRNV), Make the Road New Jersey (MRNJ), and the Urban Youth Collaborative (UYC) found that:

- 20 percent reported that police verbally harass or make fun of students.
- 50 percent reported that police take students out of the classroom.
- 25 percent reported that there had been arrests at their school.
- 40 percent of those with police at their schools said that seeing police made them feel unsafe or very unsafe.
- 33 percent of students felt that police targeted them based on an aspect of their identity, including race, primary language, or LGBTQ+ status.⁶³

Finally, the negative impact of a school-based arrest on a student's life can hardly be overstated. A single arrest doubles the chance that the student will drop out of school.⁶⁴ For those who have to attend court, the chances quadruple.⁶⁵ "For those students who do drop out of high school as a result of an arrest, the chances that they will serve time in prison increase exponentially."⁶⁶ Moreover, having an arrest on their records limits students' access to jobs, higher education, financial aid, and public housing.⁶⁷ Even for students who are not arrested, the "presence of and contact with police in school spaces that are supposed to be safe and nurturing" can cause trauma.⁶⁸ "[F]requent police contact, even of a minor nature, has a great impact on the perceptions' Black and Latino youth have of themselves, school, and law enforcement."⁶⁹

⁵⁹ *Id.*

⁶⁰ Advancement Project, "Comment Re: Federal Register Request for Information Regarding the Nondiscriminatory Administration of School Discipline, Docket ID ED-2021-OCR-0068," July 23, 2021, 6, https://advancementproject.org/wp-content/uploads/2021/07/AP-AEJ_Request-for-Information-Regarding-the-Nondiscriminatory-Administration-of-School-Discipline.pdf.

⁶¹ Advancement Project, *We Came to Learn*, 69-73.

⁶² *Id.*

⁶³ Youth Mandate for Education and Liberation, *Arrested Learning: A survey of youth experiences of police and security at school*. (New York: Center for Popular Democracy, 2021), 2, 6. <https://static1.squarespace.com/static/601b54abb7de8229ddb416d1/t/606c9982a8f63426e7b83c40/1617729927701/Police-Free+Schools+Final+V4+%281%29.pdf>.

⁶⁴ ACLU, *Bullies in Blue*, 30 (citing Jason Nance, "Students, Police and the School to Prison Pipeline," Washington University Law Review 919 (2016): 955).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* at 31 (quoting Carla Shedd, *Unequal City: Race, Schools, and Perceptions of Injustice* (New York: Russell Sage Foundation, 2015): 86).

F. Movement for Police-Free Schools

Youth, especially Black and Latin(o/a/x) youth, have been leading the charge to remove SROs from schools and dismantle policing structures within school environments. In Oakland, Calif., the Black Organizing Project has been working to end the current system of policing through its Bettering Our School System (BOSS) campaign.⁷⁰ In Phoenix, the Puente Movement has a #CopsOuttaCampus campaign to end the prison-to-deportation pipeline by removing police from schools and redirecting that money to programs that actually make schools safe.⁷¹ Similarly, Padres y Jóvenes Unidos in Denver, Leaders Igniting Transformation in Milwaukee, the Power U Center for Social Change in Miami, the Urban Youth Collective in New York City, and the Philadelphia Student Union in Philadelphia have been leading campaigns to end the criminalization of their schools by divesting funds from school-based police, investing in guidance counselors and social workers, and removing school-hardening tools such as metal detectors.⁷²

Educators have allied with these movements. As early as the 1950s, teachers' unions argued that money spent on police would be better spent on staff who could provide school-based mental health services, including guidance counselors and psychologists.⁷³ Following the murder of George Floyd in the summer of 2020, educators across the country have supported movements to remove police from schools: local unions in Madison, Wis.; Chicago; Minneapolis; Boston; San Francisco; Oakland; Los Angeles; Richmond, Calif.; Seattle; and Tacoma, Wash., supported measures to end police presence in schools.⁷⁴

Educators know that resources currently spent on police officers and policing could be better spent on services for the school community.⁷⁵ Many millions of federal and state dollars have poured into SRO programs. But most of the funding for SROs and other policing measures comes out of local budgets. Districts with limited budgets are continuing to fund school-based police even as budget constraints are causing them to cut other staff.⁷⁶

G. Other Aspects of Criminalization and Policing of Students

In considering the criminalization of youth and the policing of students in schools, the Task Force recognized several key factors beyond the presence of police and the policing of student behavior. The Policy Statement demands an end to practices that criminalize students and school campuses, specifically calling out four specific practices: participation in federal programs that unjustifiably militarize police presence in schools; overreliance by educators on referrals to law enforcement; subjective, biased enforcement of policies such as hair and dress codes; and construction of prison-like environments in schools. We briefly consider three of those priorities below, and the role of educators in the next section.

⁷⁰ Advancement Project, *We Came to Learn*, 68.

⁷¹ *Id.*

⁷² *Id.*

⁷³ ACLU, *Bullies in Blue*, 3.

⁷⁴ “Local Unions Supporting the Movement for Police-Free Schools & Reinvestment in Our Students,” *NEA EdJustice*, accessed May 6, 2022, <https://neaedjustice.org/local-unions-supporting-the-movement-for-police-free-schools-reinvestment-in-our-students/>.

⁷⁵ As Oakland Education Association president Keith Brown said, “We call on the superintendent and board to provide courageous leadership in the wake of the murder of George Floyd at the hands of the Minneapolis police, and we urge them to reject the legacy of anti-blackness that is inherent in school policing and the school-to-prison pipeline . . . We must eliminate school police in order to focus the full resources of our schools on the student services and supports that truly make our schools places of learning, community and safety. Of the 18 school districts in Alameda County, OUSD is the only one paying for its own internal school police department.” Theresa Harrington and Ali Tadayon, “Calls to eliminate school police in two San Francisco Bay districts intensify amid protests,” *EdSource*, June 10, 2020, <https://edsources.org/2020/calls-to-eliminate-school-police-in-two-san-francisco-bay-districts-intensify-amid-protests/633317>.

⁷⁶ ACLU, *Bullies in Blue*, 12.

1. Ending Participation in Federal 1033 Programs

In 1990, Congress created the 1033 program, which allows the Department of Defense to transfer excess property to other agencies, including schools, for counter-drug activities. In 1997, Congress broadened the program to other law enforcement purposes.⁷⁷ As of 2014, “at least 22 school districts in eight states—California, Florida, Georgia, Kansas, Michigan, Nevada, Texas, and Utah” received military-grade equipment through 1033.⁷⁸ In April 2016, thanks to student organizing, the Los Angeles Unified School District ended their participation in the 1033 program and returned “military weapons, tanks, grenade launchers, [and] M16 rifles.”⁷⁹ President Obama signed an executive order placing limits on the 1033 program within schools, but President Trump rescinded that order in 2017.⁸⁰ The 1033 program should be shut down; at the very least, the Biden administration should reinstate Obama’s executive order.

2. Hair and Dress codes

Educators often enforce facially-neutral dress codes more strictly against Black girls. The National Women’s Law Center worked with students within the District of Columbia public schools to study how dress codes were enforced against girls; their report, *Dress Coded*, demonstrates how disproportionately strict enforcement of these dress codes against Black girls disrupts their education.⁸¹ Similarly, Arab-American and South Asian Muslims may find themselves subject to rough inspection at metal detectors if wearing a hijab with pins under it.⁸² LGBTQ+ youth report being “dress coded” for wearing clothes that match their gender identity and for wearing shirts and other items to show their support for the LGBTQ+ community.⁸³

Schools have policed Black students by asking them to cut or change their hair in order to meet dress code policies or have banned specific Black hairstyles including afros and locs.⁸⁴ Districts have prevented Black students from participating in important rites of passage, like prom, or kicked students off sports teams or even school grounds, for refusing to change their hair.⁸⁵ In opposition to these policies, states have passed versions of the CROWN Act (Creating a Respectful and Open Workplace for Natural Hair) that make it illegal to discriminate against Black employees and students based on their hairstyles.⁸⁶ The CROWN Act or similar legislation is now law in 14 states and in numerous cities across the country.⁸⁷

⁷⁷ Advancement Project and Alliance for Educational Justice, *We Came to Learn: A Call to Action for Police-Free Schools Action Kit* (New York: Advancement Project, 2018): 19, <https://advancementproject.org/wp-content/uploads/ActionKitView/index.html#page=1>.

⁷⁸ Evie Blad, “Senator Aims to End Military Equipment Program Used by School Police,” *EdWeek*, June 1, 2020, <https://www.edweek.org/policy-politics/senator-aims-to-end-military-equipment-program-used-by-school-police/2020/06>.

⁷⁹ Advancement Project, *We Came to Learn Action Kit*, 31.

⁸⁰ Blad, “Senator.”

⁸¹ National Women’s Law Center (NWLC), *Dress Coded: Black girls, bodies, and bias in D.C. schools*, (Washington, D.C.: NWLC, 2018), https://nwlc.org/wp-content/uploads/2018/04/5.1web_Final_nwlc_DressCodeReport.pdf.

⁸² Rodriguez, “Muslim Students.”

⁸³ GLSEN, *Educational Exclusion*, 13-14.

⁸⁴ Brenda Alvarez, “When Natural Hair Wins, Discrimination in School Loses,” *NEA News*, September 17, 2019, <https://www.nea.org/advocating-for-change/new-from-nea/when-natural-hair-wins-discrimination-school-loses>

⁸⁵ Keith Reed, “Texas School District Bars Black Student Over Braids,” *The Root*, April 29, 2022: https://www.theroot.com/texas-school-district-bars-black-student-over-braids-1848859464?utm_source=twitter&utm_medium=SocialMarketing&utm_campaign=dvrit&utm_content=theroot.

⁸⁶ Alvarez, “Natural Hair.”

⁸⁷ “About: Creating a Respectful and Open World for Natural Hair,” CROWN Coalition, accessed May 6, 2022, <https://www.thecrownact.com/about>. In 2019, the NEA amended its resolution opposing all forms of discrimination to specifically include discrimination “against individuals wearing natural hairstyles such as braids, twists, cornrows and locks. The [NEA] believes that wearing natural hairstyles is a human right.” Resolution I-49.

3. Prison-like Environments

In New York City, over one third of schools have surveillance cameras.⁸⁸ Roughly 100,000 public school students are required to pass through metal detectors every day and “thousands more pass through pop-up and roving metal detectors.”⁸⁹ “In a national survey, 50 percent of students at ‘majority Black’ and ‘majority Black and Brown’ schools go through metal detectors every day, compared to just over 10 percent of their peers at majority white schools.”⁹⁰ Students have negative experiences going through metal detectors, including making them late to class, having guards confiscate their belongings, and being yelled at by guards. Similarly, Black and Latin(o/a/x) students were more likely to be yelled at, be scanned with a wand, be physically searched or patted down, or be forced to take off their shoes than their White peers.⁹¹ Students also noted that while they were forced to go through metal detectors every day, school staff were not.⁹²

H. Role and Responsibility of All Educators

While SROs are the staff most likely to police students, all educators engage in actions that can feed this crisis. We know from many studies that the vast majority of student encounters with police and the criminal justice system result from behaviors that are evaluated on a subjective basis and labelled with subjective terms—such as willful defiance, disobedience, disruptive behavior, and insubordination—that lend themselves to bias and discrimination. Most often, it will be educators—administrators, counselors, teachers, ESPs, and other adults on campus—who precipitate the criminalization of school behavior.

Criminalizing the school environment defines and limits the way educators interact with their students. When law enforcement is present in school, educators tend to rely on law enforcement to handle student misconduct. In *Punished: Policing the Lives of Black and Latino Boys*, Victor Rios found that “the common denominator in how teachers handled student misbehavior was that every single teacher invoked their ability to involve the police when faced with student conflict.”⁹³ As the ACLU explained in its report on school policing: “Even a teacher’s ability to threaten a student with an arrest or involve the school’s police officer in disciplinary decision-making conflicts with some of the most basic tenets of education systems. Instead of focusing resources on a positive and supportive school climate, zero-tolerance and school policing exacerbate challenging behaviors and the racial disparities in how punishment is meted out.”⁹⁴

Too often, highly subjective school discipline systems yield rates of harsh and exclusionary punishment, including referrals to law enforcement, that appear to be determined less by the actual behavior of students than by the attitudes and beliefs of educators. In a recent study of data from North Carolina, researchers found that “principals are more likely to assign [out-of-school suspension] or expulsion to a Black student than to a white student, holding constant both the severity of the disciplinary

⁸⁸Katherine Terenzi and Michele Kilpatrick, *The \$764 Million a Year School-to-Prison Pipeline: The Ineffective, Discriminatory, and Costly Process of Criminalizing New York City Students*, (New York: Center for Popular Democracy and Urban Youth Collective, 2017), 11, https://populardemocracy.org/sites/default/files/STPP_layout_web_final.pdf.

⁸⁹ *Id.*

⁹⁰ Youth Mandate for Education and Liberation, *Arrested Learning*, 2.

⁹¹ *Id.* at 9.

⁹² *Id.* at 10.

⁹³ ACLU, *Bullies in Blue*, 29 (citing Victor Rios, *Punished: Policing the Lives of Black and Latino Boys* (New York: New York University Press, 2011), 38).

