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Testimony of Dr. Nancy A. Humphreys, Director, Nancy A. Humphreys Institute for
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**In Support of SB 54 An Act Concerning Collaboration between Boards of
Education and Law Enforcement Personnel**

Judiciary Committee, February 24th 2014

Senator Coleman, Representative Fox, III and honorable members of the Committee;

In lieu of written testimony I will be referring to the attached report compiled by staff
at the Nancy A. Humphreys Institute for Political Social Work. Please see attached.

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Summary of Research and Recommendations Related to School Based Arrests and HB 6682

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HB 6682 Legislative History

HB 6682 *An Act Concerning Collaboration Between Boards of Education and Law Enforcement Personnel* was raised in the 2012-2013 legislative session by the Judiciary committee. This bill called for school districts to enter into memorandums of understanding with local or state level law enforcement personnel detailing the role of law enforcement personnel placed in schools and specifying a graduated model of discipline. This requirement would apply to all school districts currently required to submit Strategic School Profiles (SSP) to the Board of Education, regardless of whether they currently host law enforcement personnel in their schools or employ school resource officers.

The bill further amended the current requirements of the strategic school profiles, which school boards must submit annually to the State Board of Education, to include data on school-based arrests, expulsions, and suspensions. That data will then be analyzed by the Department of Education, who the bill stated would then make available to the public the number of arrests along with the schools at which they occurred, the type of offense that precipitated the arrest and the ages, races, disability statuses, genders and ethnicities of those students involved. The bill defines school-based arrest as “an arrest, on school property during the school day or at a school-sponsored activity on or off school property, of a student enrolled in a school under the jurisdiction of a local or regional board of education responsible for submitting the SSP.” It does not specify the circumstances under which a school-based arrest would be appropriate.

Testimony on HB 6682 was given by; the Connecticut Juvenile Justice Alliance, the ACLU, African Caribbean American Parents of Children with Disabilities, Inc., Keep the Promise Coalition, CT Association of Foster and Adoptive Parents, Center for Children's Advocacy, Center for Children's Law and Policy, Hartford Police Department, Manchester Police Department, the Connecticut Conference of Municipalities, Connecticut Legal Services, Inc., Connecticut Office of the Child Advocate, CT Association of Boards of Education, CT Voices for Children, the Bridgeport Juvenile Review Board, the Manchester Youth Service Bureau, the State of CT Office of Protection and Advocacy for Persons with Disabilities, Bridgeport Police Department, Judge Carol Wolven, Melissa Tweedie, National Alliance on Mental Illness of CT, and the National Association of Social Workers.

In a consistent theme of supportive testimony expressed a desire to see a decrease in school arrests, specifically those that are not in response to violent behavior. Additionally many pieces of testimony specifically mentioned perceived benefits of the increased information reporting the bill would require. The Connecticut Conference of Municipalities requested the committee obtain an analysis of the fiscal impact of this bill on municipalities based on their assertion that fulfilling the requirements outlined in HB 6682 would increase the administrative costs for municipalities.

The proposed bill was Joint Favorably moved out of the Judiciary Committee, when it was taken up in the Education Committee it was voted Joint Favorably out of committee again. The bill passed the House with a vote of 114 in favor, 20 opposed, and 16 not voting. From there the bill went to the Senate where it was favorably reported and placed on their calendar but never called up for a vote and therefore did not get passed into law. While HR 6682 easily passed the House there were some concerns even among legislators who were also concerned about the number of arrests of students.

Concerns about HB 6682

Our sources at the LOB report that some members felt that the proposed bill would not go far enough. The legislation did not define a school arrest or establish criteria for when they should be used. Some

legislators worried that the provisions of HB 6682 were an unnecessary state mandate as police departments and boards of education could negotiated memorandums of understanding without being required to do so by a new state law.

We have also learned that lack of action in the Senate was likely because there was no Senator in the lead to move a bill through that body. An important senator and supporter of the legislation was ill and unable to participate in the Senate’s deliberations.

