

“To love all children,
we must struggle together to create
the schools we are taught to believe are impossible:
Schools built on
justice, love, joy, and anti-racism.”
– Dr. Bettina Love¹

June 6, 2022

We, the undersigned organizations, submit the following recommendations for the Austin Independent School District (AISD) 2022-2023 Student Code of Conduct (SCOC). We are AISD parents, former employees, teachers or former teachers, civil rights attorneys, young organizers, and advocates. We recognize the significant efforts the District and community have undertaken over the past year (and more) to ensure the SCOC for the 2022-2023 school year will center students, provide the opportunity for restoration on our campuses, and continue the transformation of our discipline system. We commend the progress made since the recommendations submitted by Austin Justice Coalition (AJC), Educators In Solidarity (EIS), and Texas Center for Justice and Equity (TCJE) (formerly TCJC) last year (attached), including improvements to document organization and readability; expanded though still limited student engagement; and the development of key performance indicators (KPIs) for the AISD Police Department (AISD PD). And still, we believe we cannot afford to miss this opportunity to continue to radically reimagine what safety and discipline mean; to decrease student interactions with police and policing in our schools; and to create a more humanity-building and restorative SCOC.

“Equity lives in the details of execution.”
– Dr. Louis Gomes

State law and the Texas Education Code (TEC) represent the floor, a minimum set of legal requirements, above which the District can and should set policies, expectations, and practices that will ensure supportive, inclusive, and equitable environments for all students. We know that

¹ Love, Bettina L., *We Want to Do More Than Survive: Abolitionist Teaching & the Pursuit of Educational Freedom* (Boston, Beacon Press, 2019), p. 89

systems of punitive punishment and exclusionary discipline that expose students to the school to prison pipeline negatively affect students' educational attainment and "produce collateral educational damage."² We must choose not to criminalize childhood and adolescent behavior; choose not to police student expression and agency; and instead, choose to create schools that live up to our District's [mission, vision, and values](#). Does our current system of coercive control and punitive punishment of students match our priorities? Are our discipline policies and practices delivering the outcomes we want for student behavior, campus safety, and respectful and responsive culture in our schools? Can we provide a culturally responsive and a safe environment particularly for Black students, other students of the global majority, and students who receive special education services when we know these students are overrepresented in AISD discipline rates?

Only a shared and expanded definition of safety – one that values the humanity of every individual and that recognizes that behavior is shaped by social interactions, subtle learning processes, and by the structures of our society³ – will allow us to see that inflicting harm as a response to harm will not result in improved behavior or in campuses that are truly safe, respectful, and inclusive – campuses where there is a sense of accountability and responsibility shared by all members of the community. Dr. Bettina Love challenges us to no longer be content to simply measure and manage racism and injustice but to do the difficult work to actually tear down the policies and practices that continue to perpetuate racism and injustice. Regardless of how neutrally the SCOC may be written, the disparate impact on and experiences of Black students, other students of the global majority, and students with disabilities indicates that these students are being discriminated against. Therefore, the District must take decisive action to remedy this infringement.⁴

“When a flower doesn’t bloom
you fix the environment
in which it grows,
not the flower.”
– Alexander Den Heijer

² *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, Oct. 2014, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4192649/>

³ Knopp, Fay Honey, et al, *Instead of Prisons* (Syracuse, Prison Research Educational Action Project, 1976), p. 129

⁴ “Rules of conduct and discipline shall not have the effect of discriminating on the basis of race, color, religion, gender, gender identity, gender expression, sexual orientation, national origin, disability, age, immigration status, or any other basis prohibited by law.” -- Revised - 7-14 - 2021-2022 Student Code of Conduct - English TASB Policy Review with Community Input.pdf, p.5

Proposed recommendations for the AISD 2022-2023 Student Code of Conduct:

1. **Include AISD's new philosophy of discipline in the 2022-2023 SCOC.** This allows the District to clearly communicate the vision for campus culture and discipline, which in turn can be used by the District as a touchpoint for collecting input and by the community in order to hold the District accountable. We propose including a question on an embedded input form ([see #8 below](#)) that asks, “Is AISD living up to its discipline philosophy? If so, how? If not, in what ways are we falling short and how can we improve our policies or practices?”

