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February 27, 2009

The Honorable Jeffrey E. Piccola
Chair, Senate Education Committee
Senate Box 203015
Harrisburg, PA 17120-3015

Dear Chairman Piccola,

As a father and as the spouse of a public school teacher, I appreciate your efforts and interest in keeping Pennsylvania's schools safe for students and staff. This is an issue that requires constant vigilance.

When weighing this issue, a balance must be struck between ensuring school safety and the involvement of law enforcement in students' lives. Senate Bill 56, in its current form, engages the police too deeply into the day-to-day operations of Pennsylvania's schools. The American Civil Liberties Union of Pennsylvania opposes SB 56.

In the last two decades, the United States has seen a large increase of juvenile arrests resulting from incidents at school. This phenomenon is known as the school-to-prison pipeline. Too often, school administrators are using law enforcement to remove children from the classroom, and this engagement with the police disproportionately affects children of color and children with disabilities. Students are far more likely to be arrested at school than students were in past generations, even though empirical evidence indicates that school violence actually decreased between 1992 and 2002.

Around the country, children as young as five years old have been arrested in school. Students have been arrested for throwing an eraser at a teacher, breaking a pencil, and having rap lyrics in a locker. In addition, arrests are often made for non-violent offenses such as "disruptive conduct" or "disorderly conduct."

Disorderly conduct is a catch-all statute that is applied in a broad range of situations. The ACLU of PA has represented clients who were charged with disorderly conduct for political protest or for using profanity toward a police officer. In the school setting, disorderly conduct could be used in any number of minor situations that do not need to be reported to law enforcement.

I have discussed this legislation with advocates from the Education Law Center and the Disability Rights Network of Pennsylvania, and it is my understanding that you are willing to revisit the bill and revise it. The ACLU of PA applauds you for your willingness to work with the advocates on this legislation.

The ACLU of PA agrees with the Education Law Center, Disability Rights Network, and other advocates on several of their suggested revisions:

- Discretion on whether or not to contact law enforcement during and after an incident should be left to school administrators
- Include increased protections for students with disabilities
- Include the student's race on the reporting form for the Office of Safe Schools

In recent years, school administrators have increased the involvement of law enforcement in school incidents, and the ACLU is deeply concerned about the civil rights implications this brings about. Nevertheless, in relation to SB 56, the ACLU of PA believes that the decision to call the police belongs in the hands of the administrator, not the state government.

Once a young person comes into contact with the criminal justice system, the chances that he or she will continue to be caught up in that system increase dramatically. With a ballooning corrections budget, Pennsylvania should be looking for prevention and intervention techniques to keep children out of the juvenile justice system and not passing policies that will further place them in the pipeline that ends in prison.

Thank you for considering our views. You and your staff are welcome to contact me at anytime.

Sincerely,

Andy Hoover
Legislative Director