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Testimony in Support of Raised Bill 6834, AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND SCHOOL RESOURCE OFFICERS, and Governor’s Bill 6837, AN ACT ENCOURAGING A GRADUATED RESPONSE MODEL FOR STUDENT DISCIPLINE

February 24, 2015

Representative Fleischmann, Senator Slossberg and distinguished members of the Education Committee, my name is Sandra Staub. I’m legal director of the American Civil Liberties Union of Connecticut and I’m here to support Raised Bill 6834, An Act Concerning Collaboration Between Boards of Education and School Resource Officers and Governor’s Bill 6837, An Act Encouraging a Graduated Response Model for Student Discipline.

The ACLU of Connecticut has long been concerned about the criminalization of typical student misbehavior, and our concern has grown as more police officers have been assigned to patrol schools. Many studies have shown that when police officers are assigned as school resource officers, student arrest rates increase dramatically. A September 2013 report by Connecticut Voices for Children found that many students in our state have been arrested at school for behaviors that were not criminal—such as skipping class, insubordination and swearing.¹ Almost 9 percent of student arrests involved non-criminal violations of school policy.² These are matters that school administrators have traditionally handled, and should continue to handle, as routine disciplinary matters. Arresting students for non-criminal offenses has a significant and negative impact on their education. Students who are arrested are twice as likely to not graduate from high school and four times as likely to drop out if processed through court³

Particularly troubling are the racial and ethnic disparities in school-based arrests. The same Voices study found that African American students were 4.7 times and Hispanic students 3.1 times more likely to be arrested than white students. The punishment for a given offense varies widely from town to town and even among individual schools in some communities. This reinforces the findings of our 2008 study, *Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns*, which also found that the rate of arrest for students of color was alarmingly higher than the rate of arrest for white students.⁴

¹ <http://www.ctvoices.org/publications/arresting-development-student-arrests-connecticut>

² <http://www.ctvoices.org/sites/default/files/jj15schoolarrestses.pdf>

³ <http://www.courant.com/education/hc-program-strives-to-keep-kids-out-of-jail-and-in-school-20150114-story.html%3E>

⁴ <http://www.acluct.org/wp-content/uploads/2013/08/hardlessons.pdf>

Large disparities also exist in school-based arrests among students with disabilities and those from poorer districts. A Connecticut Voices for Children report on the 2012-2013 school year found that special education students were arrested at 3 times the rate of general education students. The study also found that students in the poorest urban areas – New Haven, Hartford, Waterbury, New Britain, Windham and New London – were arrested 23 times more often.⁵

We support these bills because they provide a path to fixing these problems through MOUs, or memoranda of understanding, between boards of education and school resource officers. These agreements set clear guidelines for the daily interactions that law enforcement officers have with students and school personnel. The graduated response model for student discipline, expressly mandated by Governor's Bill 6837, Section 1, is a critical component of ensuring that students are disciplined fairly and equitably. These agreements distinguish between crimes that police will handle and disciplinary matters that school officials will deal with administratively.

Memoranda of understanding have proven to be extremely effective. After the school systems in Hartford and Bridgeport adopted memoranda of understanding with police, they experienced reductions of 44 percent and 31 percent, respectively, in school-based arrests, according to the Center for Children's Advocacy.⁶ The diversion of children away from the entrance to what we call the school-to-prison pipeline is good for everyone – the children, the schools, the criminal justice system and society in general.

In 2014, the United States Departments of Justice and Education together warned schools that they are now legally responsible for all decisions made in their buildings, including the decisions of police officers who do not work directly for the school district, when the decision-making has an unequal impact.⁷ This legal guidance relied on the Title IV of the Civil Rights Act of 1964 (Title IV), 42 U.S.C. §§ 2000c *et seq.*, which prohibits discrimination in public elementary and secondary schools based on race, color, or national origin, among other bases and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations, 34 C.F.R. Part 100.

The reporting and analysis requirements in Governor's Bill 6837, Section 2(b), are sensible and well-considered. The state Department of Education will report annually on school-based arrests with details about race, ethnicity, gender, age, student disabilities and the type of offense for which the arrest was made, with the statistics broken down by individual schools. The analysis will provide the Department of Education, the legislature, school officials and the communities they serve with the means to evaluate how our schools are policed and the impact on our children.

The requirement to disaggregate arrest data by "school, race, ethnicity, gender, age, students with disabilities and type of offense for which the school-based arrests were made and the number of arrests made annually at each school within the school district," in Raised Bill 6834, Section 2, is important because, as we know, there are vast disparities and inequities in ways in which students of color and

⁵ <http://www.ctvoices.org/publications/keeping-kids-class-school-discipline-connecticut-2008-2013>.

⁶ <http://www.kidscounsel.org/wp-content/uploads/2012/09/SB-54-AAC-Collaboration-Fact-Sheet-final.pdf>.

⁷ <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>; see also <http://www.ed.gov/news/press-releases/secretary-duncan-attorney-general-holder-announce-guidance-package-providing-quality-education-services-america%E2%80%99s-confined-youth>.

students with disabilities are disciplined, and it is imperative to track these disparities in order to work on reducing them.

For a number of years, we have testified in favor of legislation that was substantially the same as these bills and that had widespread support not only among advocates for children, juvenile justice and civil liberties but among law enforcement and school officials. The police chiefs of Hartford, Bridgeport and Manchester in past years have supported this kind of law based on the improvements that memoranda of understanding brought to their communities. A law mandating memoranda of understanding and a graduated response to school discipline is long overdue and the ACLUCT urges you to enact a law with the best of both of these bills.