2. **Fully integrate Culturally Responsive Restorative Practices (CRRP) throughout the 2022-2023 SCOC.** The TEA's Safe and Supportive Schools Program (SSSP) ([TEC](#) sec 37.115) provides a model concept for student discipline in regards to threats that we believe can serve as a guide for how discipline issues are handled in AISD, particularly as it supports moving away from punitive responses to students and not punishing certain behaviors. We propose including the language from the SSSP regarding threats and applying the discipline model to the code of conduct as a whole, and all types of misconduct.
 - a. This language is already contained within the “threats” section on p.22 of the AISD SCOC draft. We propose that the italicized portions should apply to all misconduct.

“If a student makes a threat but has not yet caused some sort of physical pain, injury, damage, or hostile action to themselves or others then the Safe and Supportive School Program team is *responsible for removing punitive disciplinary options* such as: in-school suspension, out-of-school suspension, student expulsion, removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP). *Positive Behavior Intervention and Supports (PBIS), recommended by TEA, should be replacing the punitive disciplinary options.*”
 - b. Ideally, all administrators (central and campus- based), teachers, and school staff will also be trained not just to do restorative practices *to* students, but to *become*


restorative themselves because truly safe and restorative campus and District cultures require not just a set of practices but a shared mindset shift.

- 3. The Rights and Responsibilities section should be removed until further development by students with support from advocates and lawyers.**⁵ We believe student rights should always be developed by students themselves. Additionally, for these to function as actual rights, they need to be related to law code, policy, or accountability processes so that it is clear how a denial of these rights will be remedied. *If this section is maintained within the 22-23 SCOC, at the very least the codes regarding each right, where applicable, should be linked – i.e. the right for a student to have personal property be respected. Additionally, due to the COVID pandemic and the expansion of virtual education settings, we have specific concerns regarding discipline as it relates to digital rights and right to privacy in the virtual school setting.*⁶ (see *Endnote 1*)

- 4. Improve the FAQ section to make it more Rights focused.** The FAQ should be built out to include student and caregiver rights in scenarios involving appeals to disciplinary decisions, interactions with law enforcement officers (LEOs), and other legal or disciplinary scenarios. Specifically, regarding the question about a parent or student filing a complaint, the SCOC currently states that parents and students are encouraged to “discuss their concerns with the appropriate teacher, principal, or other campus administrators who have the authority to address the concerns.” However, there is no process or practice for how that should be done or what to do if the response is not satisfactory. ([see #8 below](#)).

- 5. Create more explicit policy and practice around interviews of students.** To ensure student rights are maintained, it is imperative that the SCOC communicate a set of norms and expectations that students and parents can understand, are meaningful in the context of the educational setting, and take into account the power dynamics at play particularly when sworn LEOs are involved. District policy and practice, as well as the communication of those policies and practices, must be clear and consistent so that everyone – students, families, communities, and all District personnel – has a shared

⁵ <https://www.generationup.net/ca-student-s-bill-of-rights-campaig; LAUSD Board Resolutions on Student Rights>

⁶  COVID and the virtual school to prison pipeline 2021.pdf

understanding and shared expectations of what these interactions should look like, especially in the cases of potentially prosecutable offenses. We propose adding the following language to the section entitled “The District’s Right to Interview Students.”

“Recognizing the important difference between general school officials and school officials who are also sworn law enforcement officers, any sworn Austin ISD Police Department officers or other sworn law enforcement officers regardless of agency should not be present during non-custodial interviews (include link to definition in glossary) of students. If, in extraordinary circumstances, a student is placed under arrest, any sworn law enforcement officer including AISD Police Department officers, must read the student their Miranda Rights (include link to definition in glossary and maybe a link to pertinent legal code outlining what this is) prior to taking any statement. In cases of non-custodial interviews where a student is suspected of a criminal violation, school officials shall make a good faith attempt to notify a parent or guardian and allow them to be present during any school official’s interview of a student.”

AISD has the opportunity to be a shining star and to further lead the way toward educational equity and justice in Texas. The language the District has proposed adding,⁷ while factually correct, ignores the power dynamics involved and the inherent coerciveness of the school setting. The benefit of taking the time to attempt to engage with parents/guardians offers a “cool-down” period that benefits everyone and offers LEOs time to disengage from discipline processes where their continued involvement is no longer appropriate or is not allowed by state code.

