



June 8, 2020

Dr. Pedro Martinez  
Superintendent  
San Antonio Independent School District  
141 Lavaca Street  
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**Re: Call to Divest from San Antonio ISD’s School Policing**

To Whom it May Concern:

As members of the Safe & Supportive School Collaborative the undersigned social justice organizations write to urge the San Antonio Independent School District (“SAISD”) to divest from school policing in the district. SAISD likely faces a budget shortfall given the uncertainty of the district’s financial outlook amid the novel Coronavirus pandemic. SAISD should prioritize divestment of the funds it spends on policing. Children’s Defense Fund Texas, Disability Rights Texas, The Earl Carl Institute at Texas Southern University, and Texas Appleseed collaborate to advocate for policies that make schools safe and supportive of all learners, including black and brown students and those with disabilities. As our nation mourns the murder of George Floyd, we are reminded of the physical and psychological harms of over policing on students from minority communities as well as those with disabilities. In this moment of heightened awareness of the trauma experienced by so many at the hands of police officers, SAISD should follow in the footsteps of other districts, like Portland Public Schools<sup>1</sup> and Minneapolis Public Schools,<sup>2</sup> by divesting in school policing. Students in New York City and Phoenix are also demanding these changes.<sup>3</sup>

This push for no police on school campuses is not new for SAISD. In 2016, protesters and parents sent this very message after a cell phone video went viral showing a SAISD police officer slamming a 12-year-old female student to the ground at Rhodes Middle School.<sup>4</sup> This officer also failed to properly report this incident as required by SAISD policy.<sup>5</sup> SAISD students also adopted a student Bill of Rights<sup>6</sup> for equitable discipline practices, but during a February school board meeting this year, students asked the board for even less police involvement with

<sup>1</sup> Eder Campuzano, *Portland superintendent says he’s ‘discontinuing’ presence of armed police officers in schools*, Oregon Live (Jun. 4, 2020), [https://www.oregonlive.com/education/2020/06/portland-superintendent-says-hes-discontinuing-school-resource-officer-program.html?fbclid=IwAR3IDRyBPICwWJqBPU5\\_59FthdSLXbYKKvbeR4gxNekOkzaoq2LNT5CvsAw](https://www.oregonlive.com/education/2020/06/portland-superintendent-says-hes-discontinuing-school-resource-officer-program.html?fbclid=IwAR3IDRyBPICwWJqBPU5_59FthdSLXbYKKvbeR4gxNekOkzaoq2LNT5CvsAw).

<sup>2</sup> Ryan Faircloth, *Minneapolis Public Schools terminates contract with Police Department over George Floyd’s death*, Minneapolis Star Tribune (Jun. 2, 2020), [https://m.startribune.com/mps-school-board-ends-contract-with-police-for-school-resource-officers/570967942/?fbclid=IwAR11j715iBCne7Z\\_n3rVYjSD46fkokGzQVOhjS2q0R6ueO8o0q4vDSne4-k](https://m.startribune.com/mps-school-board-ends-contract-with-police-for-school-resource-officers/570967942/?fbclid=IwAR11j715iBCne7Z_n3rVYjSD46fkokGzQVOhjS2q0R6ueO8o0q4vDSne4-k).

<sup>3</sup> Katie Reilly, *‘Police Do Not Belong in Our Schools.’ Students are Demanding an End to Campus Cops After the Death of George Floyd*, TIME (Jun. 5, 2020), [https://time.com/5848959/school-contracts-police/?utm\\_source=twitter&utm\\_medium=social&utm\\_campaign=editorial&utm\\_term=\\_&linkId=90212299](https://time.com/5848959/school-contracts-police/?utm_source=twitter&utm_medium=social&utm_campaign=editorial&utm_term=_&linkId=90212299)

<sup>4</sup> Bill Barajas, *Protesters call for no police at Rhodes Middle School*, KSAT (April 13, 2016), <https://www.ksat.com/news/2016/04/14/protesters-call-for-no-police-at-rhodes-middle-school/>

<sup>5</sup> David Ibanez, Paul Venema, *SAISD fires officer involved in student-slaming incident*, KSAT (April 11, 2016), <https://www.ksat.com/education/2016/04/11/saisd-fires-officer-involved-in-student-slaming-incident/>

<sup>6</sup> San Antonio Independent School District, Student Bill Of Rights, Code of Conduct, available at: <https://www.saisd.net/upload/page/0187/docs/SCOCSBR111119.pdf>

school discipline because of ongoing in-school suspension and police intervention practices, rather than what was outlined in the document.<sup>7</sup>