⁹⁴ ACLU, *Bullies in Blue*, 29 (citing Stephen Hoffman, “Zero Benefit: Estimating the Effect of Zero Tolerance Discipline on Racial Disparities in School Discipline,” *Educational Policy* 21 no. 1 (2014): 99; Jason Nance, “Students, Police, and the School-to-Prison-Pipeline,” *Washington University Law Review* 93 no. 4 (2016); Carla Shedd, *Unequal City: Race, Schools, and Perceptions of Injustice* (New York: Russell Sage Foundation, 2015)).

offense and the student’s prior disciplinary history.”⁹⁵ They found that having a harsher principal increased the chance that a student who commits a minor, subjective offense, “such as disrespectful behavior, inappropriate language, or showing up late to class” would be suspended,⁹⁶ and also the chance of a juvenile justice referral for students who commit more serious offenses.⁹⁷ Moreover, other studies have documented significant negative effects of harsh discipline, including lower graduation rates, lower test scores, and more school absences.⁹⁸

Similarly, a report by the Government Accountability Office on *K-12 Education Discipline Disparities for Black Students, Boys, and Students with Disabilities* found “that implicit bias . . . on the part of teachers and staff may cause them to judge students’ behaviors differently based on the students’ race and sex.”⁹⁹ They found that the types of offenses that Black children were disciplined for were largely based on school officials’ interpretations of behavior. For example, one study found that Black girls were disproportionately disciplined for subjective interpretations of behaviors, such as disobedience and disruptive behavior.”¹⁰⁰ The Department of Education found numerous districts with significant racial disparities in how they impose discipline for discretionary offenses.¹⁰¹

Training all educators to recognize implicit bias and attain cultural competence is essential to ending the criminalization and policing of students. Educators who do not understand what their students are saying, and who do not take the time to explore what their students’ behavior reflects, can feed the crisis both consciously and unconsciously. The Task Force members endorsed the conclusions from NEA’s 2016 Report affirming that all NEA members, as educators, “must change our assumptions, behaviors, practices and our school and school district policies to end such perceptions and treat all our students fairly. These disparities are ones we must fix. As educational professionals we can do nothing less; the stakes of not acting are simply too high for our students and our society.”¹⁰²

V. Five Guiding Principles for Safe, Just, and Equitable Schools

All educators, no matter what role they play in the education system, must be engaged and working together to attain safe, just, and equitable schools. The Task Force recognizes that the work to achieve the goals of the Policy Statement, and to eliminate the barriers that frustrate our goals, will be extensive and wide-ranging. Therefore, the proposed Policy Statement adopts the following five guiding principles to provide a framework for our effort.

A. Guiding Principle 1:

Adopting a Restorative Justice Philosophy to Create a Thriving School Climate

NEA’s Policy Statement calls for educators to develop evidence-based behavioral practices centered in a philosophy of restorative justice that promotes caring, trusting, and positive relationships. Restorative practices have positive effects on exclusionary discipline rates, school climate, and racial discipline

⁹⁵ Lucy Sorensen, “Do principals hold the key to fixing school discipline?” *Brookings Center*, June 14, 2021, <https://www.brookings.edu/blog/brown-center-chalkboard/2021/06/14/do-principals-hold-the-key-to-fixing-school-discipline/>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ U.S. Government Accountability Office (GAO), *K-12 EDUCATION Discipline Disparities for Black Students, Boys, and Students with Disabilities*. GAO-18-258 (Washington, DC, 2018) 4, accessed May 6, 2022, <https://www.gao.gov/assets/gao-18-258.pdf>.

¹⁰⁰ GAO, *K-12 EDUCATION*, 4

¹⁰¹ GAO, *K-12 EDUCATION*, 32-34.

¹⁰² 2016 Report at 18.

disparities. Restorative practices can serve as an alternative to suspensions and expulsions and improve school climate, foster healthy relationships between educators and students, decrease disciplinary disparities, engage students and families, support social and emotional learning, and promote accountability and two-way communication. An evaluation study found that in 15 Baltimore City public schools where restorative practices were implemented on a school-wide basis, suspensions fell 44 percent in one year. In addition, 72 percent of staff reported improved school climate; 69 percent reported improved student respect for one another; and 64 percent reported improved respect for staff.¹⁰³ “When the culture and climate of the school is improved, students become more engaged, which results in improved attendance, fewer classroom disruptions, higher academic performance, and increased graduation rates.”¹⁰⁴ By focusing on relationship building, expanding access to support services, improving social and emotional competencies, and reducing out-of-school suspensions, schools that have implemented restorative practices are creating and building thriving school climates.

Data also shows that the adoption of a restorative justice philosophy and implementation of restorative practices are narrowing some of the most glaring racial disparities that exist within our schools. In Oakland, narrowing the suspension gap between Black and White students helped boost graduation rates by 60 percent.¹⁰⁵ In three schools in a Denver school district that adopted a restorative justice philosophy, overall suspension rates fell by an impressive 45 percent.¹⁰⁶

Researchers and practitioners in the Denver study identified four essential strategies for the school-wide implementation of restorative practices:

1. Strong administrator vision and commitment to restorative practices, coupled with understanding that adhering to a philosophy of restorative justice when faced with resistance to change is worth the effort.
2. Explicit efforts to generate staff buy-in to a restorative practices approach, including stakeholder involvement in the development of policies and protocols, solicitation of feedback, and assessing support for a restorative justice philosophy when hiring new staff.
3. Continuous and intensive professional development opportunities, providing “booster sessions” for revisiting processes and practices and individualized coaching for staff who experience difficulty.
4. Allocation of school funds for a full-time on-site restorative practices coordinator.¹⁰⁷

As further noted in the Denver study, success begins with school administrators who understand that restorative practices represent a philosophy and not a program.¹⁰⁸ Racial justice work must be viewed as a comprehensive, whole-school approach to shift culture in ways that prioritize relational pedagogies, justice and equity, resilience, and well-being.¹⁰⁹ As described in the Policy Statement, centering schools in a philosophy of restorative justice means the development of a collective mindset that can help guide youth and adult behavior and relationship management in schools.

¹⁰³ Open Society Institute-Baltimore (OSI), *Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide*, (Maryland: OSI, 2020), 6, 29, <https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>.

¹⁰⁴ Schott Foundation for Public Education, Advancement Project, AFT, and NEA, *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools – A Guide for Educators*, (Massachusetts: Schott Foundation for Public Education, 2014), 5, <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>.

¹⁰⁵ Ann Gregory, and Katherine R. Evans, *The Starts and Stumbles of Restorative Justice in Education: Where Do We Go from Here?* (Boulder, CO: National Education Policy Center, 2020), 11 accessed April 28, 2022 from <http://nepc.colorado.edu/publication/restorative-justice>.

¹⁰⁶ *Id.* at 9-10.

¹⁰⁷ Yolanda Anyon, *Taking restorative practices school-wide: Insights from three schools in Denver*. (Denver, CO: Denver School-Based Restorative Practices Partnership, 2016), 5 https://www.researchgate.net/publication/289377773_Taking_restorative_practices_school-wide_Insights_from_three_schools_in_Denver.

¹⁰⁸ *Id.*

¹⁰⁹ Gregory, *Starts and Stumbles*, 3.

It is also critical to prepare for a long-term investment. A school-wide adoption of a restorative justice philosophy will often be transformative work—for educators, students, parents/guardians, and the community. Practitioners of restorative justice work must be prepared for resistance to change, whether by school staff who may be frustrated by reform efforts or by community members and leaders who find reassurances in returning to the status quo features of exclusionary discipline and zero tolerance. Sustainable, long-term implementation plans of two and three years or more may be necessary, with appropriate professional supports and the flexibility to change and evolve based on input from all stakeholders.¹¹⁰

Seismic shifts of any kind within workplaces and organizations can lead to staff members feeling frustrated or isolated. Respect for existing responsibilities and time scarcity is critical. Participants in the Denver study unanimously agreed that at least one full-time restorative practices coordinator is necessary to build out a school-wide philosophy in schools ranging in size between approximately 300 and 1,000 students. Having a full-time restorative practices coordinator reduces the potential burden on staff, including administrators and school-based mental health professionals. In discussing the implementation of restorative practices at Skinner Middle School in Denver, James Moran, Dean of Students observed, “I would probably struggle more if I didn’t have the support staff to lean on. We get really, really busy—like *really* busy. [But] it seems like when we meet, and we discuss, we strategize, we get a sense like we are not on an island. When we make the time it seems like we were a lot more settled and unified.”¹¹¹

Lastly, it is important to avoid the perception that a reduction in suspensions and expulsions is the primary metric when evaluating the success of adopting a restorative justice philosophy. While such a reduction can be a significant benefit as the evidence shows, its overemphasis may prevent educators from addressing other “systemic and structural inequalities that affect students’ social, emotional, and academic well-being.”¹¹²

The Policy Statement also calls for equitably and fully funding the Community School Model (CSM)¹¹³ with wraparound services to provide schools with the necessary resources to successfully implement restorative justice practices. Community schools have been defined as a place-based strategy in which schools partner with community agencies and allocate resources to provide an “integrated focus on academics, health and social services, youth and community development, and community engagement.”¹¹⁴ There are approximately 8,000 to 10,000 community schools nationwide located in more than 100 districts and cities.¹¹⁵

Community schools provide students with wraparound supports integrated into the fabric of the school that provide meals, health care, mental health and wellness counseling, and other programs and services before, during, and after school. Research shows that the community school strategy helps students attend school more often, feel safer in school, and graduate on time.¹¹⁶ Rand conducted an evaluation of a community schools initiative in New York City and reported a reduction in disciplinary incidents and positive effects on academic achievement and attendance for elementary and middle school

¹¹⁰ *Id.* at 5.

¹¹¹ Anyon, *Restorative Practices*, 9 (alterations in original).

¹¹² Gregory, *Starts and Stumbles*, 9.

¹¹³ As defined through the *NEA Policy Statement on Community Schools*, any public school can use the community school model, which is intended to be tailored to the specific needs of an individual school’s students, staff, families, and community members. The community school model advanced by NEA is based on Six Pillars of Practice as implemented through four key mechanisms.

¹¹⁴ Anna Maier, et al. *Community schools as an effective school improvement strategy: A review of the evidence*. (Palo Alto, CA: Learning Policy Institute, 2017), 12 <https://learningpolicyinstitute.org/product/community-schools-effective-school-improvement-report>.

¹¹⁵ Kristen Harper et al., “Education inequality, community schools, and system transformation: Launching the Task Force on Next Generation Community Schools,” *Brookings*, November 10, 2020, <https://www.brookings.edu/blog/education-plus-development/2020/11/10/education-inequality-community-schools-and-system-transformation-launching-the-task-force-on-next-generation-community-schools/>.

¹¹⁶ *Id.*

students. In addition, for high school students, New York City community schools had a positive impact on credit accumulation across all three years of the study.¹¹⁷ Similarly, the Learning Policy Institute (LPI) examined 143 research and evaluation studies to ascertain the impact of community schools on student and school outcomes. Integrated student supports provided by community schools are associated with positive student outcomes and students receiving such supports show significant improvements in school attendance, behavior, social functioning, and learning.¹¹⁸

As part its Association-wide plan for safe, just, and equitable schools (See Appendix B), the Task Force recommends strategies, activities, and campaigns that further the development of restorative justice practices and support of community schools including by way of:

- Leveraging funds from the American Rescue Plan and Elementary and Secondary School Emergency Relief (ARP/ESSER Fund) and support reallocating funding to provide students with school-based, non-privatized, non-outsourced services to meet their social-emotional and mental health needs by:
 - Achieving robust staffing levels, including appropriate class sizes, access to electives, art, librarians, ESPs (education support professionals), and appropriate higher education staffing levels.
 - Training specific school personnel to be full-time restorative justice coordinators and providing all school employees with professional development for cultural responsiveness, implicit bias, anti-racism, trauma-informed practices, restorative justice practices, and other racial justice training.
 - Hiring school-based mental health providers trained to provide culturally appropriate services, such as school counselors, nurses, social workers, drug and alcohol counselors, and psychologists, and utilizing trauma-informed, restorative justice practices, meditation/peace centers, and other proven methods to address student health and well-being.
- Winning transformative investments for racially just schools that address the academic, social, and emotional needs of every student through their entire educational journey, including non-biased access to pre-K and postsecondary opportunities.
- Increasing investment to expand community schools leveraging the NEA Community Schools Model.
- Transforming the culture of teacher preparation so that it centers on healing, justice, and inclusion.

B. Guiding Principle 2:

Relevant Professional Development for Culturally Competent Educators

The Policy Statement sets forth NEA’s stance that educators—which includes every adult working in our schools—must be fully supported so they are better prepared to respond to the social and emotional needs of each student to ensure development of the expertise and understanding of what it means to be culturally competent and responsive.

Since the passage of NBI-B in 2015 and the subsequent adoption by the NEA Representative Assembly of the Policy Statement calling for an end to the school-to-prison pipeline, the Association has advocated for comprehensive training and professional development for educators in cultural competence and responsiveness. Such training provides educators with the ability to overcome their preconceptions about others by raising their awareness and teaching them how, as Marion Goldstein and Pedro Noguera have explained:

¹¹⁷ William Johnston, et al., *What Is the Impact of the New York City Community Schools Initiative?* (Santa Monica, CA: RAND Corporation, 2020), 3, https://www.rand.org/pubs/research_briefs/RB10107.html.

¹¹⁸ Maier, *Community schools*, 106.

“to interact effectively and respectfully with people from different racial, ethnic, and economic backgrounds. It involves the understanding that there are different communication codes in each culture, and it requires ongoing openness to learning from others, being willing to shift out of one’s own cultural paradigm, and refraining from judging people’s behavior before honestly exploring what that behavior is about.”

Educators who do not understand what their students are saying, do not focus on developing intentional and meaningful relationships with students, or do not take the time to explore what their students’ behavior reflects can consciously and unconsciously exacerbate school-wide conditions that lead to the criminalization of students. As educators, we must work to change our assumptions, behaviors, practices and our school and school district policies that prevent us from treating all students fairly, with dignity, and as individuals. The availability of and participation in training that is relevant, proven, substantial, and ongoing, and professional development tools that are responsive to the needs of students and educators will help to build and increase educators’ cultural competence and responsiveness over the course of their careers.

A core concept of educator cultural competence and responsiveness, as set forth by the Policy Statement, is recognizing and understanding childhood trauma and educational trauma and their effects on students. Educators with such skills are better at assessing and responding to the needs of students in their development, behavior, and learning, and place schools on a transformational path to become trauma-informed environments. NEA defines educational trauma as the inadvertent perpetration and perpetuation of victimization by educational systems of students and families interacting with the educational system. Educational trauma is of real concern and must be considered when discussing the effects of criminalization and policing of students, and exclusionary disciplinary/behavior policies that cause emotional damage to students, educators, and communities. This trauma impacts communities by spreading a sense of helplessness and feelings of disempowerment, which leads to further disengagement from the education system.

