

Testimony Supporting
**H.B. 5355: An Act Concerning Collaboration between Boards of Education and
School Resource Officers**

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Education
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Representative Fleischmann, Senator Stillman, and members of the Education Committee,

I am 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.

Connecticut Voices for Children strongly supports H.B. 5355, An Act Concerning Collaboration between Boards of Education and School Resource Officers, which seeks to improve student outcomes and school climate by reducing the number of children arrested in schools inappropriately. H.B. 5355 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 Need for Reform

Extensive research shows that excluding children from school for disciplinary problems is often ineffective and even counterproductive.¹ New guidelines from the U.S. Department of Education identify improvement in discipline practices as critical to raising academic achievement and improving school climate. The guidelines single out school arrests as a current discipline practice in need of change, asserting that “schools should attempt interventions prior to the disciplinary process.....[and] generally should *not* include the use of law enforcement approaches, such as arrest, citations, ticketing, or court referrals.”² The educational and social costs of excluding children from school through arrest are significant and can result in considerable long-term harm to the individual children as well as to the state at large. Students and young adults arrested in school face a host of negative life outcomes, including increased likelihood of dropping out of school and/or entering the juvenile justice system.³ Beyond the individual child, juvenile arrests are costly to society, in the form of decreased lifetime earnings, increased risk of future incarceration, and greater likelihood of relying on state-funded social programs.⁴

The growing interest in increasing the presence of police in schools following the tragedy in Sandy Hook makes this bill even more critical. **National data suggests that the presence of police in schools coincides with increasing arrests of students, a majority of which are for minor infractions.**⁵ Connecticut Voices for Children's comprehensive September 2013 report on student arrests in Connecticut (“Arresting Development: Student Arrests in Connecticut”) found that during the 2010-2011 school year over 3,000 arrests occurred in Connecticut schools. **Almost one third of arrests resulted from incidents that could likely have been handled without police involvement, including 11% that involved non-criminal violations of school policy (such as skipping class, insubordination, or using profanity).**⁶

Research also shows pervasive and disturbing disproportionality in exclusionary discipline practices, school arrests, and the juvenile justice system in Connecticut.⁷ Students of color, males, students in special education, and students in poorer districts are arrested at significantly higher rates than their peers. These disparities exist statewide and in nearly every district.

Statewide, during the 2010-2011 school year:⁸

- **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)
- **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]⁹ 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.**

Preliminary analysis of unpublished data by Connecticut Voices for Children on student arrests in the 2011-2012 and 2012-2013 school years show similar trends in arrests.¹⁰

As schools increase the presence of law enforcement, we are concerned that, without implementation of best practices as codified in H.B. 5355, 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 to successful learning.

H.B. 5355: Promoting Best Practices, Building on What Works in Connecticut

While H.B. 5355 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 schools and police to work together, and the need for better data.

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.¹¹ **We therefore strongly support the inclusion of language in H.B. 5355 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.¹² Conditions of the grant include the requirement that districts adopt a memorandum of agreement (MOA) between schools and police.¹³ 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,¹⁴ to facilitate and expedite conversations. The time spent 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 H.B. 5355.

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.¹⁵

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 the justice system. 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.¹⁶

H.B. 5355 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 crucial that they collect data with which to monitor the effect of these changes on student arrest rates. **H.B. 5355 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.¹⁷ While this data contains some limitations (discussed below), it would be helpful if publicly available and presented in a meaningful context. Unfortunately, at present, it is available only through direct request to the State Department of Education.¹⁸

H.B. 5355 requires the inclusion of school discipline data, including school arrests, on the Strategic School Profiles (SSPs). This would go a long way towards making the information necessary for targeted improvements in school climate and arrest reduction available and accessible. Strategic School Profiles already provide a wealth of information about schools,¹⁹ and therefore would be a natural home for school discipline data as parents and others know to look there for information. In addition to submitting SSPs 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.²⁰ 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”²¹ – a goal which would be significantly furthered by the inclusion of school discipline and student arrest data.

