

MMSD POLICY PROPOSAL

TITLE: Community Control Over School Safety & Accountability

BACKGROUND

On July 21, 2020, Madison City Council took a historic near unanimous vote to terminate the contract between the Madison Police Department and the Madison Metropolitan School District (MMSD), which provided School Resource Officers for the city's four high schools—the final step in formally removing police officers from Madison schools after the MMSD School Board voted to end the contract. This hard fought victory was the culmination of years long organizing by Black and Southeast Asian youth organizers of Freedom Inc's "Freedom Youth Squad" who launched their "No Cops In Schools" campaign over four years ago. Removing the physical presence of police from schools is a crucial first step in prioritizing the health, safety, and well-being of Black youth and youth of color and protecting them from a system of policing that views them as threats and not as students. However, creating safe, nurturing, and liberatory learning environments for young people attending Madison schools demands much more than the physical removal of law enforcement from school campuses. It requires community control over school safety and discipline within MMSD, and a robust and transparent community-led accountability process for teachers, school administrators, and other school staff who continue to perpetuate the violent and harmful policing and criminalization of Black, Brown, LGBTQ, and differently abled students.

PURPOSE & FINDINGS

I. Systemic Racism and Anti-Blackness

Black students and students of color routinely experience harsher, more punitive, discipline in schools in comparison to their white peers. According to the most recent data released by the U.S. Department of Education's Civil Rights Data Collection for the 2015-2016 school year, while Black students comprised only 15% of enrollment in public schools across the country, they made up 31% of students referred to law enforcement or arrested.¹ Research shows that higher discipline rates for students of color are **NOT** due to higher rates of misbehavior, but instead the function of systemic racism. A March 2018 report from the Government Accountability Office confirms this fact; the study concluded that stark racial disparities persist in the administration of

¹ U.S. Dep't of Ed., 2015-2016 Civil Rights Data Collection: School Climate and Safety, <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

discipline for Black students and students with disabilities across the country.²

Here in Madison, racial disparities in school discipline are also well evident in MMSD's discipline data which indicates that during the 2017/18 school year Black girls received more citations than any other group in the district.³ Indeed, Black and Brown students with visible and invisible disabilities experience arrests and/or referrals to law enforcement at a rate that far surpasses any of their white peers.⁴ These students experience punishment for simply being themselves. Educational research and our young people tell us that the behavior of the school itself is the source of the harm. Therefore, when teachers and school administrators involve police in addressing behavioral issues at school, students of color, students with disabilities, and LGBTQ students are more at risk of being cited, arrested, and or physically harmed.

II. Lack of Investments in Educators to Better Support Young People

To date, MMSD has spent over \$2 million on police, security, and school discipline.⁵ Yet, research⁶ and the lived experiences of Black youth and youth of color confirm that investments in policing and punitive disciplinary policies do not create safer schools but instead lead to increased criminalization and pushout of marginalized students. Decades of disinvestment in public schools, too-large class sizes, Eurocentric curriculum, inadequate facilities, not enough support personnel, lack of mental health resources, and inadequate investments in cultural competence and restorative justice training for educators have had a profound impact on school safety and discipline in public schools. The termination of the school police contract, however, presents a critical opportunity for MMSD to reinvest the millions of dollars spent on policing and criminalizing our young people into supporting students and educators with the types of resources that actually create safe and holistically beneficial learning environments. MMSD must prioritize hiring mental health professionals, trained de-escalation staff, cultural intervention workers, and restorative justice practitioners who can support educators with classroom management and accountability. Additionally, MMSD must also make significant investments in positive behavioral interventions, restorative justice programs, social-emotional learning, and other evidence-based practices that can help teachers create and sustain learning environments that center the needs of students and educate the whole child.⁷

² U.S. Government Accountability Office, *K-12 EDUCATION: Discipline Disparities for Black Students, Boys, and Students with Disabilities* (Mar. 22, 2018), <https://www.gao.gov/products/GAO-18-258>.

³ Freedom, Inc. and Safe Schools Coalition, *Police Free Schools: Frequently Asked Questions* (Feb. 2020), (insert online link if available).

⁴ *Id.*

⁵ See note 3 above.

⁶ Advancement Project and Alliance for Educational Justice, *We Came to Learn* (Sept. 2018), <https://advancementproject.org/wecametolearn/>.

