



June 17, 2020

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Re: ACLU Support for the George Floyd Resolution to Eliminate the Oakland School Police Department

Dear Directors of the Board of Education,

We write urging you to support the civil, human and educational rights of Black families, students and communities of color in Oakland by eliminating the Oakland School Police Department (“OSPD”). The ACLU Foundations of Northern California and Southern California and the ACLU of California (“ACLU”) have a longstanding commitment to advocate against the toxic harms perpetrated by school policing practices that disproportionately criminalize Black students, students of color, and students with disabilities. Our research unequivocally *refutes* the assumption that police make schools safer, and instead reveals a pattern of disproportionate negative impact on Black and disabled students who are targeted by school police for very minor low-level school misbehavior, leading to a damaging school climate, significant mental health needs arising from trauma from police contact, and decreased graduation rates for Black and disabled students who are exposed to school police. Providing counselors and mental health professionals is the more effective approach to school safety. In concert with this work, we declare unwavering support for the Black Organizing Project’s (“BOP”) leadership and their Bettering Our School System (“B.O.S.S.”) campaign. Accordingly, we urge you to pass the George Floyd Resolution to Eliminate the Oakland School Police Department (“George Floyd

Resolution”) and remove police from Oakland Unified School District (“OUSD”) schools in accordance with BOP’s The People’s Plan for Police-Free Schools.

In the wake of the brutal murder of George Floyd by the Minneapolis Police Department, and in response to the local, national and international demands for justice by ending anti-Black racism and policing practices, OUSD Directors Shanthi Gonzales and Roseann Torres have introduced the George Floyd Resolution. **We urge you to immediately vote yes on this unprecedented and pathbreaking resolution to eliminate the OSPD and call for police-free schools in OUSD.** The ACLU supports the resolution as currently drafted to completely eliminate the OSPD and reinvest in restorative justice and mental health professionals. If the resolution is amended to attack the spirit of the community’s call for true change and BOP withdraws its support, then consider our support for the resolution withdrawn as well.

In supporting the George Floyd Resolution, you will support a movement against an increasingly toxic climate—inside and outside the classroom—that pushes Black families out of schools and makes it impossible for them to remain in their communities with increased housing costs and gentrification development schemes. And you will join a growing list of school districts—from Minneapolis to Portland to Denver to Pomona—that are eliminating school police to achieve authentic student well-being, safety, and equity. School districts across the nation are recognizing that policing students in schools continues a legacy of mass incarceration and psychological warfare rooted in anti-Black racism and ableism. Rather than spending millions of dollars on OSPD, OUSD must invest in resources for its students to access a quality education, like school counselors and mental health services that keep students in school.

At the OUSD Board Meeting on November 13, 2019, BOP brought forward a comprehensive plan for the district to eliminate OSPD and allocate resources towards a network of student supports, including students with disabilities and mental health needs. Over the past 8 years, BOP has provided the District with abundant data demonstrating the disproportionate harms of the school-to-prison pipeline on students and families of color. While Black students are 26% of the OUSD population, they are 73% of students who are arrested. Past reports have also revealed Black youth in Oakland are *twenty-three times* more likely to be referred to probation after arrest than white youth; and Black youth in Oakland make up 78% of all “non-sustained” arrests. There have even been consecutive years in which OSPD arrested *zero* white students while Black students were disproportionately arrested. The disparate criminalization of Black students with disabilities is also evident in OUSD. In 2015, according to the federal Civil Rights Data Collection, Black students comprised 42% of all students with disabilities in OUSD, but **100%** of the students with disabilities who were referred to law enforcement or arrested. Moreover, OUSD has a long record of disproportionately suspending, expelling, involuntarily transferring and arresting Black students, all of which increase the likelihood of remaining stuck in the youth and adult criminal injustice system. Of the 18 school districts in Alameda County, OUSD is the only one paying for its own internal school police department. From February 2016 to January 2020, there were over 9,000 calls for service from schools to the police. In some years, as many as 72% of these calls have been for “non-criminal conduct.” BOP has organized students, families and community members to provide OUSD with countless personal testimonies and

feedback from community forums about the harms we face because of police in our schools. Now, we demand action.

The continued presence of armed police in our schools is a blatant contradiction of everything OUSD claims to stand for. From 2013-2018, OUSD spent over \$9.3 million on the OSPD, excluding the unarmed school site security officers. In contrast, over the past three years, OUSD has laid off 33 Restorative Justice Coordinators. Since 2017, OUSD has cut a total of 528 non-police positions, including:

- 448 union positions contracted with the district; and
- Painful numbers of school staff including librarians, behavior specialists, and school security staff.

These cuts come at a time when OUSD falls shamefully short of meeting recommended student to mental health professional ratios. In the 2018-2019 school year, the ratio of OUSD students per school psychologist was 965:1, for school social workers the ratio was 1619:1 and for counselors it was 984:1. In contrast, the National Association of School Psychologists recommends ratios of 500-700:1 for psychologists, the School Social Work Association of America recommends 250:1 for social workers, and the American School Counselor Association recommends 250:1 for counselors. Further, while access to art is a civil right in California and significantly improves academic outcomes, only one school within OUSD offers access to art for all its students. It is unethical and unacceptable for OUSD to cut beneficial services and educators while maintaining a costly school police department, a primary source of racial harms.

Aggressive policing is a threat to the physical and mental health of students, especially for vulnerable communities of color. This is your opportunity to take action to end discriminatory school policing and turn the District away from a long history of disproportionate harmful treatment of Black and disabled students. While we stand in solidarity with the District's commitment to provide "sanctuary" for immigrant students and families, this action rings completely hollow as long as OUSD fails to stop the mass criminalization and school push out of Black students and families.

***We truly believe your vote in support of BOP's B.O.S.S. Campaign and dismantling OSPD is urgent and will position Oakland, the District and the community for a monumental victory that will be felt and replicated across the country. On June 24, 2020 we urge you to vote in support of the George Floyd Resolution.***

Sincerely,



Linnea Nelson, Education Equity Staff Attorney, ACLU Foundation of Northern California

Sylvia Torres-Guillén, Director of Education Equity, ACLU of California and ACLU Foundation of Southern California