TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY TO THE JOINT COMMITTEE ON EDUCATION IN SUPPORT OF H.B. 5355: AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND SCHOOL RESOURCE OFFICERS

March 3, 2014

Senator Stillman, Representative Fleischman, and esteemed members of the Committee on Education, thank you for the opportunity to submit this testimony in support of **H.B. 5355**, **An Act Concerning Collaboration between Boards of Education and School Resource Officers.** This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law. This bill and its language mirrors S.B. 54, An Act Concerning Collaboration between Boards of Education and Law Enforcement Personnel, which was raised in the Judiciary Committee and went to public hearing last Monday, February 24, 2014. Our office and all of the bill's supporters submitted extensive testimony in support of S.B. 54 which is relevant to H.B. 5355 as well. The one notable distinction between H.B. 5355 and S.B. 54 is that the title of S.B. 54 references the more all-encompassing term "Law Enforcement Personnel" since the bill language applies to any and all police personnel that would have a role with the public schools, not just school resource officers. We were quite grateful for the endorsement of Chairman Fleischman in support of S.B. 54 at last week's hearing and appreciated his understanding of the importance of this bill for all of Connecticut's communities.

The Center supports this Act, which we originally proposed, **because it requires schools with police in them to adopt written policies or Memoranda of Understanding (MOUs)[1] outlining the parameters and guidelines for police presence within the schools. It also requires the schools to report, and the State Department of Education to collect and make public, data on the number of arrests that have occurred within their school as a part of their annual Strategic School Profile. Too many of our youth are unnecessarily arrested in school** leading to the development of what is commonly referred to as the school-to-prison pipeline. Youth of color and youth with disabilities make up a disproportionate number of this group.[2] For these reasons, it is essential that H.B. 5355 is passed.

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project, the Center collaborates with the Juvenile Probation Offices in Hartford and Bridgeport to improve our clients' juvenile justice outcomes by securing needed services through community agencies or the school system. We also run Disproportionate Minority Contact (DMC) Reduction Projects in both Hartford and Bridgeport, and now New Haven and Waterbury, where we work with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system. One of our key areas of focus has been the reduction of school-based arrests occurring in the Hartford and Bridgeport public school systems.

Board of Directors
Douglas Colosky, Chair
Claudia Connor, Vice Chair
Jill J. Hutensky, Treasurer
Natalia Xiomara-Chieffo, Secretary
Mario Borelli
Rudolph Brooks
David Cooney
Timothy Diemand
Kathryn Emmett (ex officio)
Robin Keller
Nichelle A. Mullins
Paul Sarkis
Martha Stone (ex officio)
Antonia Thompson

Advisory Board
Miriam Berkman
John Brittain
Brett Dignam
L. Philip Guzman
Wesley Horton
Elizabeth Morgan
Eileen Silverstein
Preston Tisdale
Stanley A. Twardy, Jr.
Stephen Wizner

Executive Director
Martha Stone, JD
65 Elizabeth Street
Hartford, CT 06105
Phone 860-570-5327
Fax 860-570-5256
www.kidscounsel.org

[1] This term is used interchangeably with Memorandum of Agreement (MOA).
[2] Esty, Sarah, Connecticut Voices for Children, *Arresting Development: Student Arrests in Connecticut*, September 2013, p. 43; Connecticut Juvenile Justice Alliance, *Adult Decisions: Connecticut rethinks student arrests*, January 2013, p. 4.

H.B. 5355 Will Ensure the Police in our Schools are Focused on Promoting a Safe School Climate and Responding to Emergency Situations

Approximately 70 of Connecticut's communities (more than 40 percent) have chosen to place police in their schools.[3] Therefore, it is of the utmost importance that we ensure that their presence there has clear and marked parameters.[4] **H.B. 5355 would achieve this purpose** while providing for a proven, effective and cost-efficient framework for school-police collaboration. This proposed legislation would:

1. Require collaboration between police and schools whenever a community decides to station police within its schools;
2. Mandate the adoption of formal written policies or agreements (MOU/MOAs) between police and schools in those communities, incorporating graduated response policies for student discipline and detailing the roles and responsibilities of police officers stationed in schools;
3. Provide communities and their stakeholders with better access to data concerning the number of arrests of students in their schools so that problems with police–school interactions can be identified and addressed as they arise.[5]

School police collaborations that are carefully circumscribed through written policies reduce the number of children and students unnecessarily arrested in our communities. **Our DMC reduction work in Hartford and Bridgeport is proof positive of this fact.** At the heart of this work has been the adoption of an MOA between the school district and the police department in both cities detailing the roles and responsibilities of police in schools, and outlining graduated response models for school discipline, is an appropriate and effective tool for ensuring police presence in schools is about safety and consistency, while taking care not to over-criminalize non-dangerous youth.

In the city of Hartford, the signing of the MOA in October 2012 helped to facilitate a drop in Hartford's school-based arrests by 52 percent between the 2011-12 and 2012-13 school years. Bridgeport, which signed its MOA in the summer of 2012, experienced a 32 percent drop in school-based arrests over the same time frame.[6] Similar agreements have been used nationally and in other Connecticut cities and towns, including Manchester, Stamford and Windham, with great success. In fact, a model MOA created by Connecticut's Juvenile Justice Advisory Committee is readily available for our local communities to adapt to their needs.[7]

H.B. 5355 Ensures that the State of Connecticut and its Communities Have Safeguards in Place that Mirror Recent Important Federal Guidance from the U.S. Departments Of Education & Justice to Prevent Discrimination of Youth of Color

---

[3] American Civil Liberties Union of CT, *Connecticut School District School Resource Officer Chart*, Fall 2013.
[4] U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate & Discipline*, January 2014, p. 10.
[5] Proper data collection can lead to the reduction of unnecessary school based arrests, and an increase in diversionary initiatives. Id., p.11; see also Connecticut Juvenile Justice Alliance, supra.
[6] Source: CT Judicial Court Support Services Division, prepared for Hartford & Bridgeport DMC projects. Note: Hartford figures exclude Hartford based magnet schools. When magnet schools are not included the percent reduction is 44 percent between school years.
[7] The Connecticut Juvenile Justice Advisory Committee model Memorandum of Agreement is available at: http://www.ct.gov/opm/cwp/view.asp?a=2974&Q=471720.