⁷ *Four Ways Schools Can Support the Whole Child*, Greater Good Magazine (Apr. 23, 2019), https://greatergood.berkeley.edu/article/item/four_ways_schools_can_support_the_whole_child.

Ultimately, reimagining school safety and accountability requires a radical restructuring of 1) the framework through which we view young people; 2) the way we choose to define and respond to harm; and 3) prioritizing the resources that educators need to adequately support students in school.

III. State Laws that Fuel Youth Criminalization

Currently, **Wisconsin State Statute, Section 175.32** perpetuates the harms of policing and fuels the school-to-prison pipeline by mandating school personnel (including teachers, administrators, counselors, and any other school employees) who become aware of “a serious and imminent threat to the health or safety of a student or school employee” to immediately report such information to the police. But, despite mandating police involvement, the statute DOES NOT define what constitutes a “serious and imminent threat” that justifies police involvement. It DOES NOT allow school personnel to take steps to deescalate the situation or engage in other proven harm reduction strategies before or in lieu of calling the police. And, worse, it PUNISHES the failure to immediately report the incident to police by a fine of up to \$1,000 or imprisonment of up to 6 months. This statute exemplifies the type of reactionary police first approach to safety that causes disproportionate harm to Black students, students of color, LGBTQ students, and students with disabilities, pushing them out of school and into the criminal justice system. We must continue to question laws and policies like these that inadvertently position our most vulnerable young people as “threats” and reinforce the false premise that we need police to keep us safe.

Establishing community control over school safety and accountability is a critical first step in ensuring that MMSD utilizes a holistic approach to school safety that utilizes an anti-racist lens, gender justice lens, queer justice lens, and disability justice lens. The community must oversee accountability for school administrators and staff who continue to view our young people as criminals who need harsh punishment and control rather than children who need care and support. The proposal for community control over school safety and accountability rightly places the decision-making power over how we achieve meaningful safety in MMSD schools within the hands of youth, parents, and family members—the people who represent the most important and most impacted members of the school community. If we want to protect our young people and keep them safe—we must invest in a community driven process that prioritizes care over cops.

PROPOSED POLICY

The Madison Metropolitan School District shares with the community the responsibility

to provide a holistically beneficial, nurturing, and liberatory learning environment where students are safe from the threat of policing and criminalization. The DISTRICT recognizes that Black students, students of color, LGBTQ students, and students with disabilities disproportionately experience harsher punishment, arrests, criminalization, and pushout due to systemic racism, discriminatory practices, and anti-blackness. The DISTRICT is committed to dismantling policies and practices that rely on policing, criminalization, and/or exclusionary/punitive discipline to achieve a false sense of school safety. The DISTRICT recognizes the importance of a new vision for safety and accountability, that is built by youth and families most impacted by policing, criminalization, and systemic racism and that relies on a community led accountability process for school staff who subject students to harm.

PROCEDURE

Community Oversight Committee

I. MEMBERSHIP & PROCEDURE

In consultation with Freedom, Inc., directly impacted young people, and school community members, the District will establish the **Community Control Over School Safety Committee** (the “Committee”) before the start of the January 2021 school year as a permanent accountability body with complete oversight and control over school safety and accountability. The Committee will create a youth led model for school safety and an accountability process for staff employed by the MMSD who use police and/or exclusionary, antiblack, or discriminatory disciplinary practices to harm students, which will be implemented by the DISTRICT no later than September 1, 2021. The Committee will:

- a. Initially be comprised of one adult representative from Freedom, Inc. and six youth (“Youth Advocates”) who have been impacted by policing, criminalization, and/or punitive school discipline practices;
 - i. In consultation with the Freedom, Inc. representative, the Youth Advocates will create a formal application and interview process to recruit additional members to the Committee identified in sections (b) and (c);
 - ii. In consultation with the Freedom, Inc. representative, the Youth Advocates will determine the appropriate length of time members will be expected to serve on the Committee;
 - iii. Youth Advocates serving on the Committee will be eligible to receive elective credits from their school for their service on the Committee.

- b. Include two seats to be filled by parents and/or family members impacted by police violence, police harassment, and/or criminalization;
- c. Include two seats to be filled by a combination of community stakeholders including special education advocates; mental health advocates; educators; or other trusted adults and excluding any members representing law enforcement. These trusted adults will be selected by the youth on the committee;
- d. Have a voting membership of which the majority represents Youth Advocates and parents/or family members described in section (b).