- 6. Clarify terms in the "Security Staff" section.** In this section, the terms police officers, SROs, security personnel, district peace officers, and security staff are all used as if the differences are meaningful to the reader and as if they are all separate and meaningful categories when they are not. Each term and the corresponding role of each category should be clarified. All terms should be defined in the glossary, including a list of the types of LEOs the District employs (SRO, patrol, Mental Health, etc). Links to the

⁷ District legal counsel has proposed adding: “Except when a student is placed under arrest, any interview of a student conducted by District police officers will be non-custodial in nature. In this context, “non-custodial” means the interview is voluntary, and the student may decline to answer questions or end the interview at any time.”

glossary should be included in the text. (see *Endnote 2 for current language and detailed notes*) We propose the following rewrite of this section.

“To ensure sufficient security and protection of students, staff, and property, the board employs sworn law enforcement officers (LEOs) and **security guards**. District **security guards** assist school principals in maintaining order, resolving conflicts, and ensuring that safety rules are followed on school grounds. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate **law enforcement** duties are assigned to LEOs. The **law enforcement duties** of **district LEOs** are listed in [policy CKE](#).”

7. **Clarify the use of the term ‘levels’ throughout the document.** Overlapping use of the term ‘levels’ throughout the document makes it confusing and may create connections for the reader that are not accurate or appropriate. Because ‘Level’ is the term used for offenses (p.3 & 5), intervention strategies (i.e. as on p.12-13), and appeals (p. 29), it is unclear that these don’t relate or apply to each other in a direct way. Differentiation is needed.
8. **Continue to improve SCOC accessibility and engagement for students, parents/ caregivers, and community.**

The SCOC should:

- Include all necessary links to terms and appropriate policies, codes, and laws.
- Be translated and shared in many different languages and via many different mediums.
- Include a link in multiple places within the document to an open form for ongoing input.
- Establish and include clear mechanisms for direct communication between students and administration, especially related to pathways for advocacy, and various options for opportunities to give input on SCOC decisions that affect them most as they arise.

The District must continue and expand student development of the SCOC.

- 9. Make expectations for adult behavior visible within the SCOC and on every campus.** The SCOC should include processes for administrator, teacher, and staff accountability so students and parents/caregivers know how District employees can properly be held accountable. Students must be able to advocate for themselves without fear of being punished or ignored. There is currently a lack of parity of accountability, which is established for students and parents/caregivers but not for teachers, admin, and staff. Because the staff handbook is not a public facing document, there is neither shared understanding of expectations of District employees nor consistent expectations for processes and practices of accountability. A restorative rather than punitive culture requires transparency and accountability for all community members ([see #2 above](#)).
- 10. Radically reimagine the security guard position.** The [current security guard job description](#) literally requires constant interaction with students and management of student behavior, including disciplining students and making independent decisions. However, the position requires applicants to have only a GED, and no experience with children or training to deal with childhood behaviors or discipline is required. A reorganization like the one already being planned by the District (*see Endnote 3*) presents the District with an amazing opportunity to create a new position that supports whole child educational environments; identity-safe campuses; CRRP; and in the moment staff support for circles, relationship repair, & campus community building.
- This new position would take the place of security guards and could be called a mentor, or student support liaison, or even reinstate the title of Culturally Responsive Restorative Practices Associate. The position, regardless of the name, would require proper training in social-emotional learning, identity-safety, anti-bias/ anti-racism, CRRP, cultural proficiency & inclusivity, and PBIS & MTSS, as these are imperative to create restorative mindsets and reinforce and support effective implementation of restorative rather than punitive campus cultures and discipline systems.
 - This position could create another layer of support for PBIS, MTSS, and CRRP that currently does not exist, security guards cannot fulfill, and is sorely needed on our campuses. (*see endnote 4*)

If we continue to invest our money, time, and energy in the same so-called solutions – policing and punishment – to behavior issues and harm, we will continue to get the same outcomes – disparate discipline rates, dysfunctional campuses, and disconnected, dehumanized campus community members.⁸ The *work* of equity and justice is not the same as talking about equity and justice.⁹ We *must* implement and invest in the policies and practices that will make policing and punishment obsolete on our campuses, but we can't do that if policing and punishment are the only options we have because they are the only things we invest in. (see *Endnote 5*) Our children cannot afford for us to tarry any longer.

