

**Testimony in Support of
H.B. 6682: An Act Concerning Collaboration between Boards of Education and Law
Enforcement Personnel**

Sarah Esty
Judiciary Committee
April 5, 2013

Senator Coleman, Representative Fox, distinguished members of the Judiciary Committee,

We are testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

We strongly support H.B. 6682, *An Act Concerning Collaboration between Boards of Education and Law Enforcement Personnel*, which seeks to improve school climate and student outcomes by reducing the number of children arrested in schools inappropriately. It requires school districts and police to clarify responsibilities and procedures when police are stationed in schools, promoting fair and consistent implementation of student discipline codes. It also improves clarity and transparency by collecting and making data on school arrests publicly available, and establishing a clear definition of school-based arrests.

The Urgent Need for Reform

Academic and public policy research shows that arrests, including student arrests, have harmful long-term impacts on children.¹ For example, a 2006 study based on a nationally representative longitudinal dataset, found that “**arrest doubles the probability of dropout even when controlling for** arrest expectations, college expectations, prior and concurrent delinquency, grade retention, school suspension, middle school grade point average, and a number of demographic factors.”² The study also found that “**a court appearance nearly quadruples the odds of dropout**” and that the increased risk of dropout was particularly severe for first time offenders.³ These increases in dropout risks are consistent with results from other studies, which were also rigorously designed to measure the specific impacts of arrest and court involvement.⁴

¹ See, e.g., American Civil Liberties Union, “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns” (November 2008), p. 38 (“That large numbers of students of color are arrested at school is cause for grave concern, both for communities of color and for the community at large, given the powerful negative impacts arrest and prosecution almost invariably have on a young person’s life: psychological and emotional trauma; educational disruption and increased risk of dropping out; diminished employment prospects; and of course the threat of incarceration, with its concomitant emotional and physical dangers.” [citing to academic and public policy literature]; Jennie Rabinowitz, “Leaving Homeroom in Handcuffs: Why an Over-reliance on Law Enforcement to Ensure School Safety is Detrimental to Children,” 4 *Cardozo Pub. L. Pol’y & Ethics J.* 153, 169-173 (March 2006) (describing research regarding harms to children of juvenile justice involvement, including stigmatization and job instability).

² Sweeten, Gary, “Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement” 24.4, *Justice Quarterly*, 462-480, at 478 (December 2006) (emphasis added).

³ *Id.* at 473 (emphasis added).

⁴ *Id.* at 473 (“These magnitudes are similar to Bernburg and Krohn’s (2003) estimates of the effect of any arrest or juvenile justice system involvement for males from ages 13.5 to 16.5. They found that arrest nearly quadrupled the odds of high school dropout, and justice system involvement increased the odds of dropout 3.6 times.”) (citation omitted). See also Paul Hirschfield, “Another Way Out: The Impact of Juvenile Arrests on High School Dropout”, *Sociology of Education*, Vol. 82, No.4 (October, 2009), pp. 368-393 (concluding, based on sample of more than 4,844 inner-city

The growing interest in increasing the presence of police in schools following the tragedy in Sandy Hook makes this bill even more critical. While we do not recommend the placement of armed guards, police officers, or school resource officers in school settings as the best response to improving school safety, we recognize that many communities will nonetheless pursue this approach.⁵ Therefore, for those districts that do pursue this course, we urge them to carefully monitor and collect data to assess whether there are unintended consequences, including disproportionate impact on minority students and escalating arrest rates for minor infractions. We also encourage them to implement best practices that can reduce some of the harms: training for police and clear procedures delineating the roles and responsibilities of school staff and law enforcement in dealing with student misbehavior.⁶