What We Considered

Local School Policies

When researching the expulsion and arrests policies of nine chosen high schools in Connecticut of Waterbury, Danbury, East Hartford, Meriden, Bridgeport Hartford, New Haven, New London, and Norwich, it has been found that no single school lists any policy regarding criteria for arrests, with the exemption of drug or sexual harassment policies leading to arrest. Each school district from the list above provided very general, broad policies on expulsion, such as its’ definition and criteria for being expelled (possession of weapons, handling drugs on school grounds, destruction of school property, etc.). Interpretation by faculty or staff leading to a student’s arrest can be found in each school’s board of education expulsion policies which simply mention ‘any behavior deemed disruptive to the educational process’ as grounds for possible expulsion. Public school of note- Maloney High School in Meriden specifically states, in regard to their expulsion policies, that “Hard looks and/or stare downs are not permissible according to the student code of conduct. Any student who engages in this behavior will be subject to disciplinary action.”

Two out of the nine public school districts (New Haven and one public school in Meriden) do not list any school discipline policies online.

Alternative School Policies

Alternative schools provide more flexible education. It is an educational establishment with a curriculum and methods that are nontraditional. These schools have a special curriculum offering a more flexible program of study than a traditional school. Out of the nine cities chosen in Connecticut: Waterbury, Danbury, East Hartford, Meriden, Bridgeport Hartford, New Haven, New London, and Norwich, only four have alternative schools. The Enlightenment Alternative School is in Waterbury, the Alternative Center for Excellence is in Danbury, Synergy (Stevens) Alternative High School is in East Hartford, and The New Haven Adult and Continuing Education Center is in New Haven. The findings demonstrate there is an inconsistent listing of discipline guidelines available in an online format.

A Timely Issue

Many reports and data sources regarding the trend of school arrests are currently available. Summaries of such data sources are included below.

National Juvenile Justice Network & Texas Public Policy Foundation

“The Comeback and Coming-from-Behind States: An Update on Youth Incarceration in the United States.”
 Authored by: National Juvenile Justice Network & Texas Public Policy Foundation

Nine states, which included Connecticut, were highlighted for their leadership to reduce youth arrests and confinement by their adoption of multiple statewide incarceration reducing policies since 2001, with 2011 the

year with the greatest impact at reducing these numbers. States that adopted four or more of the following policies, and showed substantial reduction in confinement numbers, were targeted for this report:¹

1. Increased availability of alternatives to incarceration;
2. Required intake procedures to reduce the use of secure detention;
3. Closed or downsized secure facilities;
4. Reduced reliance on law enforcement to address behavior issues in school;
5. Prevented incarceration for minor offenses; and
6. Restructured finances and responsibilities among states and counties

The three primary criteria were used to select come-back states were:

1. Adoption of four of six incarceration-reducing statewide policies since the year 2001-2002;
2. Their percentage reductions in confinement for the 2001 to 2010 period exceeded the nationwide average;
3. Public safety was not sacrificed in the process, as indicated by declines in youth arrests.

Connecticut adopted five of six incarceration-reducing policies as illustrated in Figure 3 of the report: community alternatives, restrictions on use of detention, facility closings and downsizing, less reliance on law enforcement for school discipline, not confined for minor offenses. This led to a 20% reduction of confined youths during 2010 – 2011, and a 60% reduction during 2001 – 2011.

Figure 3. Adoption of Incarceration-Reducing Policies by Comeback States, 2001-to-2012

| State | Community Alternatives | Restrictions on Use of Detention | Facility Closings and Downsizing | Less Reliance on Law Enforcement for School Discipline | Not Confined for Minor Offenses | Realign, Reinvest Statewide |
|-------|------------------------|----------------------------------|----------------------------------|--|---------------------------------|-----------------------------|
| CA | | | | | | |
| CT | | | | | | |
| IL | | | | | | |
| MS | | | | | | |
| NY | | | | | | |
| OH | | | | | | |
| TX | | | | | | |
| WA | | | | | | |
| WI | | | | | | |

Source: National Juvenile Justice Network and Texas Public Policy Foundation (2013). *The Comeback States: Reducing Youth Incarceration in the United States*.