Educational trauma also results from curriculum and instructional choices that exclude the accomplishments of persons and communities of color. There is a critical absence of ethnic studies courses and curriculum materials that acknowledge and celebrate the contributions of communities/individuals of color. The Policy Statement describes a culturally competent pedagogy as one that connects students’ cultures, languages, and life experiences with the school curriculum. Leveraging a student’s knowledge and experiences from their families and communities helps them to access and connect with the curriculum and develop their academic skills. Culturally responsive teaching is an educational approach in which classroom teachers draw from students’ identities and cultures to reshape traditional learning and teaching. It entails changing or adapting curriculum materials to reflect the history and culture of diverse students and using instructional strategies that reflect ways of learning in students’ home communities.

Evidence from numerous descriptive studies reveals a strong association between culturally responsive teaching and positive student outcomes. A recent research review identified the following positive impacts:¹¹⁹

- Culturally responsive coaching has been found to reduce disciplinary referrals for Black students.
- High school students assigned to an ethnic studies course increased their attendance by 21 percent year over year, as compared with a similar group of students not assigned to the course. The study showed equally substantial improvements in earned credits and grade point average.
- Use of curriculum materials and activities reflecting the culture of the Yup’ik people in Alaska resulted in better mathematics performance by participating second grade students compared with

¹¹⁹ Heather Hill, “Culturally Responsive Teaching Is Promising. But There’s a Pressing Need for More Research,” *EdWeek*, March 3, 2020, <https://www.edweek.org/leadership/opinion-culturally-responsive-teaching-is-promising-but-theres-a-pressing-need-for-more-research/2020/03>.

their peers in a math classroom. Similarly, another program showed positive impacts for English language arts test scores.

- A Black male achievement program in public schools in Oakland, Calif., featured a class with cultural, historical, and social and emotional components. Researchers found that the program reduced the one-year high school dropout rate for Black males by 43 percent.

Numerous studies have found an association between culturally inclusive education and student grade point average, school attendance, academic credits earned, student mathematics performance, standardized test performance, and graduation rates—not just for Native students and students of color, but for *all* students.¹²⁰ Culturally inclusive education boosts students’ critical thinking.¹²¹ Furthermore, it can help promote the mission of schools to break down racial stereotypes, promote understanding, and “better prepare students for an increasingly diverse workforce and society.”¹²² NEA has created resources to support proven, research-based, culturally-responsive education, including a model school board resolution to affirm its value for students, educators, and school communities.¹²³

As part of its Association-wide plan for safe, just, and equitable schools, the Task Force recommends strategies, activities, and campaigns in support of the implementation of this principle to:

- Develop and implement workshops and training to support educator cultural competence and responsiveness.
- Ensure educators’ professional development on self-awareness and practice examination occurs at every national conference.
- Increase the implementation of developmentally appropriate, culturally competent, and responsive education, honest and accurate history to promote thoughtful analysis, and ethnic (Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students) studies curriculum in pre-K-12 and higher education.
- Increase the numbers of Native educators and educators of color in the education profession(s) and the Association; specifically, in high-quality, full-time, professional, or tenure-track positions.

C. Guiding Principle 3: Eliminating Disparities in Disciplinary/Behavioral Practices

The Policy Statement intensifies NEA’s commitment to ending school discipline and behavioral practices that not only tend to criminalize students, but also disproportionately harm Native students and students of color. As detailed above in Section IV, Part C, national research shows policies that criminalize and police students have a disparate impact on Native, Black, and Latin(o/a/x) students, including those who identify as LGBTQ+, have disabilities, or are English language learners; regional studies suggest disproportionate harm to Asian, Middle Eastern and North African, Pacific Islander, and Multiracial students.

¹²⁰ Christine E. Sleeter and Miguel Zavala, *What the Research Says About Ethnic Studies: Chapter 3 From Transformative Ethnic Studies in Schools: Curriculum, Pedagogy, and Research* (New York: Teachers College Press, 2020), iv, <https://www.nea.org/sites/default/files/2020-10/What%20the%20Research%20Says%20About%20Ethnic%20Studies.pdf>.

¹²¹ Serkan Aslan and Birsal Aybek, “Testing the Effectiveness of Interdisciplinary Curriculum-Based Multicultural Education on Tolerance and Critical Thinking Skill,” *Int’l J. Educ. Methodology* 6, no. 1, (February 2020) 44, https://pdf.ijem.com/IJEM_6_1_43.pdf (quoting Patsy L. Duphorne and Charlotte N. Gunawardena, “The effect of three computer conferencing designs on critical thinking skills of nursing students,” *The American Journal of Distance Education* 19, No. 1 (June 2010) 37-50).

¹²² *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003).

¹²³ “Sample School Board Resolution to Spark Curiosity & Critical Thinking to Prepare All Students to Thrive,” *NEA Ed Justice*, accessed May 6, 2022, <https://neaedjustice.org/honesty-in-education/>.

As in the 2016 Statement, this Policy Statement continues to focus on raising awareness and focusing our advocacy work to end the school-to-prison pipeline, now including the school-to-deportation pipeline. This Policy Statement also stresses the importance of advocacy with states, school districts, and schools to not only drive accountability to the goal of ending discrimination, but also evaluate data and take prompt, effective actions to eliminate disparities and continually monitor policies and practices to ensure that they are fair and nondiscriminatory.

In recent years, NEA has made Association-wide progress to better understand the extent of discrimination in school discipline and policing and drive accountability for ending that discrimination. This begins with data collection that deepens our understanding of the harm suffered by Native students and students of color. This year, in its comment in response to the U.S. Department of Education’s Office for Civil Rights notice regarding its proposed Civil Rights Data Collection (CRDC), NEA stated that we need “data disaggregated by race, ethnicity, native language, socioeconomic status, English Learner (EL) status, disability status, disability type, and sex (including sexual orientation and gender identity) to inform students’ experiences in schools and whether all students across race, background, ability, and ZIP code have equal access to and benefit equitably from education.”¹²⁴ Further, NEA called for an annual CRDC to ensure accurate, timely data to better serve all students, a vital need at this moment given the trauma of the pandemic, which disproportionately affected protected groups.

Despite backward steps from the Trump administration, including a decision to rescind the 2014 Obama administration guidance on the Nondiscriminatory Administration of School Discipline,¹²⁵ NEA has partnered with affiliates in several states to drive accountability for discrimination in discipline policies and practices. In 2021, Michigan Attorney General Dana Nessel created guidance and a website containing key resources to help schools comply with their obligation to implement restorative practices in schools.¹²⁶ Also in 2021, Illinois Attorney General Kwame Raoul and Illinois State Superintendent Carmen Ayala authored Guidance outlining school district obligations under state and federal civil rights laws grounded in research showing:

1. The unforeseen trauma, isolation, and harm experienced by students— observing “Black and Brown families and communities are likely to have experienced disproportionate harms during the COVID-19 pandemic.”
2. The disparate impact of severe discipline on Black students and students with disabilities.
3. The disparate impact of SROs on students of color, who report feeling less safe in schools with a police presence.¹²⁷

The Illinois Guidance not only calls out the problem but also presses for more aggressive investigation and enforcement against schools that allow unlawful disparities to go unremedied.¹²⁸ This state-based work can be expanded and replicated; it has already resulted in more aggressive advocacy from coalitions of State Attorneys General to reissue and improve federal guidance.¹²⁹ States are also taking action to

¹²⁴ See, generally, NEA Comment, Docket Number ED-2021-SCC-0158-0041; Agency Information Collection Activities; Comment Request; Civil Rights Data Collection, February 11, 2022, <https://www.regulations.gov/comment/ED-2021-SCC-0158-0862>.

¹²⁵ U.S. Department of Education and U.S. Department of Justice, *Dear Colleague Letter: Nondiscriminatory Administration of School Discipline*, by Catherine E. Lhamon and Jocelyn Samuels, (Washington, DC, 2014), 3-4, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

¹²⁶ Dana Nessel, “Restorative Practices for Students,” State of Michigan, Department of the Attorney General, October 13, 2021, <https://www.michigan.gov/ag/-/media/Project/Websites/AG/restorative-practices/restorative-practices-for-students.pdf?rev=ed26438a5c3f41ae9abd6c1554d6024e&hash=5B619D7BAFB2F025EA3FD1A938CD9865>.

¹²⁷ Raoul, *Guidance to School Districts*.

¹²⁸ See also, Xavier Becerra, *Oversight and Enforcement of Laws Related to Discrimination in School Discipline in California*, State of California, Office of the Attorney General, February 4, 2019, <https://oag.ca.gov/system/files/attachments/press-docs/bcj-school-discipline-letter.pdf>.

¹²⁹ Dana Nessel, et al. “Letter to Secretary Dr. Miguel A. Cardona and Attorney General Merrick B. Garland re: Discrimination in School Discipline,” State of Michigan, Department of the Attorney General, May 24, 2021, <https://www.michigan.gov/>

ensure transparency and accountability through the collection and publication of data on school discipline.¹³⁰

Despite this work revealing grave disparities in school discipline data and articulating federal and state legal obligations, awareness is not enough. We can and must do more to change outcomes for our most vulnerable students. Advocacy to improve the legal framework is also essential, but our experience shows that even the best laws, on paper, can contain loopholes or lack funding for effective implementation.

As part of its Association-wide plan for safe, just and equitable schools, the Task Force recommends layered strategies to implement this guiding principle. Specifically, the plan outlines activities to build capacity, calling for:

- Data gathering, both to understand what data we have, and what we still need; seeking disaggregation of data across race/ethnicity, gender, disability; and focusing on regional and state-level data to capture disparities that might now show up at the level of national data.
- Options and solutions for state-, local- and district-level policies that reveal and address disproportionate harm on the basis of race, ethnicity, gender, or disability status.
- Tools to assess the impacts on different racial and ethnic communities, and to counteract the patterns of white supremacy in school discipline policies and the policing of students.

The plan further calls for action to:

- Advocate for just school funding formulas to remedy resource disparities based on race and other aspects of identity – and in particular leverage American Rescue Plan and Elementary and Secondary School Emergency Relief (ARP/ESSER Fund) investments to address pandemic-driven disparities based on race, ethnicity, gender, and disability status.
- Campaign to eliminate school-to-prison and school-to-deportation pipelines.
- Win transformative investments in racially just schools.
- Eradicate racist laws, policies, and practices inherent in the current condition of the widespread criminalization and policing of students in schools.

D. Guiding Principle 4:

Eliminating the Criminalization and Policing of Students in Schools

The Policy Statement expresses NEA’s belief that the criminalization and policing of students obstructs a thriving and nurturing school climate. Guiding Principles 3 and 4 work in tandem, reflecting consensus that while all students deserve a learning environment free of policing, the harms resulting from these policies disproportionately burden Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify at LGBTQ+, have disabilities, and/or are English language learners.

While incorporating the conclusions of the 2016 Policy regarding the urgent need to end the school-to-prison and school-to-deportation pipelines, the Task Force crafted this guiding principle to focus on issues concerning policing of students and the overall criminalization of school environments. Accordingly, Guiding Principle 4 articulates policy not only on the presence and roles of SROs, police, and law enforcement in educational environments, but also on the wider crisis of criminalization and policing of students in schools. In crafting this guiding principle, the members of the Task Force recognized that NEA affiliates have taken a broad range of positions on the question of police presence and roles in schools. State and local affiliates also face different landscapes shaped by law and culture. Building awareness and understanding on these issues—indeed, as the Association-wide Plan expresses it,

/media/Project/Websites/AG/restorative-practices/School_Discipline_Multi-State_letter_Final_52421.pdf?rev=aa535ff97359439c8290667c00a4a265.

¹³⁰ “Student Care | School Discipline,” Illinois State Board of Education, accessed May 6, 2022, <https://www.isbe.net/discipline>.

“with the intention of positively influencing the hearts and minds of education stakeholders”—is therefore a high priority, and the foundation for the capacity building, action, and evaluation activities set forth in the Association-wide Plan.

In taking on this work, NEA can call on the deep experience of its affiliates to spotlight successes and lessons learned across varied terrain regarding the issue of law enforcement presence on school campuses. The Task Force discussed the need to craft plans and models for achieving goals that reflect the diversity of our membership. In reservation schools, NEA educators have grappled with the role of federal Bureau of Indian Affairs police in Native communities. In Florida and an increasing number of other states, NEA affiliates contend with state law requiring or incentivizing law enforcement officers in every school and face a steep climb to change those laws. SROs and other law enforcement personnel are NEA members in some affiliates.

On the other end of the spectrum, NEA unions in Minneapolis, Seattle, Portland, Ore., and many other communities have worked with community partners to end contracts with local police departments who stationed officers in schools.¹³¹ In 2021, the drive to defund the Los Angeles School Police Department resulted in a plan that cut a third of its officer, bans certain practices, focuses officers on emergency response, and diverts funds to climate coaches and funding to promote Black student achievement.¹³² The Oakland Educators Association, working with the Black Opportunity Project, confronted the overreliance of educators on referrals, with an educator pledge not to call police, ICE, or Homeland Security on students for school disciplinary issues, but rather seek out restorative justice practices or alternative measures.¹³³

Regardless of the controlling law and history of police presence in states and localities, the Policy Statement calls on NEA leaders and members to work toward models that restrict law enforcement activity to appropriate public safety roles and end the policing of students. In addition, we must provide models and leadership to limit the growth of the SRO workforce and ensure that precious school funding dollars are spent not on police but on staff and programs that enhance the well-being of all students.