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

However, reports show SAISD police officers are repeatedly in cases that aren't rare emergencies. One SAISD parent shared with us a story about how D.G., a tenth grader, was handcuffed by SAISD police and taken to the Bexar County Juvenile Detention Center after he and his friends posed for a selfie on top of a police officer's vehicle. In January of this year, thirteen (13) students were arrested at Davis Middle School after a "disturbance" tied to incidents of fighting.<sup>9</sup> SAISD increased police presence as a response.<sup>10</sup> SAISD police officers also responded to a twelve (12) year old female student playfully pushing and accidentally hurting another student by arresting her, charging her with assault, and taking her away in a police van.<sup>11</sup> The mother of this sixth grade Harris Academy student did not receive a phone call from the school principal until close to the end of the school day.<sup>12</sup>

Last year, a SAISD mother claimed SAISD police officers threw her son onto the ground, arrested him off campus, and took him to the Bexar County Detention Center when he didn't hear the officers trying to get his attention as he was leaving campus.<sup>13</sup> The student suffered a concussion.<sup>14</sup> Though district officials addressed it as a school safety issue because he was cursing at faculty and getting aggressive towards officers, these behaviors do not rise to the level of an emergency and SAISD officers didn't need to slam him and arrest him.<sup>15</sup>

School-based policing is one of the fastest growing areas of law enforcement.<sup>16</sup> While there is no official count of school resource officers ("SROs"), there are over 14,000 officers alone in only thirty (30) percent of our nation's schools.<sup>17</sup> Yet there is no evidence to show that adding SROs actually results in safer schools, according to the Justice Policy Institute.<sup>18</sup> In fact, adding SROs to campuses tend to specifically harm certain student demographics like students of color and students with disabilities.

Students of color, particularly Black and Hispanic students, are overrepresented in law enforcement referrals for offenses. In fact, Black students are referred for offenses like exhibition of firearms and terroristic threat at *twice* the rate of all other students.<sup>19</sup>

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<sup>7</sup> Alia Malik, *SAISD students ask for limits on school policing, amendments to their Bill of Rights*, San Antonio Express-News (Feb. 11, 2020), <https://www.expressnews.com/news/education/article/SAISD-students-ask-for-limits-on-school-policing-15045945.php>

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

<sup>9</sup> *'Police presence has been increased': 13 students arrested after 'disturbance' at east-side middle school*, KENS5 (Jan. 25, 2020), <https://www.kens5.com/article/news/local/13-students-arrested-after-disturbance-at-east-side-middle-school/273-00f7855c-89a6-496b-a950-7447b4fe8816>

<sup>10</sup> *Id.*

<sup>11</sup> Josh Brodesky, *No restraint by SAISD as girl, 12, handcuffed*, San Antonio Express-News (Oct. 17, 2016), [https://www.mysanantonio.com/opinion/columnists/josh\\_brodesky/article/No-restraint-by-SAISD-as-girl-12-handcuffed-9970390.php](https://www.mysanantonio.com/opinion/columnists/josh_brodesky/article/No-restraint-by-SAISD-as-girl-12-handcuffed-9970390.php)

<sup>12</sup> *Id.*

<sup>13</sup> Adi Guajardo, *SAISD mom says campus police 'mishandled' her son in arrest*, KENS5 (Sept. 18, 2019), <https://www.kens5.com/article/news/local/mom-saisd-police-injured-son-lanier-high-school/273-6a77888a-897e-4af9-9277-4e610c46fd6b>

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Cheryl Corley, *Do Police Officers in Schools Really Make Them Safer?*, NPR (Mar. 8, 2018), <https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>.

<sup>17</sup> *Id.*

<sup>18</sup> *Measured Responses: Why increasing law enforcement in schools is not an effective public safety response to the Newtown tragedy*, Justice Policy Institute (Dec. 2012), <http://www.justicepolicy.org/uploads/justicepolicy/documents/schoolsafetyfactsheet.pdf>.

<sup>19</sup> Deborah Fowler and Morgan Craven, *Collateral Consequences: The Increase in Texas Student Arrests Following the Parkland and Santa Fe Tragedies*, Texas Appleseed, <http://stories.texasappleseed.org/collateral-consequences>.

Students with disabilities represent only twelve (12) percent of student enrollment nationwide yet disproportionately make up twenty eight (28) percent of students referred to law enforcement.<sup>20</sup> These students face an increased likelihood of harm when interacting with SROs. In a 2015 court filing, The U.S. Department of Justice explained that “SROs should not enforce the school code of conduct or engage in routine discipline of students.”<sup>21</sup> However, the data shows SROs respond to outbursts from students with disabilities with escalated practices, without regard to whether these students pose actual threats.