Zero Tolerance Policies

“A Generation Later: What We’ve Learned about Zero Tolerance in Schools” by Jacob Kang-Brown, Jennifer Trone, Jennifer Fratello, Tarika Daftary-Kapur summarizes the rise of zero tolerance policies in the United States, the negative consequences of such policies, and alternative strategies for promoting safe school environments.²

¹ The Comeback and Coming-from-Behind States: An Update on Youth Incarceration in the United States, National Juvenile Justice Network & Texas Public Policy Foundation

² A Generation Later: What We’ve Learned about Zero Tolerance in Schools, Jacob Kang-Brown, Jennifer Trone, Jennifer Fratello, Tarika Daftary-Kapur

These policies limit discretion in individual cases, involve law enforcement, and often result in suspension, expulsion, or arrests when students engage in violent behavior, possession of a weapon, or illegal drug use. However, it wasn't too long before such policies expanded to encompass a more expansive range of misconduct such as fighting or smoking tobacco. Starting in 1997, over 79% of schools adopted zero tolerance policies addressing violence. Schools began adopting these policies once the federal government allocated monies for schools that hired security guards, law enforcement personnel, or installed metal detectors thereby eventually aiding in the shift of the school discipline process resembling the justice system.

Shortly after the rise of zero tolerance policies, the number of out of school suspensions and expulsions increased across the country while the rates of violent youth crimes decreased. The numbers of secondary school students that were suspended or expelled increased 40% from between 1972 and 2010 and for the 2013 school year, estimates have shown that approximately 2 million secondary students are suspended annually in comparison to the approximately 3 million students who graduated from high school. There is no research to demonstrate that such policies actually deter students from committing violent acts. Currently, only 5% of current expulsions and suspensions have involved a weapon. On the other hand, 43% of expulsions and suspensions have been for insubordination, a term that encompasses many behaviors that may or may not be violent or a violation of a law.

When these statistics are further broken down by demographic information such as race/ethnicity, minority students were found to be expelled and suspended at much higher rates when compared to non-minority youth. In a study done by Losen and Martinez (2003) Black middle school youth were 4 times more likely than Whites to be suspended or expelled and Latino youth were twice as likely to be suspended or expelled compare to White youth. Moreover, students with special education needs have been found to be three times more likely than students without disabilities to be expelled or receive out-of-school suspension.

There is a growing consensus among researchers and educators that addressing misconduct on a case-by-case basis, which had been done prior to the zero tolerance policies, is more appropriate and effective than the one-size-fits-all approach that zero tolerance policies outline.²

