

July 16, 2019

Dear Knox County Board of Education,

We the undersigned write to request public hearings and discussion before adoption of the proposed Memorandum of Agreement by and between the Knox County Board of Education, the Knoxville Police Department and the Knox County Sheriff's Office addressing the roles and responsibilities regarding the law enforcement presence in Knox County Schools.

The draft Memorandum of Agreement has been developed largely behind closed doors and without meaningful opportunity for questions, comments or input from the public. This Memorandum of Agreement affects 60,000 students, their families, and thousands of school staff.

Specifically, we ask that the Knox County School Board postpone its vote on adoption of the proposed Memorandum of Agreement, scheduled for July 17, 2019, and that the Board of Education request the Superintendent to facilitate public forums where the public will have the opportunity to seek clarification from both Education and Law Enforcement officials on the numerous issues posed by the Memorandum of Agreement.

Knox County Schools with the Knox County Board of Education has committed in its Strategic Plan and through Board of Education policies to address the well documented Disparities in Education Outcomes. These disparities, which we are all working to erase, include inappropriate use of out of school and in school suspensions of the special education student group and in the African American student groups (as well as other students from marginalized populations.)

Attached to this letter are a listing of concerns expressed by groups and interested citizens, many with specific expertise, raising serious questions regarding the language and implications of the Memorandum of Agreement as drafted.

We have worked with many of the individuals on the Disparities in Educational Outcomes task force which crafted the current draft of the Memorandum of Agreement and we know that these individuals are deeply concerned about both school safety and addressing disparities. Nonetheless, we are confident that a more robust public discussion and the opportunity for clarification of critical issues will result in an Agreement which more clearly reflects the discipline policies of the Board of Education as well as the practicalities of addressing school safety issues. Most importantly, a public forum process will build support and confidence in the final Agreement.

The organizations requesting this action are:

- Allies of Knoxville's Immigrant Neighbors (AKIN)
- Justice Knox
- Knoxville Branch of the National Association of Colored People (NAACP)
- Knox County Education Association (KCEA)
- Kindred Futures
- Latino Student Success Coalition (LSSC)
- League of Women Voters of Knoxville and Knox County (LWVKKC)
- Stop School Push Out
- Students Parents and Educators Across Knox County (SPEAK)
- What's the Big I.D.E.A.?

Respectfully submitted on behalf of the above organizations by,

Rev. Dr. John Butler, President
Knoxville Branch NAACP

CC:

Mayor of Knox County
Knox County Sheriff
Mayor of the City of Knoxville
City of Knoxville Chief of Police
Superintendent of Knox County Schools
Knox County Board of Education
Knox County District Attorney

Issues raised by community groups and individuals about the proposed Memorandum of Agreement

1. Training of School Security Officers and assigned Law Enforcement Officers: The public needs to be informed about the specific trainings that will be provided to law enforcement officers serving in the schools system. Our law enforcement agencies are an important part of our community and we appreciate the work they are committed to do. This Memorandum of Agreement (Agreement or MOA) is an opportunity to inform our parents, students and community about how the School System and our City and County law enforcement are working together, and how potential conflicts in policies will be addressed. As written the Agreement allows police officers to serve in our schools up to a full year before being trained. No officer should serve around our school children until they are fully trained.
2. Privacy policies: The MOA refers to sharing information but is unclear regarding privacy policies. The mental and emotional well-being of our children while they are in school is a priority. Our schools must be environments where the confidentiality of children's personal information is respected and safeguarded. Students or families may be concerned that school law enforcement personnel will be identifying undocumented individuals for federal action.
3. It is not clear whether the proposed MOA is consistent with recent changes to Tennessee Juvenile Law provisions. For example, Tennessee Code Annotated provision 37-1-120 (e) makes special provisions for students receiving special education services; 37-1-120 (f) limits school personnel juvenile petitions to certain circumstances. Shouldn't these provisions be referenced? Have those changes been discussed and considered in the development of this MOA?
4. This MOA affects parents and students but there has been no public hearing or explanation of the purposes and implications of the MOA.
5. The second sentence of II. C. 3. regarding viewing video footage is very confusing. The intent and procedures should be clarified.
6. Mutual obligations could be improved. For instance, shouldn't law enforcement provide information to schools to the same extent that schools provide information to law enforcement?
7. In general, the Agreement appears to impose unnecessary and potentially disruptive mandates on school principals as shown by the following specific comments 8 through 12.
8. The school system has individuals who are trained in Trauma Crisis Intervention. These individuals may often be the best placed to deescalate student crises. However, the Agreement as drafted, may require school officials to request law enforcement intervention even if these trained individuals have a situation under control.
9. Section II B.7. is unclear both as to meaning and intent. It requires principals to report to SSO or Law Enforcement officers any "criminal" act other than assault and vandalism:
 - (a) It is not clear why the principals are required to report this. What happens with the information? Does the LE or SSO then have to file a petition or citation with the juvenile

court? (b) As written, less serious but “criminal” actions such as theft, smoking in secondary schools (39-17-1604(6), anything that constitutes disorderly conduct (39-17-305) would have to be reported. This appears to be contrary to the intent of the drafters but as drafted, will create confusion for school officials. (c) This paragraph seems inconsistent with Board of Education discipline policies which set up a matrix of actions to be taken in response to student misbehavior which do NOT include reports to LE or SSO. (d) School personnel already have reporting requirements for certain crimes such as child abuse. Adding a new level of a reporting requirement could confuse personnel. How do school personnel know what is a “criminal” act?

10. Section II.A.3 is unclear regarding the mandate to “share appropriate information to law enforcement as allowed by existing local, state and federal law and work diligently to be certain that communication is accurate and timely.” If school policies on crisis intervention or restorative practices are functioning and productive, what would be the purpose of requiring reporting to and involvement of law enforcement officials?
11. Section II.D.5 allows law enforcement officers, on the request of the principal “who asks for a criminal investigation” to “participate in and/or assist in meeting with parents/guardians and/or students”. We think that the Agreement should include an assurance that they will comply with KCS policies on interrogation, which mandates that, “If criminal prosecution is contemplated by the police or the school principal, interrogation shall not commence unless a parent or guardian of the student is present. Prior to interrogation, the principal or his or her designee shall note that the police officer advises the student of the nature of the crime for which he is a suspect, that he has the right to remain silent, that anything he says may be used against him or her in criminal or juvenile court, that he has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and that a student or parent may stop the interrogation at any time.”
12. At the Workshop of the Knox County Board of Education, substantive questions were raised but unanswered regarding the specific roles of SSOs versus law enforcement officers, and whether the Memorandum of Agreement would overrule Knox County Board of Education policies. Discussion and clarification of these issues are needed before adoption of the Memorandum of Agreement.

Please note that this list has been compiled in a very short period in order to provide input before the Board is scheduled to vote on approving the MOA. There may be redundancies and very likely are other concerns that the coalition has overlooked. The substantive content and the broad range of concerns demonstrate the need for a more critical and robust examination of the Agreement before adoption, so that each of the parties to the agreement and the community have a clear understanding of roles and responsibilities.