



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE  
FOR THE EDUCATION COMMITTEE  
FEBRUARY 25, 2015

IN SUPPORT OF:  
GOVERNOR'S BILL NO. 6837 AN ACT ENCOURAGING A GRADUATED RESPONSE  
MODEL FOR STUDENT DISCIPLINE  
RAISED BILL NO. 6834 AN ACT CONCERNING COLLABORATION BETWEEN BOARDS  
OF EDUCATION AND SCHOOL RESOURCE OFFICERS

Senator Slossberg, Representative Fleischmann, and members of the Education Committee, thank you for the opportunity to testify today. My name is Lara Herscovitch, I am the deputy director of the Connecticut Juvenile Justice Alliance – a non-profit organization focused on de-criminalizing our state's children and youth. The Alliance works to keep kids out of the justice system, and advocates for a safe, effective and fair system for those who are involved.

The use of arrests in schools as a discipline measure is a serious problem. The Alliance supports these two bills because they can help **reduce school-based arrests and improve overall school climate**, by (A) requiring data on how often (and which) kids are excluded from school; and (B) clarifying the roles and responsibilities of police in school discipline; and (C) ideally, better meeting kids' unaddressed needs and holding them accountable for misbehavior without police involvement.

**Arrests in Connecticut schools occur more frequently than most realize – they account for 1 in 10 referrals to juvenile court.**<sup>1</sup> School-based arrest is not limited to our biggest cities. The top ten cities account for less than half of the total school-based arrests statewide.<sup>2</sup> And, school arrests show unfair disparities: black students were arrested 4.7 times and Hispanic students 3.1 times more often than white students; special education students were arrested 3 times more than regular education students; students in the poorest urban districts were arrested nearly 23 times more often than students in wealthier districts.<sup>3</sup>

Many believe this high number of arrests is because the misbehavior is serious, violent, or involves weapons. In reality, **the majority of school-based arrests are for minor, non-violent, typical adolescent misbehavior** like fights where no one gets hurt, talking back, school policy violations, and the like – things that get escalated into charges like "assault," "threatening," "disorderly conduct," or "breach of peace." Arresting these students is counterproductive; we can hold them accountable in more effective and less expensive ways, including preventive school climate work, earlier intervention, referral to needed services, and use of restorative practices.

Both bills:

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<sup>1</sup> Judicial Branch, Court Support Services Division.

<sup>2</sup> In SY 2012-13, the top ten referring cities for school-based arrests, in order of most referrals to fewer, were New Britain, Bridgeport, Hartford, Waterbury, Meriden, East Hartford, Danbury, New Haven, Enfield, and Norwich. These ten cities accounted for 47% of the total number of school-based court referrals in the state for that SY. Judicial Branch, Court Support Services Division.

<sup>3</sup> "Keeping Kids in Class: School Discipline in Connecticut, 2008-2013," Connecticut Voices for Children, February 2015.

- **Define school-based arrest and related terms**, which promotes transparency and accountability;
- **Require that arrest data be made public** in strategic school profiles. The Judicial Branch Court Support Services Division provides the information it can, but its numbers do not include arrests that never make it to court. The State Department of Education collects some data, but it is very difficult to obtain, is inconsistent (districts use different definitions), and may be incorrect (administrators don't always know if referral to police ends in arrest).
- **Require that districts with school resource officers have a memorandum of agreement between the school board and local law enforcement agency.** Approximately 20 districts are using MOAs with graduated responses, using OPM's "Right Response" model MOA.

There are some differences between the two bills. We ask that any consolidation include:

1. Suspension (in- and out-of-school) and expulsion. (6837 Section 2b includes; 6834 does not.)
2. Discipline data disaggregated by school, race, ethnicity, gender, age, disability, and type of offense. This will enable us to identify and address any disparities in the discipline of students of color and students with disabilities. (6834 includes in Section 2; 6837 does not.)
3. Discipline data disaggregated by student socio-economic status (free- or reduced-price lunch) and English Language Learner status. (Neither bill includes this).
4. That MOAs "shall" (not "may") include a graduated response model for student discipline. Graduated responses – and the discussions to create them – emphasize positive school climate and restorative practices, and better include teachers, administrators, social workers, psychologists, and community partners (e.g., mental health, substance use, mediation, community service providers), instead of leaning on police for routine school discipline matters. (6837 includes "shall" in Section 1; 6834 does not.)

**The U.S. Department of Education agrees with the intent and mechanisms of these bills:**

"schools should provide clear definitions of the officers' roles and responsibilities on campus, written documentation of those roles, proper training, and continuous monitoring of the program's activities through regular data collection and evaluation... Schools and districts should document the expectations for officers' roles through clear, written policies or MOUs between school administrators and law enforcement personnel... written discipline policies should define offense categories and base disciplinary penalties on specific and objective criteria whenever possible... Schools should attempt interventions prior to the disciplinary process but create a continuum of developmentally appropriate and proportional consequences... [which] generally should *not* include the use of law enforcement approaches, such as arrest, citations, ticketing, or court referrals. Further, restraint and seclusion should *never* be used for punishment or discipline."<sup>4</sup>

Thank you for your time.

**Alliance member organizations:**

AFCAMP, Center for Children's Advocacy, Center for Effective Practice, CHDI, Connecticut Junior Republic, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, FSW, NAMI Connecticut, Keep the Promise Coalition, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children

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<sup>4</sup> U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, January 2014 (<http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>).