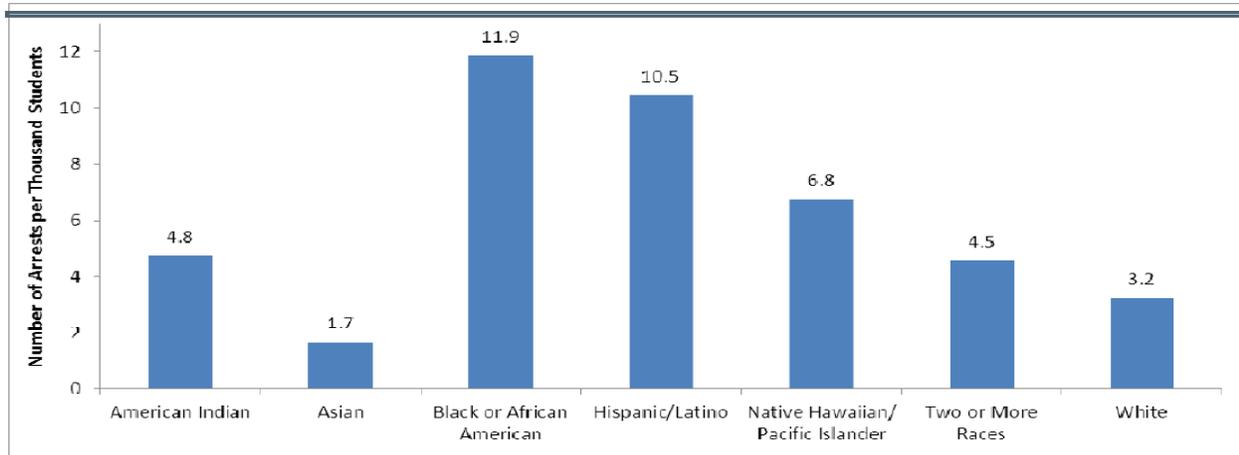
Connecticut Voices for Children

This report summarized the findings of a comprehensive survey conducted in Connecticut which sheds light on the possible ramifications of utilizing school arrests as a discipline procedure for students. Included is a summary of the cost of arrest to society, the connection between the rise in zero tolerance policies and increase in student arrest rates, concerns about disproportionate student arrest rates among minorities, and arrest data within school districts across the state. Furthermore, an in depth analysis is provided detailing the behaviors leading to schools arrests and the patterns of student arrests among the various school districts. Lastly, ten recommendations were detailed using elements from successful local and national community programs.³

The charts below were pulled from CT Voices for Children's report, Arresting Development.³

³ Arresting Development: Student Arrests in Connecticut, Connecticut Voices for Children

Black and Hispanic Students are Three Times as Likely to Be Arrested as White Students



The above chart illustrates the number of arrests per thousand students by race in Connecticut. Black or African American students have the highest rate at 11.9 followed by Hispanic and Latino students at 10.5 while white students have the lowest arrest rates at 3.2.³

High Arrest Rate/High Enrollment Districts Present Top Targets for Intervention

| Rank | District | Number of Arrests | Enrollment | Arrests Per Thousand Students |
|------|--|-------------------|----------------|-------------------------------|
| 1 | Meriden | 230 | 8,279 | 27.8 |
| 2 | Area Cooperative Educational Services | 54 | 1,991 | 27.1 |
| 3 | New London | 71 | 3,068 | 23.1 |
| 4 | Ansonia | 48 | 2,619 | 18.3 |
| 5 | Waterbury | 310 | 18,129 | 17.1 |
| 6 | Regional District 5 | 41 | 2,475 | 16.6 |
| 7 | West Haven | 102 | 6,194 | 16.5 |
| 8 | New Britain | 160 | 10,098 | 15.8 |
| 9 | Connecticut Technical High School System | 147 | 10,643 | 13.8 |
| 10 | Windham | 46 | 3,375 | 13.6 |
| 11 | Norwich | 46 | 3,805 | 12.1 |
| 12 | Norwich Free Academy | 28 | 2,381 | 11.8 |
| 13 | Danbury | 121 | 10,343 | 11.7 |
| 14 | East Haven | 40 | 3,420 | 11.7 |
| | STATEWIDE | 3,183 | 559,914 | 5.7 |

The above chart illustrated the highest arrests rates in the top enrollment districts across Connecticut. Meriden has the highest arrest rate at 27.8% while Waterbury has the highest number of arrests at 310.

Listed below are recommendations from Connecticut Voices for Children that were using elements from successful local and national community programs.

1. Defining student arrest
2. Collecting data on student arrests
3. Establishing and supporting community collaborative/Local Interagency Service Teams (LISTs) across the state
4. Supporting arrest reduction initiatives and peer learning for schools and school districts
5. Implementing memoranda of agreement between schools and police
6. Promoting police and educator training
7. Expanding and utilizing Juvenile Review Boards
8. Ensuring access to mental health services

9. Enforcing existing laws that address truancy and the need for special education services
10. Integrating arrest reduction with school climate plans and bullying policies

Connecticut Juvenile Justice Alliance

This article summarizes the current state of school violence, school-based arrests, and zero tolerance policies based on the report by the Connecticut Juvenile Justice Alliance. The report recommends within the article is a three pronged approach including a) reforms to juvenile justice policy, b) advocacy and systems coordination, and c) changes to school practice and policy. The key value of the following recommendations is that they utilize existing resources and do not increase costs to the districts.⁴

Revisions to Connecticut's juvenile court intake policy would reduce school arrests and curb the pipeline of children into the juvenile justice system. Currently all summonses or referrals issued by police are by the Juvenile Court Clerk's office, entered into a case management system, assigned a docket number, and sent to Juvenile Probation Supervisor for a handling decision.