National data suggests that the **presence of police in schools coincides with increasing arrests of students, a majority of which are for minor infractions.**⁷ While Connecticut-specific data is difficult to obtain, information we were able to analyze for a forthcoming report suggests that a large number of students in our state are already being arrested for discretionary reasons and very few arrests result from weapons possession. Statewide, during the 2010-2011 school year, over 3,000 arrests occurred in Connecticut schools, **over one in ten of which resulted from “school policy violations”** – low level offenses such as profanity, skipping class or detention, disrespect, and disruptive behavior.⁸ **As schools increase the presence of law enforcement, we are concerned that this trend could accelerate, with dire consequences for students in poorer communities, minority students, and students with disabilities – often the very same students who already face achievement gaps and other barriers.**

Research shows pervasive and disturbing disproportionality in exclusionary discipline practices, school arrests, and the juvenile justice system in Connecticut.⁹ Students of color, males, students in special education, and students in poorer districts are arrested at significantly higher rates than their peers. A preliminary analysis by Connecticut Voices for Children of school discipline data filed by

Chicago students, that “contact with the legal system increased school dropout” and that “being arrested weakens subsequent participation in urban schools, decreasing their capacity to educate and otherwise help vulnerable youths.”)

⁵National research on the connection between the presence of school resource officers and school violence is limited. The evidence is mixed; the preponderance of research does not suggest that more police in schools keeps children safer. For a review of the literature, see “Education Under Arrest: The Case Against Police in Schools,” *Justice Policy Institute* (November 2011): 9-12 http://nijn.org/uploads/digital-library/Education-Under-Arrest_JPI_Dec-20-2011.pdf

⁶“Education Under Arrest: The Case Against Police in Schools,” *Justice Policy Institute* (Nov. 2011), available at: http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf

⁷ “Putting Armed Guards in Schools is Wrong Answer” *The Advancement Project* (January 15, 2013): <http://www.advancementproject.org/blog/entry/putting-armed-guards-in-school-is-wrong-answer>

⁸ See, Sarah Esty, “Student Arrests in Connecticut”, *Connecticut Voices for Children* (forthcoming, Winter 2013), on file at Connecticut Voices for Children.

⁹See, e.g., Connecticut Voices for Children, “Missing Out: Suspending Students from Connecticut Schools,” (August 2008), pp. 13-17 (discussing disproportionality by race/ethnicity and special education status); American Civil Liberties Union, “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns” (November 2008), pp. 35-44 (discussing racial disproportionality in frequency of school-based arrests in West Hartford and East Hartford and finding that “the ED 166 data indicate that students of color who commit certain common infractions – for example, incidents involving the use of physical force, like fights, or incidents involving drugs – are more likely to be arrested than are white students committing the very same offenses.”); Spectrum Associates Market Research, “A Second Reassessment of Disproportionate Minority Contact in Connecticut’s Juvenile Justice System” (May 15, 2009) (finding disproportionate minority contact in many decision points in Connecticut’s juvenile justice system, even when controlling for other factors); Office of Policy and Management, “Biennial Report on Disproportionate Minority Contact, Fiscal Years 2010-2011 (December 31, 2011) (discussing in detail data regarding disproportionate minority contact in Connecticut’s juvenile justice system and steps to reduce such disproportionality).

local districts with the State Department of Education found these disparities statewide and in nearly every district. Though the ED166 arrest data is imperfect, it is nonetheless useful as a starting point for discussion and its disproportionality trends are likely to hold as the data collection improves. Statewide, during the 2010-2011 school year:¹⁰

- **Black children were nearly 4 times more likely to be arrested** in school than white children (11.9 arrests per 1000 students versus 3.2, respectively)
- **Hispanic children were over 3 times more likely to be arrested** in school than white children (10.5 arrests per 1000 students versus 3.2, respectively)
- **Boys were twice as likely to be arrested** in school as girls (7.5 arrests per 1000 students versus 3.7 respectively)
- **Special education students were more than twice as likely to be arrested** in school than regular education students (10.9 arrests per 1000 students versus 5.0, respectively)
- **Children in the state's poorest districts** (District Reference Group [DRG]¹¹ I) **were 9.4 times more likely to be arrested** in school than children in the wealthiest districts (DRG A) (9.4 arrests per 1000 students versus 1.0, respectively).
- Disparities are widespread, affecting children in nearly all districts. **In every single DRG, black and Hispanic children were more likely to be arrested than their white peers, and special education students were more likely to be arrested than their regular education peers.**

HB 6682: Promoting Best Practices, Building on What Works in Connecticut

While HB 6682 will not prevent all inappropriate arrests or eliminate all the negative consequences of increasing police presence in schools, it does address two of the major issues around student arrests: the need for better data, and the need to for schools and police to work together to improve outcomes for children in our schools.

