

The Coalition for Juvenile Justice is committed to taking a firm stance to boldly addressing racism within the youth justice system. CJJ was one of the first organizations to call attention at the federal level to the need to address disparities that exist within the youth justice system. The Juvenile Justice and Delinquency Prevention Act now serves as one of the only federal laws that directly require states to address racial and ethnic inequities within their youth justice system.

CJJ is committed to moving to concrete action that will not just address but end these disparities. We are committed to advancing anti-racist work to address the current inequities in our system. We recognize the nationwide, historical compounding of trauma and oppression that contributes to racial and ethnic disparities in the juvenile justice system. While these recommendations don't address all of that, we are starting this work at the front end of the justice system, with a focus on law enforcement and schools, policies and practices, as well as the day-to-day decisions of professionals in these fields, and how they contribute to the ongoing criminalization of Black, Indigenous, Latino and other young people of color, as well as LGBTQA youth and youth with disabilities.

Commit to schools as places of learning, that are welcoming to Black, Indigenous and Latino students and families, and designed for student success.

I Advance and support educational settings as places of learning and sense of belonging for Black, Indigenous, and Latino young people.

Whereas, as an estimated 1.7 million young people attend schools with law enforcement, but no counselors on their campus;¹

Whereas, 10 million students are in schools with police but no social workers;²

Whereas these students are disproportionately youth of color; and

Whereas, schools with police report 3.5 times more arrests than schools without;³

We recommend prioritizing recruitment of teachers from diverse backgrounds, including those who are graduates of Historically Black Colleges and Universities

¹ http://blogs.edweek.org/edweek/rulesforengagement/2019/03/17_million_students_attend_schools_with_police_but_no_counselors_new_data_show.html

² Id.

³ <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>

(HBCUs). We further recommend ensuring direct and separate funding for counselors, therapists, and others who can support Black, Indigenous and Latino young people in their socio-emotional development. Ensure that federal funding for counselors and therapists, etc., is at a minimum equal to that which the school receives for law enforcement.

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II **Incentivize the decriminalization of routine youth behaviors which are disproportionately criminalized for youth of color.**

Whereas, “zero tolerance” and other school disciplinary policies, as well as overly broad “willful defiance” statutes, have had negative results for students, especially Black and Brown youth and those with disabilities;

Whereas, in some cases, such policies exclude students from schools and push them into juvenile and adult justice systems;

Whereas, many behaviors that are criminalized under broad statutes such as “willful defiance” are routine youth behaviors that young people will grow out of without court intervention; and

Whereas, these statutes and policies are disproportionately targeted against Black and Brown youth and youth with disabilities;

We recommend providing funding incentives for states that decriminalize “willful defiance” and related statutes, including zero-tolerance policies and practices on school grounds. Provide funding incentives for cities that remove curfew laws. Funding saved from reduction in arrests should be reinvested into proven and promising programs in schools that are most impacted.

III **Ensure accountability for schools and their impact on racial and ethnic disparities within the juvenile justice system.**

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Whereas, addressing racial and ethnic disparities is core to the Juvenile Justice and Delinquency Prevention Act;

Whereas, the Act holds states accountable for monitoring and addressing racial inequities at points within the youth legal system, including arrest;

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Whereas, the Office of Civil Rights Data reports that Black youth make up 15 percent of the student body but 31 percent of student arrests;⁴

Whereas, there is an overreliance on the placement of police in schools to maintain order and discipline which all too often exacerbates a climate of insecurity among students instead of alleviating it.¹

Whereas, there are avenues or methods of providing positive interactions or relationships between young people and police short of stationing police in schools;

Whereas there are usually adequate law enforcement resources available to schools in the U.S. off-campus, sufficient to respond to an emergency or critical event at a school;²

We recommend ensuring regulation and accountability for districts that have law enforcement in schools, to avoid justice by geography by including training and technical support to help address challenges and needs of schools that have been shown to disproportionately refer youth of color to the courts. This would include an assessment, review, and audit of district practices by DOE in collaboration with OJJDP. We further recommend the development of best practices to ensure arrests are not made for school disciplinary infractions and that young people are handcuffed and/or arrested while on school grounds only as a last resort in situations of extreme emergency; we recommend financial incentives for schools that use restorative practices,⁵ and truth and reconciliation practices instead of arrest and court referrals.

Law enforcement personnel or other personnel with the authority to effectuate arrest should be present in a school only upon a demonstrated threat to the immediate safety of students, staff or faculty, and then only for as long as the threat exists. Schools should be diligent in assessing whether the perception of threat itself is motivated by racial bias. Schools should ensure that school discipline remains in the school's hands, and that normal adolescent behaviors resulting in discipline that occur on school grounds during school operating hours are removed from juvenile court jurisdiction entirely. School administrators and staff should receive adequate training to understand the nuances in what constitutes adolescent behavior and how to use restorative justice.

IV. Ensure all students within a given school district have equal access to programs and opportunities.

¹ Kupchik, Aaron, *Homeroom Security: School Discipline in an Age of Fear*, New York; London: NYU Press, 2010.

² The American Bar Association has endorsed a presumption against the permanent placement of police in schools in its *Juvenile Justice Standards relating to Dual Jurisdiction & Cross-over Youth*, at Section 3.3(a): "Police should not be deployed in schools absent a significant showing of a demonstrable, time-limited need to protect students." ABA Resolution 112A, p. 15, l. 674-675, adopted August, 2017.

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Whereas, the Department of Education reports that 44 percent of white youth take Advanced Placement or International Baccalaureate classes to help prepare for college, but only 30.2 percent of Black youth enrolled in AP or IB classes;⁶

Whereas, these programs are important tools to help prepare young people for college;

Whereas an estimated 58 percent of Black adults and 45 percent of Latino adults have attended college since 1980, as compared with 80 percent of Asians and 72 percent of whites;⁷

Whereas Career and Technical Education programs also provide important skill development and support workforce readiness; and

⁴ <https://www.washingtonpost.com/>

⁵ <https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>

⁶ <https://nces.ed.gov/pubs2019/2019430.pdf>

⁷ <https://www.brookings.edu/research/the-stubborn-race-and-class-gaps-in-college-quality/>

Whereas only 22 percent of white youth, 18 percent of Black youth, and 16 percent of Latino students achieve the Career and Technical Education concentration status, meaning they have completed three or more such courses;⁸

We recommend providing financial incentives for school districts where data shows Advanced Placement, International Baccalaureate, college preparatory, and job training, and technical programs are equally available in all schools, and Black, Indigenous and Latino youth have equal access and participation in these programs.

V. **Ensure that young people understand their rights and the processes related to school discipline and/or contact with law enforcement and receive robust civics education in schools.**

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Whereas, youth of color, particularly those who are very young, may not be aware of and fully understand the rights they have when interacting with law enforcement;

Whereas communities and organizations have developed successful educational models such as the Mirror Project in New Hampshire, state training materials, and the National Organization of Black Law Enforcements' training curriculum for youth; and

Whereas as these programs and robust Civics programs more generally help young people understand their rights and their roles in the broader community;

We recommend requiring schools that use federal funding for school-based police to also provide a know your rights or Civics curriculum provided by a third party community organization; we further recommend revising Miranda warnings to reflect adolescent understanding and development.

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<https://www.americanprogress.org/issues/education-k-12/news/2019/08/28/473876/advancing-racial-equity-career-technical-education-enrollment/>