NEA has taken steps to support the work of affiliates to end the policing and criminalization of several ways. Chief among them, NEA has worked to improve data and information available to fully understand this crisis. In 2022, in its comment in response to the U.S. Department of Education’s Office for Civil Rights notice regarding its proposed Civil Rights Data Collection, called for collection of national data on the prevalence of SROs or law enforcement on school campuses; tightened definitions of the term “referral to law enforcement” to ensure accurate, inclusive reporting that captures the activities of SROs and school security, and also the term “school-related arrests” to specify who is submitting the referral. NEA also sought collection of data on instances of assaults students experience from school-based law enforcement.¹³⁴ NEA has also created resources and tools to assist affiliates and school districts who wish to eliminate or audit the roles of SROs, police, and law enforcement in schools.

As part of its Association-wide plan, the Task Force set out steps to implement this new guiding principle. The plan recognizes the need to **build awareness and understanding** of why ending policing and criminalization of students is essential to achieving the goals of the Policy Statement. Priority activities include:

- Developing and sharing clear, compelling messaging and narrative on the impact of the policing and criminalization of students by producing a video series with our partners; conducting

¹³¹ Mark Keierleber, “Major Test as Students Return to Classroom After a Traumatic Year Away,” *The 74*, March 21, 2021, <https://www.the74million.org/article/police-free-schools-school-reopening-covid-security/>.

¹³² Melissa Gomez, “L.A. school board cuts its police force and diverts funds for Black student achievement,” *Los Angeles Times*, February 16, 2021, <https://www.latimes.com/california/story/2021-02-16/lausd-diverting-school-police-funds-support-black-students>.

¹³³ “Black Sanctuary Pledge,” Black Organizing Project, accessed May 6, 2022, <https://blackorganizingproject.org/wp-content/uploads/2021/07/Black-Sanctuary-Pledge-Final-2.pdf>.

¹³⁴ See, generally, NEA, “Comment re: Docket Number ED-2021-SCC-0158-0041; Agency Information Collection Activities; Comment Request; Civil Rights Data Collection,” February 11, 2022, <https://www.regulations.gov/comment/ED-2021-SCC-0158-0862>.

listening sessions with members, students, and families; and creating guidance and FAQs that support work to end the criminalization and policing of students and/or remove SROs/police/law enforcement from schools.

- Deepening our understanding of existing policy by engaging with NEA leaders that have implemented policies to end the criminalization and policing of students, including police-free school initiatives, and developing a guide on common language and strategies to support and spread that work.
- Strengthening the collective knowledge of members, students, leaders and allies by providing opportunities for engagement with counterparts who have reallocated resources to replace law enforcement personnel with staff who better serve the well-being of students, and to share tools and resource on educator practices and behaviors to prevent the criminalization and policing of students.

The plan also sets forth priority activities to **build capacity** to take on the goal of ending policing and criminalization of students in schools. Specifically, the plan calls for work to:

- Support educator self-examination of individual practices to prevent the criminalization and policing of students, urging educators to ask themselves hard questions such as: Who are they reporting? What is the impact on those students? What role to educators play in creating policed schools? What is the first thing they do when faced with a student behavioral issue?
- Generate options and solutions, including policy language for state-, local-, and district-level action, and guidance and tools for implementation and education around those options and solutions.

Building on that awareness and understanding of the issues, as well as enhanced capacity, the plan calls for educators to take **action** and **organize** to:

- Eradicate laws, policies and practices that create conditions for the criminalization and policing of students and perpetuate the school-to-prison and school-to-deportation pipelines.
- Advocate for just funding formulas and reallocation of funding – including by leveraging ARP/ESSER funding – to achieve appropriate staffing levels, staffing roles, staff training, and capacity to invest in restorative justice practices rather than practices that depend on policing student behavior.

Finally, the work of the Policy Statement depends on honest **evaluation** of where we are today and measurement of how far we have come to achieve our goals. To begin, we must compile and make readily available data on:

- The staffing and presence of SROs/police/law enforcement in all schools.
- Tasks SROs/police/law enforcement handle at their schools.
- Impact of SROs/police/law enforcement in schools, from perspective of organizations and movements focused on ending policing of students or campaigning for police-free schools;
- National and state funding for police, and for incarceration of youth.
- Internal, local and state policies on school safety issues, inclusive of school-based SROs/police/law enforcement.
- CBA language regarding school safety issues, inclusive of school-based SROs/police/law enforcement.

We also must develop instruments and tools to:

- Determine the status of SROs/police/law enforcement within schools and districts.
- Consolidate lessons learned from local associations that have eliminated SROs/police/law enforcement from schools, and create “how-to” guides and FAQs to help other associations.

Ultimately, we will judge our progress on this guiding principle by, among other things, evaluating success on:

- Passing state and local level to foster police-free schools.
- Moving Federal and state legislation supporting the eradication of the policing and criminalization of students.
- Ending participation in federal 1033 programs that militarize police presence in schools, delivering unnecessary weapons, vehicles and surveillance technologies.
- Eliminating overreliance by educators on referrals to law enforcement.
- Rejecting subjective, biased used of disciplinary policies such as hair and dress codes.
- Ending the construction of prison-like schools that use metal detectors, random searches, and other building design characteristics that obstruct nurturing school environments.

E. Guiding Principle 5: Student, Family, Organizational, and Community Engagement

The transformative vision and guiding principles for success set forth in the Policy Statement are grounded in the Association’s core value of partnership—with parents, families, communities, and other stakeholders—to ensure a quality public education for every student. The Policy Statement acknowledges that, in the same manner that all educators—which includes every adult working in our schools—are indispensable for creating and sustaining transformative change, NEA must fully engage and authentically partner with a comprehensive range of stakeholders to identify policies, practices, and activities to achieve a shared vision for safe, just, and equitable schools.

In some instances, schools serve as models and cater to the distinct needs of students and families. As part of that role, schools often are a bridge for caretakers and families to service providers, higher education institutions, faith-based partners, businesses, health care, and academic partners. The ways in which schools interact with the surrounding community can have a significant influence on whether initiatives such as restorative practices become not just part of the culture of schools, but also the wider community. How schools welcome, seek input from, build relationships with, and regularly engage members of the wider community are each elements critical to creating momentum for sustained success.

In the aforementioned study of three schools in Denver working to implement school-wide restorative practices, the school principal’s understanding that the efforts comprise a shift in philosophy rather than a program is recognized as a threshold condition for success. Staff buy-in with the necessary supports in place is of course essential. Moreover, in cultivating relationships outside the school, a common understanding by parents/guardians and families of a shift toward a restorative justice philosophy is also necessary to ensure those voices are included and valued in the school decision-making process. Trainings offered to families in restorative practices—including problem-solving techniques, conflict resolution skills, mental health and wellness, and cultural competence—help to create a common language used in both school and home.¹³⁵

As part its Association-wide plan for safe, just, and equitable schools, the Task Force recommends strategies, activities, and campaigns designed in support of the implementation of this principle to:

- Identify and support opportunities to engage, activate, and mobilize members and leaders to organize to achieve safe, just, and equitable schools for every student, educator, parent/guardian, and community.
- Develop and strengthen NEA’s partnerships and coalitions with organizations, movements, and legislators to advocate and organize for safe, just, and equitable schools.

¹³⁵ Denver School-Based Restorative Practices Partnership (RPP|Denver), *School-wide Restorative Practices: Step by Step*. (Denver, CO: RPP|Denver, 2017).
<http://thecommons.dpsk12.org/cms/lib/CO01900837/Centricity/Domain/52/Denver%20School%20Based%20RPP%20Implementation%20Guide%202017%20REV%208.17.pdf>.

- Engage and empower students, families, community members, and other key stakeholders in the decision-making process in their schools, districts, higher education institutions, and communities.
- Train educators and leaders to lead on equity and racial justice, leveraging the *Leaders for Just Schools* curriculum and model, targeted inclusion of *Leaders for Just Schools* cohort members, Aspiring Educators, and co-conspirators.
- Collaborate with movement leaders and partners to develop an online guide for state and local associations as well as members, leaders, and activists that includes:
 - Framework for action that is centered in organizing and highlights the importance of establishing and joining coalitions as well as intentional engagement with students, parents/guardians, and families as thought partners.
 - Framework for action that is centered in organizing and highlights the importance of establishing and joining coalitions as well as intentional engagement with students, parents/guardians, and families as thought partners.
 - Messaging and narrative language, including common language.
 - Defining and mapping the opposition and their strategies.
 - Menu of choice points/options including relevant action steps.

VI. Implementing an Association-wide Plan for Safe, Just, and Equitable Schools

In fulfilling its charge as directed by NBI-A, the Task Force developed strategies and activities in support of the recommended Policy Statement through the implementation of an Association-wide plan. That plan is provided at Appendix B. The five guiding principles set forth in the Policy Statement and described in the previous section provided a structure to design relevant plan activities to achieve the goals of the Policy Statement.

The Task Force utilized a pair of tools—NEA’s Framework for Racial Justice in Education and the Racial Equity Impact Assessment—to guide the development of its plan so that the transformational activities called for in the proposed Policy Statement are sustainable, measurable, and equitable. The tools are provided at Appendix C and Appendix D. This pair of tools supported the Task Force’s ability to identify and target the activities and assess the impacts of the various activities. In addition, the tools assisted the Task Force in designing activities that would address the structures (processes, systems, budgets and decision-making), behavior (data gathering and analysis, practices, skills and communication), and hearts and minds (vision, purpose, beliefs, community relationships and emotions/feelings) necessary to implement this plan effectively.

Appendix A: Proposed NEA Policy Statement on Safe, Just, and Equitable Schools

Proposed NEA Policy Statement on Safe, Just, and Equitable Schools

To be considered and acted on by the 2022 NEA Representative Assembly

If adopted, this new policy statement will replace the existing Policy Statement on Discipline and the School-to-Prison Pipeline

In May 2022, NEA Board of Directors will discuss and take action on the submission of the proposed Policy Statement on Safe, Just, and Equitable Schools to the 2022 Representative Assembly for consideration and action. If adopted, this new policy statement will supersede the existing Policy Statement on Discipline and the School-to-Prison Pipeline.

I. Our Vision for Safe, Just, and Equitable Schools

The National Education Association’s vision for safe, just, and equitable schools is of thriving spaces that are safe and welcoming for all students, discriminatory toward none, integrate the social, emotional, physical, and spiritual needs of the whole student, and equitably and fully-fund the community school model with wraparound services and resources.

NEA’s vision is the recruitment and retention of educators who reflect the community, with relevant professional development and tools for cultural competence and responsiveness, prepared to center students’ needs and lived experiences, value all voices, and ensure voices that have been historically exploited, ignored, or silenced are empowered and heard.

NEA’s vision is to emphasize evidence-based behavioral practices centered in the philosophy of restorative justice over the criminalization and policing of students, and which dismantle and eliminate inequitable policies, practices, and systems that deprive many of our students of their futures and disproportionately harm Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners.

NEA believes all educators—which includes every adult working in our schools—are indispensable both for realizing our vision and for transforming our schools and the broader community so that we may end inequitable policies, practices, and systems to avert a crisis of criminalization of our youth and instead prepare every student to achieve their full potential and succeed in a diverse and interdependent world.

This Policy Statement sets forth principles to guide the beliefs, actions, advocacy, partnerships, and other organization-wide efforts to achieve and sustain NEA’s vision for safe, just, and equitable schools for every student, educator, parent/guardian, and community.

II. Guiding Principles to Achieve Our Vision

NEA is committed to changing the policies and practices of the schools in which we work to ensure thriving spaces that are safe, just, and equitable. The Association is committed to beliefs, actions, advocacy, and partnerships for the removal of impediments that are entirely

1 incompatible with our vision, such as institutional racism, white supremacy culture, inadequate
2 and inequitable school funding, and the criminalization and policing of students¹ in our
3 schools—all of which perpetuate the school-to-prison and school-to-deportation pipelines.²

4 The Association demands a transformative investment in the physical and mental health of all
5 students, including Native students and Asian, Black, Latin(o/a/x), Middle Eastern and North
6 African, Multiracial, and Pacific Islander students,³ LGBTQ+ students, and students from all
7 economic backgrounds and abilities. Policymaking that produces a frayed network of public
8 services in our communities is incompatible with our vision. When equitably and fully-funded,
9 this network—which includes public schools, libraries, parks, transportation, food security,
10 access to health care and child care, affordable housing, and public service infrastructure—
11 energizes students, families and their entire communities. The adoption of racial and social
12 equity principles at all levels of policymaking will encourage systemic solutions to these issues.
13 Racial and social justice in education and throughout the United States will be realized when we
14 ensure fair treatment resulting in equitable opportunities and outcomes for people of all races and
15 backgrounds.

16 Our work to achieve our vision for safe, just, and equitable schools is guided by five
17 principles:

18 **Guiding Principle 1:**

19 **Adopting a Restorative Justice Philosophy to Create a Thriving School Climate**

20 NEA’s vision integrates the social, emotional, physical, and spiritual needs of the whole
21 student,⁴ in which students’ identities and lived experiences are centered within a thriving and
22 nurturing school climate.

23 Educators are critical to the development of evidence-based behavioral practices centered in
24 a philosophy of restorative justice that promotes caring, trusting, and positive relationships
25 among students and adults. Without the development of such practices, high quality teaching and
26 learning cannot occur. The Association’s vision for a restorative justice philosophy is comprised

¹ *Criminalization and policing of students* refer to practices and enforcement of school disciplinary policies that criminalize students’ behaviors, subjecting students to potential penalties imposed by law enforcement instead of consequences imposed by educators.

² *School-to-prison and school-to-deportation pipelines* refer to policies and practices that directly and indirectly push Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including immigrant and undocumented youth, out of school and on a pathway to prison and/or deportation including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, and overreliance by educators on referrals to law enforcement, the juvenile and criminal justice system, detention, and potentially deportation proceedings.

³ Identities and their usage here acknowledges the *Report and Recommendations of the Racial Equity Language Review Stakeholder Group* adopted by the NEA Board of Directors in May 2020. Native People are named first, distinctly, recognized as the first people of this land with sovereign national and tribal status, and named together with Asian, Black inclusive of African American, Latin(o/a/x) inclusive of Hispanic and Chican(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander people.