II. COMMITTEE POWERS & RESPONSIBILITIES

The Committee will:

- e. Have complete decision-making power over school safety and accountability policies within the DISTRICT's schools including:
 - i. Abolishing any existing disciplinary policies and practices that reflect disparate treatment of OR produce a disparate impact on Black students, students of color, LGBTQ students, and students with disabilities;
 - ii. Directing the implementation of new policies and practices that center transformative justice approaches to school and address harm through non-punitive and restorative measures; and
 - iii. Determining the circumstances under which police are permitted on school grounds and the specific protocols to be followed when police interact with students on school grounds;
- f. Oversee all DISTRICT investigations of student, parent, or family member complaints against any school staff member and monitor all disciplinary actions undertaken by the DISTRICT against school staff including the rates at which Black staff and staff of color are being disciplined in comparison to their white peers;
- g. Establish a process for protecting students from any and all forms of retaliation by school staff, for initiating a complaint, participating in the investigation of a complaint, or exercising their right to be free from police harassment and criminalization under this policy including:

- i. Creating a protocol for students to report experiences of retaliation; and
 - ii. Connecting students to legal resources to protect their rights
- h. Oversee the DISTRICT's implementation of the following accountability protocol for educators or other school personnel who use police to harm students:
 - i. Absent any compelling circumstances that require additional time to produce a report, school staff must complete a detailed written report that clearly describes what lead to the police being called on the student or students within 48 hours of the school based incident,;
 - ii. Absent **any** circumstances that require additional time to produce a report, the student or students, with support from the Youth Advocates, will complete a detailed written report(s) of the incident that clearly describes what led to the police being called;
 - iii. The Committee will read both reports and then meet separately with the school staff member and the student to determine whether police involvement was necessary;
 - iv. If the Committee finds that the school-based incident could have been resolved without police involvement, then the Committee, in consultation with the impacted student(s) and their family members, will make a collective decision on the appropriate accountability measure for the staff member. The Committee's decision will be issued in writing and made publicly available and can include a recommendation to the School Board that the teacher be placed on leave or fired;
 - 1. The impacted student or students involved in the incident will have the opportunity to complete a restorative process with the Dane County TimeBank or YWCA;
 - 2. The impacted student or students will also have the opportunity to apply for a wellness grant for frequently disciplined youth.
- i. Define what constitutes "a serious and imminent threat" to the health or

safety of a student or school employee that triggers the mandatory reporting requirement under Wis. Stat. Ann. § 175.32

- j. Review and monitor data, provided by the DISTRICT on a bi-weekly basis, that tracks on a daily basis all instances where school personnel, acting under the mandate of Wis. Stat. Ann. § 175.32 or otherwise, call the police on students, report students to the police, refer students to the police, and/or initiate for any reason student interaction with police;
- k. Establish a protocol for directing redress of harms, including options for requiring the provision of mental health or academic services or any additional supports to repair harm done to a student or family; and
- l. Publish on a quarterly or semester basis a publicly available report card that grades the DISTRICT on its implementation of school safety and discipline policies in schools

II. COMMITTEE RESOURCES AND IMPLEMENTATION

- a. All Committee members will receive a monthly stipend to compensate for their time, labor, and service on the Committee in an amount no less than \$300 a month, with the final amount determined via majority vote by the Committee;
- b. The Committee will be provided with a minimum of two designated support staff positions funded by the DISTRICT;
- c. The DISTRICT will provide a safe and private meeting space for the Committee to convene weekly or bi-weekly internal meetings and public meetings as necessary;
- d. The DISTRICT will provide meeting transportation for Committee members to attend Committee meetings and provide transportation for community members to attend any public meetings convened by the Committee;
- e. The DISTRICT will provide on-site childcare as needed for Committee members during meetings and also provide the same service to community members attending any public meetings convened by the Committee;
- f. The DISTRICT will provide wireless internet connection within the Committee's meeting space and provide a stipend for Committee members to purchase laptops and/or other devices to support their work;

- g. The DISTRICT will fund sign language and other language interpretation services for all internal and external meetings convened by the Committee;
- h. The DISTRICT will provide funding for food, beverage, catering and meeting supplies for internal and external Committee meetings in an amount determined by the Committee;
- i. No later than 30 days after the Committee establishes, by majority vote, any processes, protocols, and or accountability plans addressing school safety and accountability, the DISTRICT will begin implementation of such plan, process, and/or protocol within its schools;
- j. Final implementation of any plan process, and/or protocol created by the Committee shall be completed within 60 days.