I. Improved Communication Between Schools and Police

Extensive research into best practices for reducing school based arrests emphasizes the critical importance of clearly delineated responsibilities and expectations, negotiated in person and confirmed in writing, between schools and police.¹² ***We therefore strongly support the inclusion***

¹⁰ These figures come from a CT Voices analysis of enrollment and ED166 data provided by the Connecticut State Department of Education. (See, emails from Angela Gambaccini-May, SDE, on January 27, 2012 and January 31, 2012, on file at Connecticut Voices for Children). The data presented on school arrests comes from ED166, which is likely somewhat inaccurate for the reasons discussed earlier (these include: undercount of students arrested for whom an ED166 was not filed, overcount of students arrested because it does not subtract out students diverted to a JRB or who were not ultimately arrested, and uncertainty in the counting of students involved in incidents on school buses and off school property at school-related events). We have included this data despite these limitations because, absent extreme disproportionality in the opposite direction in these sources of uncertainty, the general trends of disproportionality almost certainly hold. See Appendix for additional figures.

¹¹ District Reference Groups are used by the State Department of Education to place towns of similar incomes into groups to facilitate comparison. A list of towns by DRG is available at: <http://www.sde.ct.gov/sde/LIB/sde/PDF/dgm/report1/cpse2006/appndxa.pdf>

¹² See, e.g., Peter Finn, et. al., "Comparison of Program Activities and Lessons Learned Among 19 School Resource Officer (SRO) Programs," (February 28, 2005), p. 23-31, available at http://www.ncdjdp.org/cpsv/pdf_files/SRO_Natl_Survey.pdf (discussing in detail the critical importance of defining school resource officers' roles and responsibilities clearly in written agreements between schools and police, and describing in detail best practices for ensuring successful delineation of roles and fidelity to agreements); American Civil Liberties Union, "Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns" (November 2008), p. 18-20
Connecticut Voices for Children

of language in HB 6682 which requires agreements on the delineation of responsibilities between police stationed in schools and school personnel.

Connecticut has already identified the benefit of, and begun to take steps towards, improved communication between schools and police. The Juvenile Justice Advisory Committee (JJAC) has awarded multiple rounds of grants to a number of districts implementing strategies to reduce school arrests.¹³ Conditions of the grant include the requirement that districts adopt a memorandum of agreement (MOA) between schools and police.¹⁴ While this funding has served as an incentive to encourage participation, funding is not necessary for schools and police to come to the table to make a clear plan of action for dealing appropriately with students in schools. Districts will have access to a number of resources, including the JJAC’s model MOA,¹⁵ to facilitate and expedite conversations. Furthermore, the small investment of time to clarify roles and responsibilities will likely reap significant time savings down the line in reduced arrests, improved student behavior, reduced confusion and conflict between school and police personnel, and improved outcomes for youth.

A number of Connecticut cities have seen dramatic results from school arrest reduction efforts that included as key components a MOA between police and schools and a graduated response discipline model. Over the last few years, many communities have already identified student arrests as a problem and taken steps to address it in partnership with advocacy groups and local stakeholders. While some actions taken by each city varied based on identified local needs, these projects shared some core features: clarified discipline policies and a MOA between schools and police – the same central tenants found in HB 6682.