⁴ The *whole student* refers to the Whole Child tenets that call for all available educational resources to maximize the achievement, skills, opportunities, and potential of each student by building upon individual strengths and addressing individual needs. A Whole Child approach prepares students at all educational levels, including higher education, to thrive in a democratic and diverse society and changing world as knowledgeable, creative, engaged citizens, and lifelong learners.

1 of practices and processes that proactively build healthy relationships and a sense of community.
2 Restorative practices to address conflict and wrongdoing, behavior, rule violations, and school
3 climate can improve relationships between students, between students and educators, and
4 between educators whose behavior often serves as a role model for students. They allow each
5 member of the school community to develop and implement a school’s adopted core values.
6 Restorative practices allow individuals who may have committed harm to take full responsibility
7 for their behavior by addressing the individual or individuals affected by the behavior. These
8 practices represent a collective mindset that can help guide youth and adult behavior and
9 relationship management in schools.

10 Restorative justice practices and processes do not replace but rather complement existing
11 initiatives and evidence-based programs like Positive Behavior Interventions and Supports
12 (PBIS) or social and emotional learning models that assist in building a foundation and culture of
13 caring.

14 **Guiding Principle 2:**
15 **Relevant Professional Development for Culturally Competent Educators**

16 NEA believes that educators—which includes every adult working in our schools—must be
17 fully supported so they are better prepared to respond to the social and emotional needs of each
18 student to ensure development of the expertise and understanding of what it means to be
19 culturally competent and responsive.⁵ A culturally competent pedagogy connects students’
20 cultures, languages, and life experiences with the school curriculum. Leveraging a student’s
21 knowledge and experiences from their families and communities helps them to access and
22 connect with the curriculum and develop their academic skills.

23 Support of students who suffer from childhood trauma requires whole school involvement
24 and transformation. To achieve our vision, the Association and its affiliates must actively engage
25 in developing the means for schools and educators to address trauma and its implications for
26 creating safe, just, and equitable schools. Educators must be given ongoing opportunities to
27 develop the expertise to work with students from different racial, ethnic, and economic
28 backgrounds, and to support those students who may be affected by childhood trauma.

29 The Association must fully engage and authentically partner with stakeholders to develop
30 and implement, with fidelity, training that is relevant, proven, substantial, and ongoing, and
31 professional development tools that are responsive to the needs of students and educators and are
32 designed to build and increase educators’ cultural competence over the course of their careers. At
33 a minimum, these programs must address:

- 34 A. Development of communications skills including strategies for peer-to-peer, educator-to-
35 parent, and educator-to-student communication.
- 36 B. Development of cultural competence and responsiveness including awareness of one’s
37 own implicit biases⁶ and trauma, understanding culturally competent pedagogy, and
38 becoming culturally responsive in one’s approach to education and discipline/behavior.

⁵ *Cultural competence and responsiveness* means the capacity to interact effectively and respectfully with people from different racial, ethnic, and/or economic backgrounds, and includes understanding that different cultures have different communication codes and styles, being open to learning from others, to shift out of one’s own cultural paradigm, and to refrain from judging people before honestly exploring what motivates their behavior.

⁶ *Implicit bias* means the deep-seated attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

- 1 C. Training developed for, and delivered to, pre-service, early career, and experienced
- 2 educators.
- 3 D. Understanding of trauma and its effect on a student’s education.
- 4 E. Knowledge and skills required to transform schools into trauma-informed environments.

5 **Guiding Principle 3:**
6 **Eliminating Disparities in Disciplinary/Behavioral Practices**

7 NEA is committed to ending harsh school discipline/behavioral policies that directly and
8 indirectly contribute to a crisis of criminalization of our youth, and disproportionately harm
9 Native students and students of color. National research shows that these policies specifically
10 have a disparate impact on Native, Black, and Latin(o/a/x) students, including those who identify
11 as LGBTQ+, have disabilities, and/or are English language learners. Regionally, Asian, Middle
12 Eastern and North African, Pacific Islander, and Multiracial students experience harm and
13 disparate outcomes as a result of such policies. NEA demands an end to school
14 disciplinary/behavioral policies and practices that overuse suspension and expulsion; employ
15 zero-tolerance⁷ policies that criminalize minor infractions of school rules; increase police
16 presence and surveillance on school campuses that create prison-like environments; and
17 encourage school staff to impose exclusionary discipline or refer students to law enforcement,
18 juvenile justice authorities, and immigration services. Students who are suspended or expelled
19 not only fall behind academically but are significantly more likely to drop out of school
20 altogether, fail to secure a job, rely on social welfare programs, and end up in prison or face
21 deportation.

22 The Association will advocate for schools, school districts, and states, in ensuring public
23 accountability to the communities they serve, to take appropriate steps to review their
24 disciplinary/behavioral policies and practices for any disparate impact on the basis of race,
25 ethnicity, or other protected characteristics; to take prompt and effective action to eliminate any
26 disparate impact found; and to continue to monitor disciplinary/behavioral policies and practices
27 to ensure that they are fair and nondiscriminatory.

28 **Guiding Principle 4:**
29 **Eliminating the Criminalization and Policing of Students in Schools**

30 NEA believes the criminalization and policing of students obstructs a thriving and nurturing
31 school climate. Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific
32 Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities,
33 and/or are English language learners are in greater jeopardy in schools with a presence of police
34 and law enforcement.⁸ Schools with police presence rely more heavily on exclusionary
35 discipline, and exclusionary discipline falls disproportionately on Black students and students of
36 color.

37 Ending the policing of students on school campuses is essential to ensure thriving spaces for
38 all stakeholders and to facilitate policies that dismantle inequalities and eliminate the
39 criminalization of youth. The Association strongly opposes the policing of students in all of its
40 forms which perpetuate the school-to-prison and school-to-deportation pipelines.

⁷ *Zero-tolerance* refers to school disciplinary/behavioral policies and practices that set predetermined consequences or punishments for specific offenses or rule infractions. Zero-tolerance policies forbid persons in positions of authority from exercising discretion or changing punishments to fit individual circumstances.

⁸ *Police* or more specifically *law enforcement* refers to any sworn individual with the power to arrest, detain, interrogate, and issue citations.

1 NEA recognizes the significance of physical school facilities as a reflection of what educators
2 want our schools to be—welcoming, inclusive, and supportive environments for our students,
3 parents/guardians, and communities.

4 Therefore, the Association demands an end to:

5 A. Participation in federal 1033 programs which deliver unnecessary weapons, vehicles,
6 surveillance technology, and other equipment that unjustifiably militarize the police
7 presence on school campuses.

8 B. Overreliance by educators on referrals to law enforcement which increase the likelihood
9 of contact with the juvenile justice system.

10 C. Subjective and biased enforcement of disciplinary policies such as hair and dress codes.

11 D. Construction of prison-like school environments that employ metal detectors, random
12 searches, and other building and design elements that diminish a thriving and nurturing
13 school climate.

14 **Guiding Principle 5:**

15 **Student, Family, Organizational, and Community Engagement**

16 NEA’s vision is a safe, just, and equitable school in which all students’ needs and lived
17 experiences are centered and voices that have been historically exploited, ignored, or silenced are
18 empowered and heard. The emotional, social, physical, and spiritual needs of the whole student
19 must be strengthened and supported through education, family partnerships, and relationship
20 building. Students, parents/guardians, and other caregivers must be engaged and trained in
21 problem-solving techniques, conflict resolution skills, mental health and wellness, and cultural
22 competence and responsiveness. The development and implementation of a restorative justice
23 philosophy paired with restorative practices is essential for building healthy relationships and
24 communities to prevent and address conflict and trauma. Students must be invested in their own
25 success and understand that their actions and voices are critical in shaping and driving the
26 decisions that affect their school communities and help create inclusive, bias-free, and thriving
27 school climates.

28 The Association must fully engage and authentically partner with a comprehensive range of
29 stakeholders that includes students, parents/guardians and family members, local and state
30 affiliates, school boards, school districts, peer mentoring groups, community-based
31 organizations, mental health and wellness organizations, churches, alternative schools/juvenile
32 correctional institutions, law enforcement, professional associations and advocacy groups, and
33 social justice stakeholders to identify policies, practices, and activities to achieve a shared vision
34 for safe, just, and equitable schools.

35 **III. Implementing an Association-Wide Plan to Achieve Our Vision**

36 NEA will utilize the Framework for Racial Justice in Education⁹ to achieve our vision for
37 safe, just, and equitable schools through the identification of strategies, activities, stakeholders,
38 and internal and external levers of change required to influence sustainable transformation and
39 learnings across school systems. The framework identifies three strategies: awareness, capacity
40 building, and action encompassed within pre- and post-qualitative and quantitative evaluations.
41 The framework also provides direction to focus the identified strategies, tactics, and activities
42

⁹ See *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, Appendix C.

1 while determining partnerships needed to leverage systems of change within the Association and
2 institutions.

3 NEA will utilize the Racial Equity Impact Assessment (REIA)¹⁰ to guide the development
4 and implementation of Association-wide plan activities. The REIA is designed to ensure
5 stakeholders are proactively working to prevent bias and racial inequities from appearing in
6 identified solutions.

7 The goals of NEA’s plan are to:

- 8 A. Identify and support opportunities to engage, activate, and mobilize members and
9 leaders to organize to achieve safe, just, and equitable schools for every student,
10 educator, parent/guardian, and community.
- 11 B. Develop an Association-wide understanding of the issues and impacts of the
12 criminalization and policing of students.
- 13 C. Develop and strengthen NEA’s partnerships and coalitions with organizations,
14 movements, and legislators to advocate and organize for safe, just, and equitable
15 schools.
- 16 D. Integrate and align the Safe, Just, and Equitable schools vision and criteria across the
17 NEA Enterprise priorities and activities.

¹⁰ See *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, Appendix D.

Appendix B: Association-Wide Plan for Safe, Just, and Equitable Schools

Association-wide Plan for Safe, Just, and Equitable Schools

The Task Force was charged with crafting an *Association-wide plan in consultation with leaders of current police-free school movements, as well as successful police-free schools legislation across the country*, to include developing a common language, understanding of historical and current student experiences, training, and workshops, and opportunities to take collective action.

The Task Force acknowledges that this plan has been developed within the broader context of decades of chronic underfunding of public education as well as different state and local policies. The data shows the criminalization and policing of students and youth disproportionately impacts students who are Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners. The Task Force also appreciates the continuum of positions local and state affiliates may have on this issue, and believes the design of this plan will be valuable to them as we organize to achieve safe, just, equitable and thriving schools for every student.

The Task Force, as part of its charge, outlined a vision for safe, just, and equitable Schools as well as reviewed data and existing NEA policy to inform the development of the Association-Wide Plan (Plan).

The Task Force also utilized [NEA's Framework for Racial Justice in Education](#) (See Appendix C) to organize the work identified in NBI-A (*inclusive of new potential work identified by the Task Force as it deliberated*) and identify strategies, activities, stakeholders, and internal and external levers needed to influence sustainable change and learnings across school systems. To ensure we are proactively working to prevent bias and racial inequities from showing up in the identified solutions, the Racial Impact Assessment Tool (See Appendix D) was also integral to guide the development of the Plan.

The NEA Framework identifies three strategies; Awareness, Capacity Building, and Action encompassed within pre and post qualitative and quantitative evaluations. In addition, the framework also provides direction to help focus the identified strategies, tactics, and activities while determining partnerships needed to help level systems of change within our Association and institutions.

ASSOCIATION-WIDE PLAN GOALS:

- Identify and support opportunities to engage, activate, and mobilize members and leaders to organize to achieve safe, just, and equitable schools for every student, educator, parent/guardian, and community.
 - Develop an Association-wide understanding of the issues and impacts of the criminalization and policing of students.
 - Develop and strengthen NEA's partnerships and coalitions with organizations, movements, and legislators to advocate and organize for safe, just, and equitable schools.
 - Integrate and align the Safe, Just, and Equitable schools vision and criteria across the NEA Enterprise priorities and activities.
-

STRATEGIES:

AWARENESS | *We will engage internal and external stakeholders to compile and disseminate data that supports and compels us to act with the intention of positively influencing the hearts and minds of education stakeholders. We will identify and implement activities that: support the development of a common language; deepen our collective understanding of the historical and current student experiences of being criminalized and policed in public schools; and deliver workshops, training, and resources to support the strategy.*

AWARENESS ACTIVITIES | *Our activities and actions will be guided by the following values/principles: Intentional prioritization and integration of students' voices; and our organizational vision, mission, and core values.*

Narrative Development and Dissemination:

Leverage pre-evaluation information to develop clear and compelling messaging and narrative on why this issue of school/campus-based SROs/police/law enforcement and the criminalization of students is critical to creating safe, just, and equitable Schools.

- Develop, in partnership with movement partners, video series that incorporates Race Class Narrative principles, NEA core values, responses from interviews and surveys, local and state data to articulate and engage our audiences on why we are engaged on the issue of school/campus-based SROs/police/law enforcement and ending the criminalization of students.
- Develop listening sessions with members, students, families/parents/guardians to support members' and leaders' understanding of the impact(s) of students being criminalized and school/campus-based SROs/police/law enforcement.
- Employ interview tools in targeted local associations to develop step-by-step guidance and FAQ (Frequently Asked Questions) on taking action to end the criminalization of students and/or removing SROs/police/law enforcement from schools.
- Develop and/or share existing message guidance related to gun violence.

Deepen our understanding of existing policy (internal and external):

- Develop engagement process for NCUEA leaders, key committee chairpersons, and targeted local associations that have implemented policies to end the criminalization and policing of students as well as police-free schools campaigns to share information that can be disseminated to the NEA Board, NCSEA, and NCUEA more broadly.
- Utilizing the compiled internal policy as well as local and state policy, develop a guide on common language and strategy themes and ideas.