If this Act were passed, it would ensure that Connecticut and our cities and towns were in compliance with the recent U.S. Department of Education Office of Civil Rights, and U.S. Department of Justice guidance on preventing discriminatory disciplinary practices in school.[8] When placing police in schools, it is necessary "to ensure that school-based law enforcement officers' roles focus on improving safety and **reducing inappropriate referrals to law enforcement** [emphasis added]."[9] Passage of the Act would also ensure that Connecticut is meeting the recommendations of the *Dear Colleague Letter* jointly published by the U.S. Department of Education and the U.S. Department of Justice, which outlines specific steps that should be followed when a community places police in schools. In accordance with the *Dear Colleague letter*, H.B. 5355:

- Ensures that communities clearly define law enforcement roles and responsibilities as compared to school administrations;
- Requires communities to document these roles and responsibilities in a specific policy or MOU/MOA;
- Recommends use of a graduated response model which will reinforce that school staff be responsible for day-to-day discipline; and,
- Requires data collection on school-based arrests which will help to monitor and minimize discrimination.[10]

H.B. 5355 Will Stop the Arrest of Students for Typical Adolescent Behavior

Too many youth have entered the juvenile justice system as a result of being arrested for minor offenses in school. These minor offenses, often verbal exchanges with teachers or other students have resulted in unnecessary arrests for "breach of peace second" or "disorderly conduct." Moreover, the vast majority of the youth being arrested in school are of color, in particular Black or Latino, even though these groups only make up 13 percent and 16 percent of the population respectively.[11] In fact, youth of color in Connecticut are detained in juvenile facilities nearly seven (7) times the rate of their white counterparts.[12]

As the Department of Education reminds schools: "law enforcement approaches (such as arrest…) should only be used as a last resort and **never to address instances of non-violent misbehavior that do not pose a serious and immediate threat to school safety** [emphasis added]."[13] Our schools should not serve as a gateway to the juvenile justice system for Connecticut's most vulnerable youth. Entry into the juvenile justice system highly increases the likelihood that a youth will never finish school. Studies clearly show that an arrest of a youth doubles the chance that that youth will drop out of school.[14] School should be a place where we teach our youth how to become productive members of community, not exclude them from it.

---

[8] U.S. Department of Education, supra, pp. 8-11; U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office of Civil Rights, *Dear Colleague Letter: Nondiscriminatory Administration of Student Discipline*, January 8, 2014, Appendix, pp. 3-4.
[9] U.S. Department of Education, supra, p. 9.
[10] U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office of Civil Rights, supra.
[11] Overrepresentation of youth of color in the juvenile justice system is a national trend that continues to persist. Justice Policy Institute, *Common Ground: Lessons Learned from Five States that Reduced Juvenile Confinement by More Than Half*, p. 11 (February 2013).
[12] Esty, Sarah, supra, p. 5.
[13] U.S. Department of Education, supra, pp. 8-11.
[14] Sweeten, Gary, "Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement" Justice Quarterly 23:4 (2006).

H.B. 5355 Will Ensure that Data is Available to Communities to Stop Unnecessary Arrests

H.B. 5355 establishes a definition of school-based arrests and requires that these arrests be reported on an annual basis and collected and reported by the State Department of Education. **The success of the MOAs in Hartford and Bridgeport, and school–police MOAs in general, is directly reliant upon the collection and sharing of school-based arrest data**. Availability of data on school-based arrests is an essential component in building and framing the school–police relationship.[15] Data demonstrates where problems exist so that they may be readily addressed. For example, if data shows that there are a number of arrests for nonviolent offenses coming out of a particular school this may be an indicator that training is needed in classroom management techniques. More importantly, this collection and reporting requirement will keep both schools and police accountable to their communities and to put an end to discrimination against youth of color.

In closing, the Center for Children's Advocacy urges the Committee to pass H.B. 5355. This bill provides communities the necessary tools to ensure that the police in our schools are focused on protecting our children and youth and engaged in best practices so as to minimize their involvement in school discipline.

Thank you for your time and consideration.

Respectfully submitted,

/ s /
Marisa Mascolo Halm, J.D.
Director, TeamChild Juvenile Justice Project

A list of supporters of this legislation, includes, but is not limited to the following organizations: AFCAMP, American Civil Liberties Union of Connecticut, Bridgeport Police Department, Connecticut Court Support Services Division, Judicial Branch, Connecticut Juvenile Justice Alliance, Connecticut Legal Services, Connecticut Office of the Chief Public Defender, Connecticut Office of the Child Advocate, Connecticut State Department of Education, Connecticut Voices for Children, Connecticut Youth Services Association, Greater Hartford Legal Aid, Hartford Department of Families, Youth, Children & Recreation Hartford Police Department, Hartford Public Schools, Keep the Promise Coalition-Children's Committee, Manchester Police Department, Manchester Youth Services Association, National Alliance on Mental Illness (NAMI) of Connecticut, New Haven Legal Assistance Association, RYASAP, Stamford Youth Services Bureau.

[15] U.S. Department of Education, supra, pp. 8-11.