Stamford, Manchester, and Windham participated in pilot projects with the Connecticut Juvenile Justice Alliance in the 2011-2012 and 2012-2013 school years. These efforts saw dramatic declines in arrest rates beginning as soon as the first month of the pilots, as well as improvements in school climate and security. These pilot programs shared key features, including use of a memorandum of agreement (MOA) between police and schools following the JJAC model, a graduated response model that spells out the disciplinary consequences for particular behaviors, and increased use of alternatives to arrest such as Juvenile Review Boards, Substance Abuse Diversion Programs, and Attendance Review Boards.¹⁶

Hartford and Bridgeport have been working with the Center for Children’s Advocacy and the Center for Children’s Law and Policy to reduce racial and ethnic disparities in youth interaction with

(discussing importance of a memorandum of understanding, “or other formal written agreement, between the school board and the police department, in which the mutual responsibilities of SROs [school resource officers] and educators are spelled out”).

¹³ Districts receiving grants for 2011 and 2011/12 include: Ansonia, Hamden, Manchester, New Haven, Norwalk, Norwich, Regional School District 10 (Harwinton and Burlington), and Vernon. “School/Police Grant Awards 2011 and 2011/2012,” Juvenile Justice Advisory Committee, Office of Policy and Management (June 2011), available at: <http://www.ct.gov/opm/lib/opm/cjppd/cjijyd/programschoolpolice/schoolpolicegrantawards20112011-2012.doc>

¹⁴ See, “Juvenile Justice and Youth Development: Programs and Grants,” Juvenile Justice Advisory Committee, Office of Policy and Management (June 21, 2011), available at: <http://www.ct.gov/opm/cwp/view.asp?a=2974&Q=471720>

¹⁵ “Model Memorandum of Agreement between Schools and Police,” Juvenile Justice Advisory Committee, Office of Policy and Management (June 6, 2011), available at: http://www.ct.gov/opm/lib/opm/cjppd/cjijyd/programschoolpolice/moa_6-11.doc

¹⁶ For more information about the CTJJA pilot programs, see, “Adult Decisions: Connecticut Rethinks Student Arrests,” *Connecticut Juvenile Justice Alliance* (January 2013), available at: <http://www.ctjja.org/resources/pdf/CTJJA-AdultDecisions-WhitePaper.pdf>

the justice system. After reviewing the data and finding that a significant portion of the arrests came from the schools, leaders of this initiative focused resources and attention on schools with the highest numbers of arrests, trained school staff and law enforcement personnel, negotiated agreements between police and schools on handling of disciplinary incidents, and increased the use of JRBs and other alternatives to arrest. Both communities saw dramatic results, with school arrests down 40% in Bridgeport and 78% in Hartford for the spring of 2012 over the same period the previous year.¹⁷

In sum, HB 6682 would help extend these best practices across the state, codifying a graduated response model, furthering improved communication, and delineating responsibilities and procedures between schools and police, all of which will help to reduce arrests.

II. Data

Better information is crucial to improved outcomes and monitoring the effect of changes.

Parents, advocates, and the school districts themselves need access to student arrest data to locate and improve upon areas of weakness, benchmark themselves against peer districts and statewide averages, and identify standout schools and districts that might provide helpful models to implement. Particularly as districts change their school discipline and safety policies and modify their security personnel staffing, it is particularly crucial that they collect data with which to monitor the effect of these changes on student arrest rates. *HB 6682 addresses this issue by including provisions to improve access, quality, and breadth of student arrest data.*

Access to Data

Currently, some data is collected on student arrests, but it is done so inconsistently, and is not publicly available. The State Department of Education (SDE) collects data on school arrests through the ED166 - the disciplinary offense reporting form – which includes a check box for whether or not the student was arrested.¹⁸ This data contains some limitations (discussed below), but would be quite helpful if publicly available and presented in a meaningful context. Unfortunately, at present, it is both unavailable and inaccessible – available only through direct request to the State Department of Education and presented with record-level data that is essentially useless without extensive processing.¹⁹

¹⁷For more information about the CCA DMC reduction pilot projects in Bridgeport and Hartford, see, “Replicating the DMC Action Network Approach and Getting Results in Connecticut.” *DMC E-News* (Oct/Nov 2012), available at: http://cclp.org/documents/DMC/DMC_eNews_032.pdf