Engage members, leaders, and community allies and co-conspirators to strengthen our collective knowledge and understanding:

- Establish opportunities for members to engage with local associations and movement leaders that have had an impact that has resulted in the re-allocation of resources to replace SROs/police/ law enforcement with staffing models that support the emotional, mental, physical, social, and spiritual well-being of students.
- Create opportunities for members and leaders to engage and share tools and resources regarding educator practice and behaviors to prevent the criminalization and policing of students as well as strategies to strengthen relationships with students and colleagues.
- Develop salons/forums/dialogues to spotlight lessons learned from targeted local associations (see Actions section), as well as exemplar locals that have been engaged in campaigns and/or, have won transformative change(s).

- NEA commitment to ensuring all national conferences have a workshop/training session regarding the criminalization and policing of students.
- Engage NCSEA and NCUEA jointly to develop state policy strategies on impacting educator/teacher preparation programs to ensure they center on justice, equity, and liberation.

CAPACITY BUILDING | *NEA will leverage learning, design, and development of strategies for the advancement of racial, social, and economic justice to enhance organizational capacity to engage, activate, and collaborate with members and leaders, allies, co-conspirators, and existing movements to actualize our Vision for Safe, Just and Equitable schools.*

CAPACITY BUILDING ACTIVITIES | *Our activities and actions will be guided by the following values/principles: Intentionally elevate and integrate students' voices; and create spaces to include all critical voices, for example, students and families.*

Workshops and Training:

Training educators and leaders to lead on equity and racial justice, leveraging the *Leaders for Just Schools* curriculum and model, targeted inclusion of *Leaders for Just Schools* cohort members, Aspiring Educators, community allies and co-conspirators.

- Develop workshop/training on understanding and analyzing data to develop options and solutions.
- Develop workshop(s)/training(s) on message, messaging, and narrative (*resulting talking points must be made accessible to rank-and-file members in addition to leaders*).
 - Develop messaging that speaks to the diversity of our membership.
- Develop RCN (Race Class Narrative) workshops to advance messaging and identify messengers.
- Develop workshop/training on “defunding police.” Inclusive of common language, organizing strategies (members, students, families, and communities), and implementing campaigns.

Educator Professional Development:

Develop professional development workshops and training on educator self-awareness (Integrate into educator prep programs).

- Develop workshop/training to support educator self-examination of individual practices to prevent criminalizing students and the school-to-prison and school-to-deportation pipelines. (*For example; Who are they reporting? What is the impact? What is the role of educators in creating policed schools? What is the first thing they do when a student has a discipline issue?*)
- NEA commits to ensuring educators' professional development on self-awareness and practice examination occurs at every national conference.
- Develop and implement workshops and training to support educator cultural competence and responsiveness.

Tools and Resources:

Collaborate with movement leaders and partners to develop an online guide for state and local associations as well as members, leaders, and activists that includes:

- Framework for action that is centered in organizing and highlights the importance of establishing and joining coalitions as well as intentional engagement with students, parents/guardians, and families as thought partners.
- Messaging and narrative language (including common language).
- Defining and mapping the opposition and their strategies.

- Menu of choice points/options including relevant action steps based on the “how-to” and FAQ that is developed (see pre-evaluation):
 - Data gathering; *What data do we have and what do we need? Is it disaggregated?*
 - Engaging stakeholders: *Who will you engage? Who will join your action? Who is most directly impacted, especially those most marginalized underrepresented (e.g., educators or students of color, lowest-paid workers)? How can they be meaningfully engaged and empowered in this process? Steps to building coalitions and establishing partners.*
 - Generate options/solutions: *Policy—state, local, district? What policy templates do we have? What steps to act should we outline? What are our tools for educating policymakers?*
 - Evaluate/assess impacts; *Identify indicators of success? What are the positive and negative impacts on different racial/ethnic communities? How can this help counteract dominant patterns of white supremacy? What positive values, norms, and narratives can we affirm and project? How does this align with our vision, mission, core values, and priorities?*
- Develop an educator practice review checklist/tool to eliminate and prevent the criminalization of students and the school-to-prison and school-to-deportation pipelines.

ACTION | *Engage and activate members, leaders, and stakeholders in organizing actions to win and sustain change at the local, state, and national levels, including legislative action and school district policy to combat institutional racism and advance racial and social justice.*

ACTION ACTIVITIES | *Our activities and actions will be guided by the following values/principles: Integrate an organizing lens and a racial and social justice lens; empower and integrate students’ voices; create spaces to include all critical voices, for example, students and families.*

The Vision for Safe, Just, and Equitable schools will inform and direct our support for, elevation of, and ability to lead campaigns that:

- Advocate for just funding formulas that remedy pervasive resource disparities based upon race, income, and geographic wealth patterns, and advocate for no-cost higher education.
- Seek to leverage American Rescue Plan and Elementary and Secondary School Emergency Relief (ARP/ESSER Fund) in addition to supporting opportunities to achieve the reallocation of funding to provide students with school-based, non-privatized, non-outsourced services to meet their social and emotional and mental health needs by:
 - Achieving robust staffing levels, including appropriate class sizes, access to electives, arts, librarians, ESPs (education support professionals), and appropriate higher education staffing levels.
 - Training specific school personnel to be full-time restorative justice coordinators and providing all school employees with professional development for cultural responsiveness, implicit bias, anti-racism, trauma-informed practices, restorative justice practices, and other racial justice training.
 - Hiring school-based mental health providers trained to provide culturally appropriate services, such as school counselors, nurses, social workers, drug and alcohol counselors, and psychologists, and utilizing trauma-informed, restorative justice practices, meditation/peace centers, and other proven methods to address student health and well-being.
- Eliminate the school-to-prison and school-to-deportation pipelines.

- Win transformative investments for racially just schools that include addressing the academic, social, and emotional needs of every student through their entire educational journey, including non-biased access to pre-K and postsecondary opportunities.
- Seek remedy to economic justice issues including, but not limited to, affordable housing, housing insecurity, food insecurity, and access to health care and child care.
- Achieve dramatic funding increases for proven programs such as services for low-income students under Title I and students with disabilities under the Individuals with Disabilities in Education Act (IDEA).
- Result in greater numbers of Native educators and educators of color in the education profession(s) and the Association; specifically, in high-quality, full-time, professional, or tenure-track positions.
- Result in increased investment to expand community schools leveraging the NEA Community Schools Model.
- Result in increasing the implementation of developmentally appropriate, culturally competent, and responsive education, critical race theory, and ethnic (Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students) studies curriculum in pre-K12 and higher education.
- Eradicate racist laws, policies, and practices; the criminalization and policing of students, families, and communities of Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial people; and the criminalization of poverty.
- Engage and empower students, families, community members, and other key stakeholders in the decision-making process in their schools, districts, higher education institutions, and communities.
- Seek to win policies that transform the culture of teacher preparation so that it centers on healing, justice, and inclusion.

ORGANIZING ACTIVITIES | *Identify, target, and support issue organizing institute to end the criminalization and policing of students in schools.*

- Engage targeted local associations to support (staffing, funding, tools) campaigns that seek to end the criminalization and policing of students.

EVALUATION |

Design and implement a comprehensive strategy to gather data to inform our analysis of the issue(s), test new strategies and evaluate outcomes and impact of our work.

EVALUATION ACTIVITIES | Our activities and actions to collect, analyze, and assess data will be guided by the following values/principles: centering on the voices of students, families, and educators; a clear understanding of what makes quality data.

Pre-Evaluation: Assessment and Survey

Assess and understand the roles, staffing levels and configurations as well as the impact(s) of 1) personnel that support the mental, behavioral, physical, emotional and spiritual well-being of students, and 2) SROs/police/law enforcement in schools, school districts, states, and the country:

- Compile and make available online data outlining national and statewide funding in support of school counselors, psychologists, social workers, behavior specialists, restorative practices coordinators, nurses, and other health care professionals (mental, social, and emotional).
- Compile data about community schools in relation to staffing and the presence of law SROs/police/law enforcement.

- Gather data related to electives, arts, library, recess, sports that promote health and thriving schools.
- Identify tasks SROs/police/law enforcement are asked to do at their school sites.
- Gather data on the impacts of school-based SROs/police/law enforcement from current organizations and movements focused on ending the criminalizing and policing of students and police-free schools campaigns.
- Collect data on the ways schools/districts have rehired and renamed SROs/police/law enforcement to avoid policy changes restricting their presence.
- Compile and make available online data outlining national & statewide police funding and incarceration of our youth (children, adolescents).
- Compile and digitally catalog related internal policy and local and state policies on school safety issues inclusive of school and campus-based SROs/police/law enforcement.
- Compile and digitally catalog related internal policy and local and state policies on ending gun violence.
- Compile existing collective bargaining language regarding school safety issues inclusive of school and campus-based SROs/police/law enforcement and ending the criminalization and policing of students.
- Develop a database of potential partners, coalitions, and movement leaders external to NEA inclusive of national organizations and their state, and local subsidiaries.

Develop assessment and survey instruments (qualitative and quantitative) and tools for local and state affiliate use:

- Develop an online local/state survey/assessment as a data collection tool to determine the status of SRO/police/law enforcement within individual schools/school districts.
- Develop an online assessment to create a continuum of learning and determine the level at which leaders and members understand the issue.
- Develop a survey of key questions on the issues of school-based SROs/police/law enforcement for NCSEA (National Council of State Education Associations) and NCUEA (National Council of Urban Education Associations) to strengthen local and state affiliate collaboration.
- Develop student and member interview questions and target local associations that have already removed SROs/police/law enforcement from schools so that they can create a “how-to” guides with frequently asked questions on what happens and how to address challenges.

POST-EVALUATION ACTIVITIES | *Our activities and actions to collect, analyze, and assess data will be guided by the following values/principles: centering the voices of students, families, and educators; being a learning organization to inform strategy and measure our success and impact.*

Post-evaluation (*Are there additional outcomes and measures to identify?*)

- State and local affiliates have passed policies around police-free schools.
- Number of partnerships NEA has fostered.
- Number of trainings NEA has provided (state, local, individual).
- Number of grants NEA has provided to state and local associations to support activities seeking to end the criminalization and policing of students.
- Number of legislative achievements (federal and/or state) regarding safe, just, and equitable schools (inclusive of mental health and non-governmental agency support).
- Annual review by members and staff connected to the Task Force.
- Ensure guidance of ongoing work is demonstrated in an annual report to the NEA Representative Assembly.

Appendix C:
Strategic Framework for Racial Justice in Education



Racial Justice In Education Framework

RACIAL JUSTICE DEFINITION:
The systematic fair treatment of
people of all races that results
in equitable opportunities and
outcomes for everyone.

NEA Vision For Racial Justice In Education

NEA has a vision for a Great Public School for Every Student. We know that institutional and structural racism are barriers to achieving our vision. We will leverage the power and collective voice of our members to end the systemic patterns of racial inequity and injustice that affect our Association, schools, students and education communities.

Racial Justice In Education Framework Principles

- Our collective work promotes a vision for public education that advances inclusion, equity, and racial and social justice in our schools, Association and society.
- Our collective work must dismantle white supremacy, and ensure that bigotry and discrimination based on gender, sexual orientation, disability or national origin are not part of our Association, classrooms, educational curricula, classroom management, school policies and discipline practices.
- Our Association and schools must be safe for all students, and free from state-sanctioned, racialized, and gender-based violence. Our work must actively divest from prison cultivation and invest in counselors and positive discipline practices.
- Our work must result in action – programs, campaigns, policies, and capacity-building efforts for local NEA members that dismantle institutional racism now and into the future. Initiatives should create sustainable infrastructures that can continue to create systemic change and hold decision-makers, elected officials, and institutions accountable.
- Our current governance leaders must recruit, engage, and promote leadership by educators of color to share the ladder of opportunity because we are stronger together.
- Programs, campaigns, and projects must be driven by goals that are clearly outlined, tracked, and measured, and that have accountability systems that explicitly promote racial justice.
- Our work must promote education policies, professional practices and curricula which highlight and honor the histories and cultures of people of color and indigenous peoples.
- We must work to ensure that all students have access to a safe and quality education, regardless of their country of origin or immigration status.
- Our work must promote and support the engagement of students of color and LGBTQ students in shaping policies that directly impact their educational experience, and foster safe and inclusive schools.
- We must work to dismantle discipline systems that create the School to Prison Pipeline and replace them with practices that encourage inclusion and are free from racial and ethnic bias.

***It is our belief,
that these framework
principles are essential
to accomplishing our
vision of racially
equitable and
just schools.***

Racial Justice In Education

Applying A Racial Equity Lens

Racial equity and justice in education is a critical element to achieving our mission and vision. It demands that we view our collective work through a Racial Equity Lens. Racial Equity Lens, when applied authentically, enhances choices, decision-making and allocation of resources.

Our ability to apply a Racial Equity Lens, means that we are:

- effectively and more thoroughly analyzing what is not working around racial equity in public education;
- identifying and actively supporting solutions that are working to increase racial equity and preventing racial injustice in public education;
- shifting our choices and decision-making about racial equity in public schools;
- transforming and healing ourselves, the structures within the public education system and our own institution.

Equity To Justice

Throughout our history, the NEA has joined in partnership to move policies that would address inequities in education, but we understand now that racial justice in education requires movement beyond racial equity which is where we find ourselves; at the precipice of doing a lot with limited ability to sustain it.

That movement will require that:

- We have a deep understanding of racial history and the trauma caused and are able to acknowledge its presence throughout systems, cultural norms, practices and policies.
- We focus on solutions that will build power (political, economic, civic, community) for the most sharply impacted communities and people.
- We effectively use racial impact assessment tools & develop racial justice action plans
- We shift and share power, program, & resources
- We adopt anti-racist and racial justice protocols & practices
- Culture and narrative shift
- Data is used to drive results/impacts

Racial Justice In Education Framework

The NEA Racial Justice in Education Framework was developed in conjunction with the principles and concepts embedded in the “Wheel of Change” model. This framework centers and guides our systems change work, which includes our behaviors/practices, organizational culture and our strategies to impact the hearts and minds of the people. The framework also identifies the organizational “levers” that must be engaged to create transformational change to develop and build a more knowledgeable, more skilled racial analysis and a deeper commitment towards racial justice and equity.