There is a breadth of examples involving students with disabilities:

- SAISD officers were caught on video in 2019 carrying a seven (7) year old student diagnosed with Autism and a mood disorder out of school in handcuffs after an outburst.<sup>22</sup>
- a fourteen-year (14) old student in Houston ISD was restrained, handcuffed, and pepper sprayed by an SRO after allegedly throwing a single item of food during lunch<sup>23</sup>;
- a seventeen-year (17) old student in Katy ISD was tased six times by an SRO after leaving the classroom where he was being bullied<sup>24</sup>;
- a seven-year (7) old in Dallas ISD was tased and handcuffed by an SRO after a verbal outburst in the classroom<sup>25</sup>;
- a ten-year (10) old in Denton ISD was handcuffed and pinned on the floor face down by an SRO<sup>26</sup>;
- an eight-year (8) old in Southlake, Texas was secluded and mocked by an SRO, escalating an already upsetting outburst<sup>27</sup>.

Students can face expulsion or suspension when referred to law enforcement. In fact, when law enforcement charges students, they are almost always also suspended or expelled. Students with disabilities are four times as likely to be suspended from school than students without.<sup>28</sup> Black and Hispanic students are suspended from school at a disproportionate rate too.<sup>29</sup> Within SAISD, black SAISD students made up seven (7) percent of the district population, but accounted for fourteen (14) percent of suspended students.<sup>30</sup> Students in special education accounted for nearly twenty-one (21) percent of students who were suspended, but made up less than thirteen (13) percent of the district’s population.<sup>31</sup> When a student is suspended or expelled, that student misses out on relationship development that promotes pro-social growth and positive life outcomes.<sup>32</sup> By maintaining SROs or other law enforcement mechanisms, districts are placing students with disabilities at a distinct disadvantage.

This is why we urge SAISD to divest from school policing. The district will not only protect students but also save resources. Of the cases even referred to police, only twenty-five (25) percent even result in a guilty plea or

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<sup>20</sup> U.S. Department of Education, *Office for Civil Rights, 2015-2016 Civil Rights Data Collection, School Climate & Safety*, p. 39-40, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

<sup>21</sup> Statement of Interest of the United States, *S.R. v. Kenton Co.*, 15-CV-WOB-JGW (E.D.Ky.) (Doc. 32, at 13) (Oct. 2, 2015), available at: <https://www.justice.gov/opa/file/780346/download>

<sup>22</sup> Matthew Seedorff, *7-year-old student with Autism taken from school in handcuffs*, FOX San Antonio (Sept. 17, 2019), <https://foxsanantonio.com/news/local/7-year-old-student-with-autism-taken-from-school-in-handcuffs-09-18-2019>

<sup>23</sup> MC v. HISD TEA Special Education Complaint 202015305.

<sup>24</sup> Brooke A. Lewis, *Parent of Katy ISD Special-needs student sues district over tasing incident*, Houston Chronicle (Jun. 8, 2018), <https://www.chron.com/neighborhood/katy/news/article/Lawsuit-filed-against-Katy-ISD-after-tasing-of-12975360.php>.

<sup>25</sup> E.A. Crunden, *Dallas school police tased a 7 year old, and then body slammed a 12 year old the next day*, Think Progress (May 18, 2017), <https://archive.thinkprogress.org/dallas-police-schools-violence-kids-fd6cd565a8c0/>.

<sup>26</sup> *Denton ISD Faces Scrutiny After Officer Seen Handcuffing, Pinning Down Autistic Child*, CBSDFW (Aug. 11, 2018), <https://dfw.cbslocal.com/2018/08/11/denton-isd-officer-seen-handcuffing-pinning-down-autistic-child/>.

<sup>27</sup> *Wilson v. City of Southlake*, 936 F.3d 326 (5th Cir. 2019).

<sup>28</sup> *Education Under Arrest: The case against police in schools*, Justice Policy Institute, 21-23 (2011), [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf).

<sup>29</sup> Id.

<sup>30</sup> Camille Phillips, *Here’s How San Antonio ISD Plans To Shift Away From ‘Punitive’ Discipline*, Texas Public Radio (Nov. 21, 2019), <https://www.tpr.org/post/here-s-how-san-antonio-isd-plans-shift-away-punitive-discipline>

<sup>31</sup> Id.

<sup>32</sup> Id.

verdict; a majority of the cases are dismissed or adjudicated.<sup>33</sup> Last year, the reported student-to-counselor ratio at SAISD was one counselor for every 370 students.<sup>34</sup> The American School Counselor Association recommends a 1 to 250 ratio.<sup>35</sup>

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

In solidarity,



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CC: SAISD Trustees

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<sup>33</sup> Id.  
<sup>34</sup> Tiffany Huertas, Jason Foster, *SA Schools aren't meeting recommendations for student to counselor ratios*, KSAT (May 3, 2019), <https://www.ksat.com/news/2019/05/03/sa-schools-arent-meeting-recommendations-for-student-to-counselor-ratios/>  
<sup>35</sup> *Career and Roles*, America School Counselor Association (last visited Jun. 5, 2020), <https://www.schoolcounselor.org/school-counselors-members/careers-roles#ratios>.