¹⁸See, Connecticut State Department of Education, “2011-2012 ED166 Disciplinary Offense Data Submission Data Collections Record Layout,” (September 15, 2011), available at: http://www.csde.state.ct.us/public/ed166/docs/2011-2012_ED166_RecordLayout.pdf [See ED166 field: Arrested – Report whether or not the student was arrested (“Y” – Yes, “N” – No), regardless of whether the student was on or off school property at the time of arrest. MANDATORY FIELD”]

¹⁹At one point, the ED166 data was intended to be available from the Connecticut Education Data and Research (CEDaR) Portal, but, in practice, was unavailable due to technical constraints at SDE that returned error messages when one attempted to access it. Even if the file could be exported, the data would arrive in a 275,000 row Excel spreadsheet that was unlikely to be meaningful for anyone outside of professional researchers. Due to the server issues, last year SDE completely removed the discipline data export capabilities from CEDaR, making the school arrest data completely unavailable outside of a formal request to the department. Numerous attempts were made to access the exports from December 2011 through January 2012. See emails with Mark Vocca, Connecticut State Department of Education (December 21, 2011 and January 19, 2012), and with Angela Gambaccini-May, Connecticut State Department of Connecticut Voices for Children

This bill requires the inclusion of school discipline data, including school arrests, on the Strategic School Profiles (SSPs), which would go a long way towards making available and accessible the information necessary to make targeted improvements in school climate and arrest reduction, and to monitor the impacts of future policy and staffing changes. Strategic School Profiles already provide a wealth of information about schools, including enrollment demographics, truancy, test scores, course offerings, and staff,²⁰ and therefore would be a natural home for school discipline data as parents and others know to look there for information. By law, in addition to submitting them to the Commissioner of Education, superintendents must present SSPs annually at a public meeting of the local board of education – providing a direct forum for discussion of the metrics they contain.²¹ While districts already must collect arrest data for report in individual ED166 forms, there is no requirement that they analyze the aggregate data to determine trends or disproportionality. Requiring the collection of this overall data for an SSP would therefore give districts more access to their own data and benchmarks for improvement. Furthermore, SSPs are standardized across all districts and schools, allowing for easy comparison between them that will aid in providing a context for interpreting arrest rates and other school discipline data. The stated goal of the SSPs is “to serve as an accountability system which informs the public about what is happening in Connecticut schools; and to stimulate school improvement through shared information”²² – a goal which would be significantly furthered by the inclusion of school discipline and student arrest data in the reports.

Quality of Data

In order for data to be useful, it must be accurate and comprehensive. The current methods of data collection are difficult for the schools to complete accurately, and are also incomplete. ***A clear and consistent definition of school arrests, such as the one proposed in HB 6682, will help address this problem.***

The present iteration of the ED166 form is an insufficient tool for collecting school arrest data. A district could file a form for all incidents, but is not required. The only times the forms must be filed are for all incidents resulting in suspension (in-school, out of school, and bus), all “serious” offenses,²³ and all incidents involving alcohol, drugs or weapons.²⁴ However, arrests may

Education (January 26, 2012 and January 27, 2012), on file at CT Voices. The data had been previously accessible through CEDaR at http://sdeportal.ct.gov/Cedar/WEB/ct_report/DisciplineDT.aspx by selecting “Custom Export” from the “Discipline Reports” menu. This functionality was removed sometime in February 2012. In fact, all export functions from CEDaR were removed during this time period as a result of server capacity issues at SDE (per conversation with Mark Vocca, January 26, 2012).

²⁰ Strategic School Profiles are available for all districts and public schools in Connecticut at:

<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>

²¹ Connecticut General Statutes, Sec. 10-220 (c), which states “Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first.”