Three Elements Of The Framework

The Framework Core

AWARENESS - Goal: to develop and strengthen our collective awareness and understanding of the causes and impacts of systemic (institutional and structural) racism in education and the necessity for racial justice and the centrality of racial justice in achieving NEA’s mission.

- Build racial equity awareness and analytical capacity across our Association
- Fostering understanding of key concepts such as systemic (institutional and structural) racism, implicit bias, racial equity and multiracial systemic solutions.
- Develop shared knowledge and conceptual clarity that supports normalizing explicit and constructive conversations about race.

CAPACITY BUILDING - Goal: equip and prepare members and leaders with skills to use the strategies to take action to advance racial justice.

- Equip members, leaders, staff and partners with the skills, tools, strategies, resources and relationships to be effective leaders and advocates in the fight for racial justice in education.
- Develop tools and resources to support organizational and cultural change through policy, practice and behavior changes.

ACTION - Goal: to engage members and stakeholders to advocate, organize and mobilize to combat institutional racism and advance racial justice in education.

- Engage and activate members, leaders and stakeholders in on-the-ground efforts to combat institutional racism and advance racial justice.
- Support external organizing efforts to advance changes in our schools and communities
- Support internal opportunities to implement equitable practices that positively impact the Association’s work and promote culture change.

Analysis & Intervention: Identification & Implementation

WHEEL OF CHANGE - A systems approach to organizational change and impact.

- Hearts & Minds
- Behaviors
- Structures

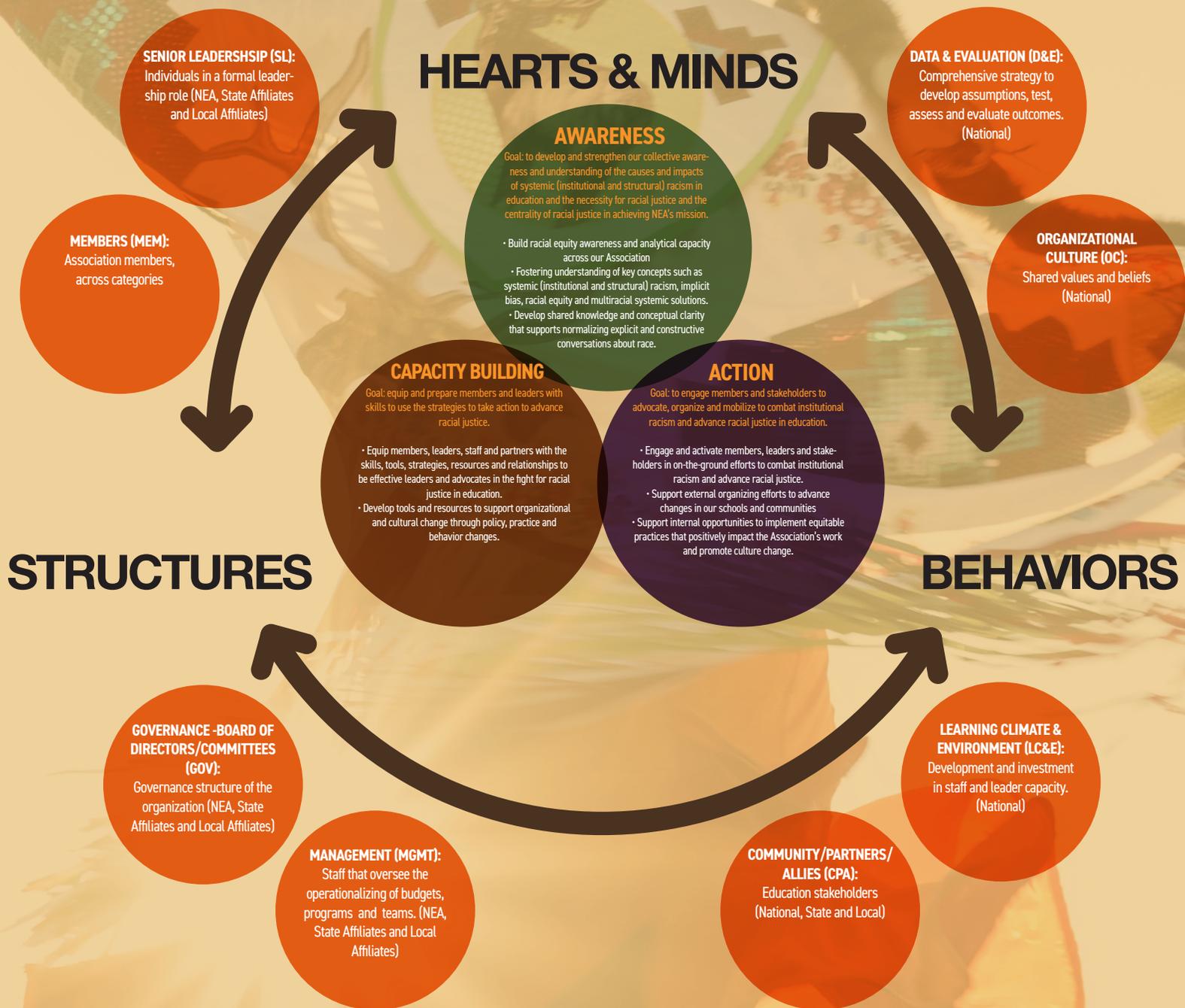
Connecting Framework Elements



ORGANIZATIONAL CHANGE & IMPACT LEVERS

- **ORGANIZATIONAL CULTURE (OC):** Shared values and beliefs (National, State and Local Affiliates)
- **LEARNING CLIMATE & ENVIRONMENT (LC&E):** Development and investment in staff and leader capacity. (National and State Affiliates)
- **DATA, ASSESSMENT, EVALUATION & STRATEGIC RESEARCH:** Comprehensive strategy to develop assumptions, test, assess and evaluate outcomes. (National)
- **SENIOR STAFF LEADERSHIP (SL):** Individuals in formal staff leadership roles (NEA, State Affiliates and Local Affiliates)
- **GOVERNANCE – OFFICERS/EC/BOARD OF DIRECTORS/COMMITTEES, COUNCILS, CONSTITUENCIES & CAUCUSES (GOV):** Governance structure of the organization (NEA, State Affiliates and Local Affiliates)
- **MANAGEMENT (MGMT):** Staff that oversee the operationalizing of budgets, programs and teams. (NEA, State Affiliates and Local Affiliates)
- **MEMBERS (MEM):** Association members, across all categories
- **COMMUNITY/PARTNERS/ALLIES (CPA):** Education and community stakeholders (National, State and Local)

The Framework Elements Working Together



Measuring Impact- Organizational Progress To Change

Based on the choices and decisions we make as an organization, we can measure and monitor how we move through phases of becoming a racial equity and justice focused organization. It should be

| Equity –Silent/Colorblind | Equity-Ineffective/ Diversity- Inclusion committed | Equity-centric/Racial Justice Focused |
|---|---|---|
| <ul style="list-style-type: none"> • Ignores race, denies racism • Ignores equity • Marginalizes People of Color | <ul style="list-style-type: none"> • Race is not centered or is watered down • Embraces diversity or DEI (diversity, equity and inclusion) at least on paper – but all talk, no action • Reactive, not proactive, on race • Change happens at a turtles' pace | <ul style="list-style-type: none"> • Elevates and centers racial justice as a strategic priority & mission imperative • Prioritizes equity in internal & external work • Implements Racially Equitable Systems Change (Visualize, normalize, organize & operationalize) • Organization-wide operations, program, and culture change |

Measuring Impact- Organizational Systems Change

| Visualize | Normalize | Organize | Operationalize |
|--|--|--|--|
| <ul style="list-style-type: none"> • Agreements that racial justice is a strategic imperative • Commitment to racially equitable systems change • mission, vision, and values address racial justice and equity | <ul style="list-style-type: none"> • Shared analysis, definitions & key concepts • Ongoing learning and capacity-building • Relevant & routine race-explicit conversation about daily core work | <ul style="list-style-type: none"> • Develop internal equity infrastructure • Racial Equity Core Team • Authentic/active stakeholder engagement • Equity leadership development • Build external partnerships, allies | <ul style="list-style-type: none"> • Racial Equity Action Plan • Use data to drive results/impacts • Use Racial Equity Tools • Adopts Racial equity protocols & practices • Power, program, & resource shift • Culture and Narrative shift |



Appendix D: Racial Equity Impact Assessment

Applying a Racial Equity and Justice Lens to Our Work

Introduction: This tool is used to apply a racial equity and justice lens; principles, concepts and for making decisions with deliberate attention to racial justice, social justice, equity, and inclusion. It offers an opportunity to thoughtfully and methodically examining our choices and decision-making to ensure they are centered on racial equity and justice. While this tool centers race, other relevant and/or intersecting power dynamics should also be addressed. It can be broadly applied to a wide-range of existing or proposed policies, practices, plans, programs, budgets, etc.

Why use this tool? This tool can help us to align our words and actions with our values, priorities and aspirations. When we are able to apply a racial equity and justice lens authentically, it enhances choices, decision-making and the allocation of resources.

We use this tool to:

- Consciously, actively, and continually prioritize racial justice,
- Acknowledge the racial history and the trauma caused throughout systems, cultural norms, practices and policies.
- Eliminate, reduce, and prevent harm, exclusion, inequities, and bias,
- Ensure that stakeholders, especially those most marginalized, are actively and authentically engaged in needed change efforts, and
- Build practice and organizational culture that advances racial justice, social justice, equity, and inclusion.
- Systemically analyzing what may be inhibiting our racial equity and justice work.
- Identify which *Framework Elements* we may need to focus on or prioritize in our work.
- Identify and actively supporting solutions that are working to increase racial equity and preventing racial injustice in public education;
- Identify the *Organizational Levers for Change* that need to be engaged and prioritized to drive change.
- Focus on solutions that will build power (political, economic, civic, community) for the most sharply impacted communities and people.
- Shift and share power, program, & resources.
- Measure our *Organizational Progress to Change*.
- Assess and measure *Organizational Systems Change*.

Who uses this tool? This tool best serves diverse teams of stakeholders across the organization, including external stakeholders and partners. Each time the tool is used the most relevant stakeholders must be identified, especially those most marginalized, under-represented and directly affected by the decision(s) under consideration. When using equity tools, *who* is doing the assessment is as important as *what* you are assessing. An inclusive process will yield more inclusive results.

How do you use the tool? The tool utilizes a sequence of steps in a process that may require you to return to a previous step to revise findings. Each step provides questions for consideration by relevant stakeholders. Be sure to allow ample time to thoughtfully and inclusively address each step. This tool is not meant to be used with the intent of completing it in one sitting. It requires time to gather information and consult with various stakeholders over a series of intentional meetings and/or engagements. The tool is designed to be widely applicable to many different kinds of decisions. Every question may not be relevant for every decision. You should consider tailoring or adding other helpful

questions to inform your decision(s). For more complex, significant or controversial decisions, ensuring that you address all of the steps and responding to as many questions as possible will provide a more robust analysis. For less consequential decisions, you can select the most relevant questions and do a simpler and shorter analysis.

Racial Equity Tool for Educators

| Step | Questions to Consider | Findings / Notes |
|---|---|------------------|
| 1. Clarify Goals | <ul style="list-style-type: none"> • What kind of decision is under consideration (e.g., policy, program, budget)? • What results or changes are you seeking to advance racial/social justice? • Is the work or decision intended to move the organization along the <i>Organizational Progress to Change</i> phases? • Is the work or decision intended to create <i>Organizational Systems Change</i>? | |
| 2: Engage Stakeholders | <ul style="list-style-type: none"> • What <i>Organizational Change and Impact Levers</i> (Who) will be engaged? • Who is most directly impacted, especially those most marginalized under-represented (e.g. educators or students of color, lowest paid workers) • How can they be meaningfully engaged, and empowered in this process? | |
| 3. Analyze Data | <ul style="list-style-type: none"> • What is the relevant history and current context? • What data do we have and what do we need? Is it disaggregated by race? • Who benefits and who is most burdened? How are different racial/ethnic groups affected differently? • What are the root causes of the problem? Are there intersecting dynamics? • What <i>Organizational Change and Impact Levers</i> are impacted? | |
| 4. Generate Options | <ul style="list-style-type: none"> • What proposed solutions can address the root causes and change systems? • How will this proposal advance racial justice, equity, and inclusion? • How will this proposal move the organization along the <i>Organizational Progress to Change</i> phases? • How will this proposal create <i>Organizational Systems Change</i>? | |
| 5. Assess Impacts | <ul style="list-style-type: none"> • What are the positive & negative impacts on different racial communities? • How will communities of color benefit from each option? • How can this help counteract dominant patterns of white supremacy? • What positive values, norms, and narratives can we affirm and project? • How does this align with our values, vision, mission and priorities? | |
| 6. Decide Solution | <ul style="list-style-type: none"> • What are the pros and cons of each option? • Are there ways to revise the options to prevent adverse consequences? • Which option best advances equity and justice? | |
| 7: Develop Implementation Plan | <ul style="list-style-type: none"> • What strategies, staffing, and funding are needed to ensure success? • What is the implementation plan & timetable? Who will move it forward? • How will we document & measure progress? What are success indicators? • How do the options move us through the phases of <i>Organizational Change</i>? • How can we ensure ample communication, participation & accountability? | |
| Step 8: Operationalizing Equitable Change | <ul style="list-style-type: none"> • How can we operationalize equity practices to sustain success? • How do we institute these changes so they become ongoing practices, protocols, habits – a part of our organizational culture? | |

Worksheet for Comparing Racial Impacts of Different Proposed Solutions

1. Use this worksheet for Steps 5 and 6 of the Racial Equity Tool. List the different proposed solution options to assess in the top shaded row.