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 H.B. 5355, will help address this problem.**

The present iteration of the ED166 form is an insufficient tool for collecting accurate school arrest data. 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.”²² Although completion of this field is supposed to be mandatory,²³ 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). H.B. 5355 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.”²⁴ 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.

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 H.B 5355.** 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.²⁵ 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 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.

¹ In 2008, the American Psychological Association (APA) conducted an extensive review of studies on zero tolerance discipline in schools, and concluded that not only is there insufficient evidence to warrant its use, but that existing evidence suggests it can be counterproductive. The APA found that: 1) differences in school discipline rates result more

² U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, (January 2014), available at: <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>.

³ See Sweeten, Gary, "Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement" 23.4, *Justice Quarterly*, 462-480, at 478 (December 2006). ("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.") See also Paul Hirschfeld, "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 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.")

⁴ See Robert Sampson and John Laub, *Crime in the Making*, Cambridge, MA: Harvard University Press. 1993. See, Mark Cohen, "The Monetary Value of Saving a High-Risk Youth," *Journal of Quantitative Criminology* 14: 1 (1998), available at: http://www.epi.msu.edu/janthony/requests/articles/Cohen_Monetary%20High-Risk%20Youth.pdf.

⁵ "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>

⁶ See, Sarah Esty, "Arrested Development: Student Arrests in Connecticut," *Connecticut Voices for Children*, (September 2013), available at: <http://www.ctvoices.org/publications/arresting-development-student-arrests-connecticut>.

⁷ See, e.g., *Connecticut Voices for Children*, "Arresting Development: Student Arrests in Connecticut," (September 2013), pp. 16-26; *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).

⁸ See Sarah Esty, "Arresting Development: Student Arrests in Connecticut," *Connecticut Voices for Children*, (September 2013), available at: <http://www.ctvoices.org/publications/arresting-development-student-arrests-connecticut>.

⁹ 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>

¹⁰ This data will be published in an upcoming (Spring 2014) *Connecticut Voices for Children* report.

¹¹ 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 (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").

¹² 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>. Districts awarded grants for 2013/14 include Ansonia, Bridgeport, Colchester, Greenwich, Hartford, Manchester,

Middletown, New Britain, New Haven, Stamford, Torrington, Vernon, Waterbury, Wethersfield, Windham, and Windsor. “Right Response CT Network Grant Awards 2013/14,” Juvenile Justice Advisory Committee, Office of Policy and Management, (September 2013), available at:

<http://www.ct.gov/opm/lib/opm/cjppd/cijjyd/programschoolpolice/rightresponsectnetworkgrantawards20132014.doc>.

¹³See, “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>

¹⁴“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/cijjyd/programschoolpolice/moa_6-11.doc

¹⁵For 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>

¹⁶For 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

¹⁷See, Connecticut State Department of Education, “2013-2014 ED166 Disciplinary Offense Data Submission Data Collections Record Layout,” (February 13, 2014), available at: http://www.csde.state.ct.us/public/ed166/docs/2013-2014_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”]

¹⁸For more on data limitations for student arrest data, see Sarah Esty, “Arresting Development: Student Arrests in Connecticut,” *Connecticut Voices for Children*, (September 2013), available at:

<http://www.ctvoices.org/publications/arresting-development-student-arrests-connecticut>, pages 62-63.

¹⁹Strategic School Profiles are available for all districts and public schools in Connecticut at:

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

²⁰Connecticut 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.”

²¹Connecticut 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”

²²See, Connecticut State Department of Education, “2013-2014 ED166 Disciplinary Offense Data Submission Data Collections Record Layout,” (February 13, 2014), available at: http://www.csde.state.ct.us/public/ed166/docs/2013-2014_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”]

²³*Ibid.*

²⁴See, “Raised Bill 5355: An Act Concerning Collaboration Between Boards of Education and School Resource Officers,” *Connecticut General Assembly* (2014), available at

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=5355&which_year=2014&SUBMIT1_x=0&SUBMIT1_y=0&SUBMIT1=Normal.

²⁵See Sarah Esty, “Arresting Development: Student Arrests in Connecticut,” *Connecticut Voices for Children*, (September 2013), available at: <http://www.ctvoices.org/publications/arresting-development-student-arrests-connecticut>.