We, the undersigned organizations, look forward to a response that allows for the necessary discussion to occur and changes to be made to the SCOC draft prior to the Board's scheduled vote on June 23, 2022. And, we recognize and assert that the work will not end with that vote.

Texas Center for Justice and Equity

MEASURE

Texas Appleseed

IDRA

Excellence and Advancement Foundation

Austin Justice Coalition

Educators in Solidarity

Texas Civil Rights Project

Youth Rise Texas

You cannot change any society
unless you take responsibility for it,
unless you see yourself as belonging to it
and responsible for changing it.

— Grace Lee Boggs

⁸ *Criminal justice policy is education policy*, Dec. 2016, <https://www.epi.org/blog/criminal-justice-policy-is-education-policy/>
Educational and criminal justice outcomes 12 years after school suspension, Jan. 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7288849/>

⁹ Credit to Bavu Blakes, former AISD CP&I Department member, for this language.

Endnotes

1. p. 4, https://en.wikipedia.org/wiki/Student_bill_of_rights
“At the institutional level, student bills of rights tend to be policy statements. On rare occasions, they can also be legally binding, as promises from the school or university to the students who abide by the educational contract.[3] At any level, student bills of rights can provide students with an understanding of their legal rights: rights pertinent to all citizens and rights specifically pertinent to students in the educational setting. When used as a statement of belief, however, a student bill of rights often includes the natural rights that an organization feels students have, as well as the procedural rights institutions must follow to ensure these rights are fulfilled.”
2. p.6, The 22-23 Draft SCOC currently states on p. 22: *“To ensure sufficient security and protection of students, staff, and property, the board employs police officers, school resource officers (SROs), and security personnel. District security personnel assist school principals in maintaining order, resolving conflicts, and ensuring that safety rules are followed on school grounds. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE.”*
 - a. It needs to be clear who security personnel are (security guards and who else?) and that security personnel *are not* law enforcement officers (LEOs) because LEOs are expressly *not* supposed to be doing the tasks listed for ‘security personnel’ above. Preferably the term security personnel should just be changed to security guards unless there are other categories that fall under the umbrella security personnel.
 - b. It needs to be clear that SRO (school resource officer) is a term used for school based LEOs and that these are also sworn LEOs.
 - c. Thus, it needs to be clear that LEOs of any name are NOT supposed to be involved in campus operations or discipline and behavior issues except in VERY specific scenarios per [Tex. Education Code Section 37.081](#).
 - d. The term ‘security staff’ is too close to the terms ‘security personnel’ and ‘security guard’ and should not be used when describing employees who have “law enforcement duties.” The term should indicate those with ‘law enforcement duties’ are always sworn LEOs.
 - e. The term ‘district peace officer’ should be defined or not used.
3. p. 7, Per the AISD Long-Range Planning committee meeting on May 16, 2022, AISD is currently reorganizing and re-shaping the security guard position so that security guards will be housed under the AISD Police Department (PD) starting July 1, 2022, including: Working on revising the security guard job description. Implementing training requirements for security guards, but security guards will not become sworn LEOs. There are school security guard programs that already exist so that the AISD PD department doesn’t have to create anything and we don’t want security guards getting LEO officer training or mindset. Security guards will not become sworn LEOs. Security guards would be allocated to campuses based on needs and population. While these reforms could be seen as improvements, they also come with the risk of increasing the

law enforcement mentality of security guards who are in daily contact with our students. Additionally, these reforms do little to nothing to foster school culture as safe places and not places of control and coercion.

4. p. 7, During the May 16 LRP meeting, regarding problem statement SSR-1 and the AISD suggested strategy to improve access to Licensed Mental Health Professionals, there was discussion about the need for more support staff on campuses to help “in the moment” when issues arise so that restorative practices can be implemented, harm repaired, and community built up. A reimagined security guard position could be an integral part of this and relates strongly to [recommendation #2 above](#).
5. [Austin ISD 2021 Equity Action Plan](#)