STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CONNECTICUT 06120-1551

James D. McGaughey
Executive Director

Phone 1/860-297-4307
Confidential Fax 1/860-297-4305

Testimony of the Office of Protection and Advocacy for Persons with Disabilities
before the Judiciary Committee

Presented by: James D. McGaughey
Executive Director
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Good morning, and thank you for the opportunity to comment on **Raised Bill 54, An Act Concerning Collaboration Between Boards of Education and Law Enforcement Personnel.** Our Office supports this measure.

Each year, our Agency's case services staff provide information, advice or advocacy representation, including a limited amount of legal representation, to approximately 400 students with disabilities and their families, most of whom are eligible for special education and related services. In keeping with national trends, over the past decade we have seen a significant increase in the number of children identified as having "Emotional Disturbance", a somewhat unhelpful descriptor included as one of the eligible disability categories in federal and State Special Education law. While it is usually a bad idea to generalize about individuals based on particular disability categories, and many of the students to whom the "E.D." label is applied are actually withdrawn and depressed, there is little doubt that many others present challenging behaviors – behaviors that, if not addressed, can be disruptive and unacceptable. There are supposed to be processes for identifying such students' needs, for conducting evaluations and developing appropriate individual education plans which include individually appropriate behavioral interventions and supports. However, in our experience those mechanisms frequently do not work. In fact, we have observed an unfortunate collision between the increasing number of students with psychiatric or emotional disabilities on the one hand, and the adoption of "zero tolerance" policies by school systems on the other. Our advocates often become involved on behalf of students with emotional disabilities only after they have been repeatedly subjected to exclusionary discipline (e.g. suspension and expulsion), and, not infrequently, subjected to arrest or detention.

The messages these students usually internalize from those experiences – from being handcuffed, referred to court, or being told they are unwelcome in their school communities - is that they are bad people, and that they cannot succeed in school. Not only is this damaging to them educationally (data from the State Department of Education indicates that students with Emotional Disturbance labels drop out and fail to graduate at disproportionately high rates), but it often initiates them, quite unnecessarily, into more extensive involvement with the criminal justice system. This is particularly so, and particularly unfair, for students of color who are subjected to exclusionary discipline and school-based arrest in disproportionate numbers, and who are also disproportionately incarcerated.

Indeed, recognizing that too many students were being referred to juvenile authorities for matters that formerly, and properly, would have been dealt with by school, the juvenile courts have been pushing back, refusing to process referrals for matters they view as involving minor infractions of school rules.

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(And, recognizing that many of students referred to them have unmet special education needs, the Court Support Services Division has developed contracts with legal services providers to pursue educational advocacy on behalf of those students.) But that push-back comes only after there has already been police involvement; only after the student has been placed in handcuffs and, quite likely, has been introduced to the thought that he or she might be a "bad" person - a criminal.

This legislation would establish two primary requirements: First, development of school policies and/or memoranda of understanding between schools and police agencies that would stress collaboration; define expectations for daily interactions between students, school staff and law enforcement officers; and which would describe how a graduated response mechanism for student discipline will be used. Second, schools would be required to include data about suspensions, expulsions and school-based arrests in the strategic school profile reports they are required to submit annually. Both of these components are important, and neither has been arrived at arbitrarily. Through an initiative that has been jointly supported by State agencies, the Judicial Branch and the Child Health and Development Institute of Connecticut, model policies and terms for memoranda of agreement have been developed and tested in a number of Connecticut schools. Additionally, the initiative has developed training programs that help school personnel identify student mental health issues and make appropriate referrals. The experience thus far is quite encouraging: referrals to community mental health agencies are up and school-based arrests are down.

More Connecticut schools – indeed all our public schools – need to adopt these practices. This legislation will help that to happen. I urge you to support it.