Changes recommended for the current intake process include new intake process to prevent non-serious in-school arrests from entering juvenile justice system. The article draws attention to Connecticut General Statute, 46b-128 Investigation of delinquency complaint which indicates that when the Superior Court receives a written complaint that a child's conduct constitutes delinquency it shall make an investigation to determine whether the interests of the public or the child require that further action be taken. This statute provides a way to shift juveniles out of the formal system for school incidents in keeping with normal adolescent behavior: skateboarding, bicycles, loitering or simple trespass involving school property, wearing a hat in school, talking back to staff, running in the halls, swearing, acting in a disruptive manner but no violence took place, no destruction of property occurred, and no injuries were sustained, fights in school, involving two juveniles of similar age, no injuries reported and both juveniles were arrested siblings fighting in home, no weapons used and no injuries sustained.

The final recommendation outlined by this article was increased use of the Connecticut School-Based Diversion Initiative (SBDI) designed to reduce discretionary in-school arrests and expulsions. The work of SBDI shows that many youth arrested have unmet mental health needs and strives to link youth with behavioral health needs to appropriate community-based services. This initiative utilizes crisis response/mental health services as effective alternatives to law enforcement involvement.

Federal Initiatives

Recently this issue has been addressed by President Obama and the U.S. Department of Education has released a report called "Guiding Principles: A Resource Guide for improving School Climate and Discipline". The report identifies three guiding principles for improving school climate and discipline, and identifies action steps for each. The three guiding principles are 1) create positive climates and focus on prevention, 2) develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors, 3) ensure fairness, equity, and continuous improvement. The following recommendations are those that relate to the issue of school arrests.⁵

For Principle 1, create positive climates and focus on prevention, recommended action step include identifying climate goals, utilizing tiered supports to manage student behavior, and carefully structuring

⁴ Connecticut's Comprehensive Approach to Reducing In-School Arrests: Changes in Statewide Policy, Systems Coordination and School Practices, *Jeana R. Bracey, Catherine Foley Geib, Robert Plant, Julia R. O'Leary, Abby Anderson, Lara Herscovitch, Maria O'Connell, and Jeffrey J. Vanderploeg*

⁵ Administration Urges Restraints in Using Arrests or Expulsion to Discipline Students, *Motoko Rich*

partnerships with local mental health agencies to support students and filling staffing gaps. It is noted at this point that some schools may decide to partner with law enforcement agencies to maintain safe environments and plan emergency procedures. Emphasis is put on the fact that such partnerships must be highly structured and carefully implemented so as to prevent violation of students' civil rights, student privacy laws, or any other unintended consequences. It is further recommended that schools choosing to enlist school-based law enforcement officers develop MOUs to clarify the scope of officers' responsibilities, and specify that law enforcement approaches (arrests, ticketing, etc.) are to be used as a last resort only. Other action steps for this principle include promoting social and emotional learning as well as academics, and regularly training ALL school personnel on how to positively engage student and support acceptable behaviors.

Recommended action steps for Principle 2, develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors, include involving families and students in developing expectations and consequences, include appropriate modifications for students with disabilities, use an instructional approach to discipline, and remove students from the classroom only as a last resort. The report points out that research has shown attempts to maintain school order by over relying on exclusionary discipline practices actually undermine the school's ability to improve behavior, fail to provide school safety, and have serious negative repercussions for both the individual's and the school's academic performance.

Finally action steps outlined for Principle 3, ensure fairness, equity, and continuous improvement, are to train all staff on applying discipline in a fair and equitable manner, and to continuously improve by utilizing data-driven methods, feedback from stakeholders, and eliminating current procedures that are discriminatory or produce unintended consequences.

Possible Alternative Actions for the Future

The following alternatives are possible and appropriate singularly or including some combination of them.

- 1. Reintroduce HB6682 with no modifications**
- 2. Introduce legislation regarding school arrests that include the recommendations of the Connecticut Voice for Children, Connecticut Juvenile Justice Alliance, or the National Center for Juvenile Justice**
- 3. Introduce legislation to address the problems and concerns with zero tolerance as a major policy**
- 4. Delay action until required by federal government**