²² Connecticut State Department of Education, “About the School Profiles,” available at:

<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx> under “About the Strategic School Profiles”

²³ SDE categorizes approximately two dozen types of offenses as “serious,” including physical assaults, property destruction or theft, verbal harassment, drug or weapon possession, and threatening. *See*, Connecticut State Department of Education, “ED 166 Serious Incidents,” (October 20, 2010), available at:

<http://www.csde.state.ct.us/public/ed166/docs/SeriousIncidents.doc>

occur at school that do not result in the filing of an ED166 form, producing an undercount if this tool is used.²⁵

The form instructs schools to “report whether or not the student was arrested regardless of whether the student was on or off school property at the time of arrest.”²⁶ Although completion of this field is supposed to be mandatory,²⁷ schools often struggle to accurately complete it, given that they often do not know whether or not a student has been arrested (particularly if the arrest took place off school property). Furthermore, if the police are involved, even if the incident does not ultimately result in an arrest (perhaps as the result of diversion to a Juvenile Review Board or a police decision not to arrest), schools may nonetheless report an arrest as having occurred.

HB 6682 defines a school arrest as one that occurs “on school property during the school day, or ... at a school sponsored activity conducted on or off school property.”²⁸ This definition, limited to arrest occurring at times and locations under direct school staff supervision, should allow schools to more accurately provide data and comprehensively count all arrests. Furthermore, it is in keeping with the definition used by the Court Support Services Division of the Judiciary Department, which has, since the spring of 2011, been conducting a voluntary hand count of school arrests using data from probation officers.²⁹

Breadth of Data

Extensive state and national research shows pervasive and disturbing disproportionality in exclusionary discipline practices, school arrests, and the juvenile justice system. ***This widespread disproportionality illustrates the desperate need for data collection on school arrests that includes demographic information about the children. We applaud this committee for including these provisions in HB 6682.*** While a town might be unconcerned about arrest rates if their overall number of arrests is not high, those averages often mask significant disparities in the students who are arrested. For example, DRG A has the lowest arrest rates in Connecticut, but black students in those schools were arrested at 9.4 times the rate of white students – a markedly greater degree of disparity than in any other DRG.³⁰ In addition to drawing attention to disproportionality, arrest information disaggregated by demographics will help schools and districts identify problematic areas on which to focus their arrest-reduction efforts. For example, one town might find that it has done well at reducing regular/special education disparities, but still has more work to do on racial

²⁴See, Connecticut State Department of Education, “Summer 2011 ED166 Training,” (August 16, 2011), available at: <http://ctserc.org/csdedata/ED166%20Handouts.pdf>

²⁵ State law requires police to give schools written notice whenever students are arrested for Class A misdemeanors or felonies. (Conn. Gen. Sta. Ann. 10-233h) However, it does not require school officials to monitor other kinds of arrests, or even to keep the reports they do receive. (See, American Civil Liberties Union, “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns” (November 2008), pp. 22)

²⁶See, Connecticut State Department of Education, “2011-2012 ED166 Disciplinary Offense Data Submission Data Collections Record Layout,” (September 15, 2011), available at: http://www.csde.state.ct.us/public/ed166/docs/2011-2012_ED166_RecordLayout.pdf

²⁷ Ibid.

²⁸See, “Raised Bill 5432: An Act Concerning School-Based Arrests,” *Connecticut General Assembly* (2012), available at: <http://cga.ct.gov/2012/TOB/h/pdf/2012HB-05432-R00-HB.pdf>

²⁹ Connecticut Voices for Children has been participating in a school arrest data workgroup with the Court Support Services Division of the Judiciary Branch (meetings August 19, 2011, September 15, 2011, and February 28, 2012).

³⁰CT Voices analysis of enrollment and ED166 data provided by the Connecticut State Department of Education. (See, emails from Angela Gambaccini-May, SDE, on January 27, 2012 and January 31, 2012, on file at Connecticut Voices for Children).

disparities, and can create programs and interventions accordingly. Additionally, accessible and easily interpreted data will allow for the identification of positive outliers whose arrest rates are significantly lower than peers. These standout districts could then be analyzed for best practices and serve as models for other districts seeking to improve their rates.

Thank you for the opportunity to testify today.