

January 14, 2013

Vice President Joe Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20501

Dear Vice President Biden,

Established in 1937, the National Council of Juvenile and Family Court Judges (NCJFCJ) is one of the largest and oldest judicial membership organizations in the nation, representing approximately 2,000 members. The NCJFCJ is concerned regarding the movement, as a result of the Newtown school shootings, to increase the security or police presence in schools. Many counties across the country experienced significant increases in minor school arrests when police began to be placed on campus during the 1990s. However, school safety did not improve with increased police presence and graduation rates fell. When police were placed on school campuses in Clayton County, Ga., in 1994, the number of referrals from the school system increased approximately 1,248%. Approximately 90% of these referrals were infractions previously addressed by administrators.¹

Research shows that a first-time arrest doubles the odds that a student will drop out of high school, and a first-time court appearance quadruples the odds.² The American Psychological Association, the Council of State Governments, and the Center for Disease Control and Prevention have all found that extreme discipline, including arrests; predict grade retention, school dropout, and future involvement in the juvenile and criminal justice systems.³ As a result, students face lasting consequences, not only in the justice system, but also when applying for college, the military, or a job.⁴

Too many schools are employing policies and practices of extreme discipline that push young people out of school and into the juvenile and criminal justice system. The influx of police in schools has been one of the main contributors to the growing number of children funneled into this pipeline. Research shows that aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment.⁵ Such restrictive environments may actually lead to violence, thus jeopardizing, instead of promoting, school safety.⁶ As part of the discipline reform process, there is a specific focus on reducing police involvement in routine school discipline matters, which has led to reduced referrals in recent years⁷. Any proposal to place more armed personnel in school would represent a significant departure from the national trend.



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In March 2012, the NCJFCJ Board of Trustees passed the attached resolution *Juvenile Courts and Schools Partnering to Keep Kids in School and Out of Court*, which emphasizes that “school zero tolerance policies result in increased rates of suspensions, expulsions and referrals to the juvenile justice system, and student arrests nationwide, while school violence has generally been stable or declining...”. As an alternative to school zero tolerance policies and additional security or police presence in schools, the NCJFCJ supports:

- school administration discretion and school discipline policies in handling student misbehavior
- the testing and implementation of school-wide violence prevention programs, social skills curricula, family engagement and positive behavioral supports
- the use of restorative justice practices
- the collaboration of the juvenile justice system, schools and community agencies to foster positive relationships with students to promote student attendance and academic success
- judicially led collaborations to reduce school exclusions with intensive training, technical assistance and public education.

In July 2012, the NCJFCJ began a new project entitled *Judicially Led Responses to Eliminate School Pathways to the Juvenile Justice System* with funding support from the Atlantic Philanthropies, the Public Welfare Foundation and the Open Society Institute. The goal for this project is to support school engagement and reduce school expulsion. Any proposal to place more armed personnel in school would be counterproductive to the success of this project.

Justice is a work in progress. It reflects our society’s ever-evolving belief system and our attempt to define what is right, what is wrong, and how to deal with the consequences of those choices. The National Council of Juvenile and Family Court Judges works to ensure justice for every family and every child in every court throughout this country. We serve an estimated 30,000 professionals in the juvenile and family justice system including judges, referees, commissioners, court masters and administrators, social and mental health workers, police, and probation officers.

For those involved with juvenile, family, and domestic violence cases, the NCJFCJ provides the resources, knowledge and training to improve the lives of families and children seeking justice through the provision of cutting edge training, wide-ranging technical assistance, and research to assist family courts.

NCJFCJ judges are committed to remain involved in ongoing conversations to craft solutions to enhance student safety while promoting student school involvement and success. For more information or questions about our work on this issue, please contact me at the phone number or email below, or contact Chief Executive Officer Mari Kay Bickett at (775) 784-6046.

Sincerely,



Honorable Michael Nash
NCJFCJ President

Los Angeles Superior Court, Juvenile Division

Phone: (323) 526-6377

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Attachment

¹ Judge Steven C. Teske & Judge J. Brian Huff, *The Court's Role in Dismantling the School-to-Prison Pipeline*, *Juvenile and Family Justice Today*, 14-17 (Winter 2011).

² Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473-477 (2006).

³ Russell Skiba et al, *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force* (2006), available at <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>; Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011); Centers for Disease Control, *Health Risk Behaviors among Adolescents Who Do and Do Not Attend School – United States, 1992*, 43 *Morbidity and Mortality Weekly Report*, 129 (Mar. 4, 1994). See also Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (Dec. 2012) (Paper prepared for the *Closing the School Discipline Gap: Research to Practice* national conference in Washington, D.C., Jan. 10, 2013) (finding that students who were suspended even one time in ninth grade *doubles* their chance dropping out of school).

⁴ With respect to college access, see Marsha Weissman et al., *The Use of Criminal History Records in College Admissions* (2010) available at: <http://www.communityalternatives.org/pdf.Reconsidered-criminal-hist-recs-in-college-admissions.pdf>.

⁵ Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003).

⁶ Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 352 (1999); see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* 412, 433 (2005), available at www.joannmaher.com/my_documents/courses_hs_english_012/unit_2/sidcra/resources/schoolclimatepredictors.pdf (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

⁷ Colorado Department of Education, 2011-2012 Safety and Discipline Indicators. Retrieved on January 9, 2013 from <http://www.cde.state.co.us/cdereval/rv2012sdiincidents.htm>.