2. For each option, list potential positive impacts and negative impacts for different racial groups. In the bottom row, list other noteworthy factors or findings, such as intersecting dynamics (e.g. gender, class), geographic or generational differences, etc.

| | Solution Option 1: | Solution Option 2: | Solution Option 3: |
|-----------------------------------|--------------------|--------------------|--------------------|
| Potential Positive Racial Impacts | | | |
| Potential Negative Racial Impacts | | | |
| Other Notes & Considerations | | | |

Appendix E: Recommendations on Language Equity Review

Recommendations of the Racial Justice in Education Internal Language Review Stakeholder Group

**Adopted by the NEA Board of Directors
May 2, 2020**

The Report of the Task Force on Safe, Just, and Equitable Schools and the proposed NEA Policy Statement it is recommending includes a number of references to individual and collective group identities for race and ethnicity. In employing these references in both the proposed Policy Statement and the supporting research provided in this report, the Task Force has sought to honor and adhere to the recommendations of the Racial Justice in Education Internal Language Review Stakeholder Group as adopted by the NEA Board of Directors in May 2020, which are provided here for the reader's information. The full report of the Language Review Stakeholder Group is available on request through the NEA Center for Governance.

General Findings and Recommendations

With regard to general findings the Group recommends the following:

- 1. NEA acknowledges there are no perfect or universal terms that work for all situations,** especially collective terms that strive to encompass multiple and unique groups. We need to be mindful of the limitations of each term we use so that we don't contribute to exclusion or harm.
- 2. NEA acknowledges that, as imperfect as they may be, there is a need for collective and unifying terms.** There is a need for specific terms that distinguish and encompass those directly impacted by white supremacy. This can help foster communication, understanding, unity, and the growth of our power across race, ethnicity, and tribal affiliation.
- 3. NEA shall be mindful of the audience, context, and location, and embrace the flexibility to adapt our internal and external language accordingly.** For example, there are many generational and regional differences that must be taken into account. We are striving for unity over uniformity.
- 4. NEA shall strive for clarity and specificity with the terms used.** When referring to a particular group, it is best to specifically name the group, nationality, or tribe rather than use a collective term. Loss of specificity can have an erasing or diversionary effect. For example, it is essential to use "Black lives matter" instead of "all lives matter" to specifically highlight the ways Black people are mistreated by law enforcement.
- 5. NEA shall embrace change and flexibility, rather than perfection or permanence, to ensure that our language is inclusive, respectful, and relevant.** Since terminology and meanings change with the times, we must continually review and revise our language.
- 6. NEA shall ensure that selected terms align with NEA's mission, vision, goals, and values.** Justice, inclusion, and unity are our guiding principles for choosing appropriate language.

Recommendations on Specific-Group Identity Terms

Based on extensive deliberations by race-alike teams within the Working Group and additional review of member survey data, the Group recommends the following for specific-group identity terms:

7. **NEA strongly believes in the right of individuals and communities to self-identify.** Individual NEA members and racial/ethnic caucuses always have the right to self-identify. Rather than impose or mandate the usage of certain terminology, the aim is to foster greater understanding, communication, and connections across different identities and communities.
8. **NEA acknowledges that perfect specific-group terms, like perfect cross-group terms, do not exist.** Even *within* specific racial groups, we must be mindful of the complexities, challenges, and limitations of finding appropriate, inclusive, and unifying language.
9. **NEA shall use the specific-group term “Asian and Pacific Islander.”** It is also helpful to say, “Native Hawaiian and Pacific Islander,” rather than “Native Hawaiian and *other* Pacific Islanders.” (No one wants to be “othered.”) “Asian” can also include “Middle Eastern and North African (MENA),” depending on how people choose to identify.
10. **NEA shall use the specific-group terms “Native People,” “Native,” or “Native American/Alaska Native.”** The term “American Indian” is becoming outdated. Alaska Natives are distinct from Native Americans, but both are Native People. And Native Hawaiians can also be considered Native People. Since Native Americans have the distinct status as Indigenous to this continent and members of sovereign nations, it is appropriate to use tribal, rather than ethnic or simply racial, identities.
11. **NEA shall use the following specific-group terms and order for “Latin(o/a/x), Hispanic, and Chican(o/a/x).”** Many Latin(o/a/x)s, Hispanics, and Chican(o/a/x)s may also identify as Indigenous.
12. **NEA shall use the specific-group terms “Black” or “African American.”** There are generational preferences (with more older members preferring “African American” and more younger members preferring “Black”) to consider when communicating with different audiences. We must also recognize that people of African descent from other countries of origin (such as Caribbean countries like Cuba, Panama, and Jamaica, and African countries such as Nigeria, Kenya, and Somalia) may not identify with, or feel included in, the term “African American.”
13. **NEA shall use the specific-group term “Multiracial” to describe people with two or more racial identities.** Our language must honor members’ full identities and recognize the growing population of people who are multiracial. People should be able to claim, and not have to choose between, their different racial heritages and have the option to check multiple races or all races that apply, including a “Multiracial” option, without having to check “Other.”
14. **NEA shall use the specific-group term “White.”** “Caucasian” is not recommended and is seen as archaic and pseudo-scientific, falsely rooting race in geography and obscuring the political and economic realities of racism. “European American” is also not recommended, as it is often used to treat race as merely another form of ethnicity or nationality, masking the racial realities and privileges of whiteness.

Recommendations on Specific-Group and Unifying Cross-Group Identity Terms

Based on extensive deliberations by the Working Group and additional review of member survey data, the Group recommends the following actions in relation to specific-group terms, unifying cross-group identity terms, and the dynamics between these terms and their usage:

15. **NEA shall use different racial/ethnic-related terms for internal and external uses.** Some racial/ethnic-related terms are more appropriate for internal use (e.g., communications with NEA’s own members, policies and governance documents, officer remarks at NEA convenings, and RA representation), while others are more suitable for external use (e.g., news statements, communications with external partners and others in the racial and social justice movements, videos, and social media).

16. **NEA shall use the following seven groups together within internal governing documents: “Native People, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander.”** The intention of this usage is to replace the term “ethnic minority” and its variations (e.g., ethnic minorities, ethnic-minority members) in the Association’s governing and policy documents.
17. **NEA shall use the collective term “Native People and People of Color” for external and public communications.** This term also refers to the same seven groups: Native People and (in alphabetical order) Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander.
18. **NEA acknowledges that the new internal and external terms are intended to replace “ethnic minorities” and refer to the same members that the Association currently considers to be “ethnic minorities.” As such, the new terms will carry the exact same meaning and status as “ethnic minorities,” with the exact same ethnic and racial representational goals, provisions, and protections.** The term “ethnic minority,” has had historic and political value within NEA, but with changing times and demographics, it is now considered to be dated and derogatory by many members, young people, and movement allies.
19. **NEA shall name Native People first, distinctly, and together with “People of Color” or when all seven groups are named.** This recognizes and honors Native People as the first people of this land. This also recognizes that Native People have a sovereign national and tribal status, as well as a racialized identity, which are both important and related, but also distinct.¹
20. **NEA recognizes the general acceptance, popularity, and usefulness of the term “People of Color” as a way of connecting, unifying, and building power across diverse communities. NEA acknowledges that the language and lens “of color” may oversimplify the complexities of race, while stigmatizing some communities with harmful labels associated with colors.** The term “People of Color” has value and popularity in the broader racial and social justice movements. Because NEA is committed to, and part of, building a broad-based racial and social justice movement—which necessarily involves working with many kinds of members, external partners, and stakeholders.
21. **NEA shall name and enumerate all of the specific groups in addition to using the unifying term.** When using the unifying term “Native People and People of Color”—it is helpful in the same communication, to also name all of the specific groups to which the term refers so that members of each group clearly know they are being included and represented.

Related Recommendations

The Group recommends the following related actions:

22. **NEA shall take all necessary steps to improve the Association’s racial/ethnic membership data collection.** Currently, the race and ethnicity of approximately one-third of NEA’s membership is unknown. More complete racial/ethnic data can help NEA understand, include, serve, and unite its full membership. The challenges of aligning NEA data collection with state

¹ Scholar and editor Elizabeth Cook-Lynn of the Crow Creek Indian Tribe writes: “Native populations in America are not “ethnic” populations; they are not “minority” populations, neither immigrant nor tourist, nor “people of color.” They are the indigenous peoples of this continent. They are landlords, with very special political and cultural status in the realm of American identity and citizenship. Since 1924, they have possessed dual citizenship, tribal and U.S., and are the only population that has not been required to deny their previous national citizenship in order to possess U.S. citizenship. They are known and documented as citizens by their tribal nations.”

Hayn, Kaplan & Clemmons. (2017). *Teaching Young Adult Literature Today: Insights, Considerations, and Perspectives for the Classroom Teacher* (2nd ed., p. 242). Rowman and Littlefield.

affiliate autonomy and U.S. Census data need to be explored and addressed. Specific action steps to collect clear, consistent, coordinated, and complete racial/ethnic data need to be identified and taken.

- 23. NEA shall develop and implement educational efforts to engage White members who resist identifying racially** (many of whom currently choose to identify as “other” rather than “White”).
- 24. NEA shall give more specific attention to language and data collection related to members who are Multiracial and members who are Middle East and North African (MENA).**
Further engagement with these communities is needed to identify appropriate language and other actions to provide clear recognition and inclusion.
- 25. NEA shall educate its members about the meanings and usages of different racial and ethnic terms.** This includes learning about and using new or different terms that are appropriate and useful, as well as understanding and discontinuing the use of terms that fall out of favor or may cause harm.
- 26. NEA shall take steps to deliberately and strategically build unity around unifying terms, interests, and aspirations.** The terms themselves will not build unity. We must re-commit to do the deep organizing around racial justice, across racial identities, in order to succeed.
- 27. NEA shall ensure that the adoption and implementation of any new racial and ethnic terminology guarantees the continuation of all governing and budgetary provisions intended to expand fair racial/ethnic representation in NEA (e.g., Bylaw 3-1.g and Bylaw 12-1.h).** Using inclusive and equitable language helps us align our words and actions. The clarity and cohesion this brings is critical to advancing racial justice and our mission to “to unite our members and the nation to fulfill the promise of public education to prepare every student to succeed in a diverse and interdependent world.”

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Appendix G. Task Force Members and Participants

Co-Chairpersons

Gladys Marquez, Ill., *High School Bilingual Program English Teacher, Region Ethnic-Minority Representative, IEA-NEA Board of Directors, NEA Executive Committee*

Christine Sampson-Clark, N.J., *Ninth Grade Math Resource Room Teacher, NEA Executive Committee*

Members of the Task Force

Amanda Curtis, Mont., *High School Biology Teacher, State Association President*

Bill Farmer, Ill., *High School Science Teacher, NEA Board of Directors*

James Frazier, N.J., *Education Support Professional, NEA Board of Directors*

Gina Harris, Ill., *Culture and Climate Coach; Adjunct Faculty-College of Education; Local Association Vice President; University Faculty Senate; Treasurer, NEA Black Caucus; NEA Budget Committee; NEA Board of Directors*

Tracy Hartman-Bradley, Neb., *Native Indigenous Centered Education Specialist/Certified Educator; Chair, NEA American Indian/Alaska Native Caucus; NEA Board of Directors*

Charlotte Hayer, Va., *High School Business and Information Technology Teacher; NEA Board of Directors*

James Henderson, Md., *Education Support Professional, Information Technology; NEA Resolutions Internal Editing Committee*

Nelly Henjes, Fla., *Education Support Professional; Local Association President; NEA Board of Directors*

Mel House, Calif., *Physical Education Teacher; NEA Board of Directors*

Edwin Kagawa, Hawaii, *Hilo Chapter President; HSTA Board of Directors; Vice Chair, Asian and Pacific Islander Caucus*

Cameo Kendrick, Ky., *Chair, NEA Aspiring Educators Program, NEA Board of Directors*

Aaron Kubo, Hawaii, *High School Social Science, Natural Science, and Foreign Language Teacher; NEA Board of Directors*

Jodi Kunimitsu, Hawaii, *High School Math Teacher; Chair, NEA Asian and Pacific Islander Caucus; Co-Chair, NEA Ethnic Minority Affairs Committee*

Cherlynn Lee, N.M., *Middle School Math Teacher; Secretary, NEA American Indian/Alaska Native Caucus*

Winter Marshall-Allen, Alaska, *Special Education Teacher, Region III Director, Area I Representative, NEA-Alaska*

Shannon McCann, Wash., *Middle School Special Education Teacher; Local Association President; Chair, NEA Legislative Committee; NEA Board of Directors*

Ovidia Molina, Texas, *Middle School ESL and History Teacher, State Association President*

Cecily Myart-Cruz, Calif., *Local Association President; Chair, NEA Black Caucus*

Ellen Olsen, Minn., *Education Support Professional, NEA Board of Directors*

Rahaf Othman, Ill., *High School Social Studies and EL Teacher; Local Association Secretary; Local Equity Co-Chair; Region Representative, IEA Human and Civil Rights Committee; NEA Arab American Caucus*

Aaron Phillips, Texas, *First Grade Teacher; NEA Board of Directors*

Kumar Rashad, Ky., *Ethnic Minority Director, National Council of Urban Education Associations*

Alfonso Salais, Mich., *Professor of Practice and IB Spanish; Secretary-Treasurer, National Council of Urban Education Associations; NEA Board of Directors*

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Erika Strauss Chavarria, Md., *High School Spanish Teacher; NEA Board of Directors*

Joe Thomas, Arizona, *High School Social Studies Teacher; State Association President*

Christine Trujillo, *N.M., Bilingual Elementary Teacher; Chair, NEA Hispanic Caucus; Co-Chair, NEA Ethnic Minority Affairs Committee*

Tammie Yazzie, *N.M., Fifth Grade Teacher; Treasurer, NEA American Indian/Alaska Native Caucus*

Margaret Yellow-Bird, *N.D., Sahnish Language and Culture Coordinator/Certified Educator; Local Association President*

Yan Yii, *Mass., NEA Board of Directors*

Staff Liaisons and Counsel

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