III. DATA COLLECTION

- a. In consultation with the Committee and subject to final approval by the Committee, the DISTRICT shall set up a process for all school personnel to notify his/her/their direct supervisor and the Director of Safety and Security in writing immediately upon initiating any interaction between any law enforcement agency and a student for any reason, on or near school grounds and include the student(s) race, gender, and disability
- b. In consultation with the Committee and subject to final approval by the Committee, the DISTRICT shall set up a process to collect and track, on a daily basis, all arrests, referrals, calls, and reports made to any law enforcement agency by school personnel regarding any student
- c. The DISTRICT shall provide the Committee with a monthly written report regarding the following:
 - i. School site crime incidents reported to law enforcement or observed by DISTRICT staff disaggregated by school-site, offense, and student subgroup, including by not limited to age, race, ethnicity, gender, and disability status;
 - ii. Number of times that MPD officers or officers from any other law enforcement agency were called to schools disaggregated by school site;
 - iii. Number of arrests of students made by MPD officers or officers

from any other law enforcement agency disaggregated by school site, offense, and student subgroup, including but not limited to age, race, ethnicity, gender, and disability status with information about the disposition of the matter for the following categories:

1. On school sites for school related offenses
2. On school sites for non-school related offenses
3. Off school sites for school related offenses

IV. TRAINING

- a. The Committee will coordinate mandatory training for DISTRICT staff and Committee members to take place on an ongoing basis regarding the following topics:
 - i. The impact of policing and the school-to-prison pipeline on Black youth and other youth of color, Queer and Trans youth, and youth with disabilities;
 - ii. The history of policing in our public education system;
 - iii. Anti-Black racism;
 - iv. Transformative Justice, facilitated by the Dane County Time Bank and/or the YWCA;
 - v. De-escalation and conflict resolution;
 - vi. Educating the Whole Child;
 - vii. Trauma informed practices and care;
 - viii. Student centered learning;
 - ix. Cultural Competency training; and
 - x. Decolonizing school curriculum

V. DEFINITIONS

- a. Harm: physical, mental, or emotional injury causing students to feel undervalued or less dignified (intentional or unintentional)

- b. Directly Impacted: People who directly experience harms from policies and institutions.
- c. School Community: individuals, stakeholders, and organizations who are connected to the schools, such as school administrators, teachers, students and families
- d. School Site: space designated as a learning environment by the district. This includes any property or land owned or maintained by the district. This also includes after school programming and virtual learning spaces.
- e. Retaliation: Any adverse action impacting a student’s educational experience and/or any adverse action to include any act of revenge, reprisal, intimidation or coercion directed at a student for filing a complaint against school personnel; participating in an investigation of a complaint against school personnel, or exercising their right to be free from criminalization and police harassment
- f. Transformative Justice: An approach for how we—as individuals, families, communities, and society— can prevent, respond to, and transform the harms that we see happening in our world. A defining feature of TJ is its commitment to change conditions in order to prevent further harm⁸
- g. Whole Child Education: A holistic approach to education that addresses all the needs of a student -- understanding that education is not only about what we learn from the books but about building healthy, loving relationships with ourselves, each other, the community, and creating infrastructures to support growth and development
- h. Cultural Competency: Life affirming behaviors, attitudes, practices and policies that center the dignity of historically and contemporary oppressed students, families, and communities
- i. Decolonizing School Curriculum: Confronting colonial practices and undoing them and moving towards a culturally vibrant and accessible knowledge sharing that centers the community
- j. Student Centered Learning: An approach to learning that gives students power over academic fulfillment, curriculum, and their learning goals
- k. Law enforcement: law enforcement can include police, sheriffs, deputies, highway patrol or other officers of the court or their designated agents

⁸ <http://www.generationfive.org/wp-content/uploads/2018/08/g5-Transformative-Justice-Handbook.pdf>

- i. law enforcement can include city, county, state, special (university, railway, etc.) or federal officials
- I. Interaction with Law Enforcement: Any call or referral placed by school staff resulting in any questioning, interrogation, citation, arrest or injury by law enforcement.