

**Testimony Supporting
H.B. 6834: An Act Concerning Collaboration between Boards of Education
and School Resource Officers
and
H.B. 6837: An Act Encouraging a Graduated Response Model For Student Discipline**
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Education Committee
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Senator Slossberg, Representative Fleischmann, and Distinguished 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 the goals of H.B. 6834, An Act Concerning Collaboration between Boards of Education and School Resource Officers and H.B. 6837, An Act Encouraging a Graduated Response Model for Student Discipline. By increasing data transparency and mutual understanding of roles between schools and police, these bills will help guarantee that exclusionary discipline practices are used appropriately and equitably. While the two bills are similar in many respects, they differ in some. Connecticut Voices for Children supports the following elements of the two bills:

- The requirement that school districts and local law enforcement agencies enter into a Memorandum of Understanding (MOU) which includes a graduated response model for student discipline (H.B. 6837);
- The requirement that the Department of Education annually examine data relating to in-school suspensions, out-of-school suspensions, expulsions and school-based arrests (H.B. 6837; under H.B. 6834, only the examination of arrest data is required);
- The mandatory disaggregation of data by “school, race, ethnicity, gender, age, students with disabilities and type of offense for which the school-based arrests were made” (H.B. 6834);
- The requirement that the Department of Education submit an annual report to the State Board of Education regarding its examination of school discipline data (H.B. 6837);
- The establishment of clear definitions of “school-based arrest” and such relevant terms as

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“student,” “school property,” “school day,” and “school-sponsored event” (H.B. 6837 defines all of these terms; H.B. 6834 defines only “school-based arrest”).

In addition, Connecticut Voices for Children respectfully suggests that the following additional changes to current law would further help achieve the goals of the two bills:

- The mandatory disaggregation of arrest, suspension and expulsion data by free or reduced price lunch status and English Language Learner (ELL) status, in addition to the categories listed in H.B. 6834;
- A requirement that schools report any and all school-based arrests, not just those that necessitate an ED166 form;
- A requirement that the Department of Education’s annual report regarding its examination of school discipline data, in addition to being provided to the State Board of Education (as per H.B. 6837), also be provided to the Education Committee and be made public, and that the report include an assessment of disparities in student discipline and trends in such disparities.

In passing these bills, with these changes, Connecticut Voices for Children believes that we will be one step closer to a Connecticut where exclusionary discipline practices are applied fairly to all children and used only when necessary.

The Need for Reform

Extensive research shows that excluding children from school for disciplinary problems is often both ineffective and counterproductive.¹ Indeed, there is a growing consensus among academics and policymakers alike that our reliance on suspension, expulsion, and school-based arrest is deeply misguided; exclusionary discipline practices come with considerable individual and societal costs. For example, students 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.² These students face a higher risk of future incarceration, a greater likelihood of relying on state-funded social programs, and decreased lifetime earnings.³ Simply put, one school-based arrest can set a student back for life.

Suspensions and expulsions have similarly damaging effects on Connecticut youth. These children miss critical instruction time and often find themselves further behind their peers when they return to the classroom, creating a cycle of lower academic achievement and disengagement.⁴ The result is a higher likelihood of being held back a grade or dropping out of school entirely.⁵ By excluding these children from the classroom, we are helping to stack the odds against them.

For these reasons, the 2014 U.S. Department of Education guidelines emphasize 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.”⁶ Similarly, the guidelines note that suspension and expulsion should be relied on “only as a last resort and for appropriately serious infractions.”⁷

In recent years, Connecticut has made important progress in reducing the overall number of school-based arrests, expulsions and suspensions. For example, in 2007, the Connecticut legislature passed a law limiting out-of-school suspensions to those situations where they are necessary (i.e., when the

school administration determines that the “pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension”).⁸ This law was amended and ultimately implemented in 2010, requiring administrators to expand in-school disciplinary arrangements. Combined with local initiatives and school-based reform, the state has seen a dip in the use of exclusionary discipline practices. Since 2008, the percentage of students receiving out-of-school suspension has fallen from 4.9% to 2.7%.⁹

Nevertheless, there is still much room for improvement. Earlier this month, Connecticut Voices for Children’s comprehensive report on exclusionary discipline practices found that during the 2012-2013 school year, over 40,939 students were either expelled or suspended – a figure that represents over 7.4% of Connecticut students.¹⁰ During the same 2012-2013 school year, 2,214 students were arrested.¹¹ **Many of these student arrests were avoidable, with children being arrested for behaviors that likely could have been handled within the school. In fact, 1 in 10 arrests were for non-criminal violations of school policy (e.g., skipping class, insubordination, or using profanity).**¹²

Additionally, too many of these arrests are happening to students who are far too young to fully grasp the consequences of their actions. In 2012-2013, **eighteen arrests involved students in Kindergarten through 4th grade.** One in every four arrests involved a student in elementary school or middle school.¹³ And of the high school arrests, nearly one-third involved ninth graders, who are already at risk of falling off track as they transition to a new school.¹⁴ These are students who are being forced out of the classroom at a time when they can least afford it.

Perhaps most problematic is the extent to which exclusionary discipline practices are being inequitably applied in Connecticut. Research shows pervasive and disturbing disproportionality: students of color, males, students in special education, and students in poorer districts are arrested, expelled and suspended at significantly higher rates than their peers.¹⁵ These disparities exist statewide and in nearly every district.

For example, during the 2012-2013 school year in the state of Connecticut:¹⁶

- **Black children were nearly 5 times more likely to be arrested** in school than white children. **They were also 6.5 times more likely to receive an out-of-school suspension.**
- **Hispanic children were over 3 times more likely to be arrested** in school than white children. **They were also over 4 times more likely to receive an out-of-school suspension.**
- **Special education students were 3 times more likely to be arrested and nearly twice as likely to be expelled from school** than regular education students.
- **Children in the state’s poorest districts (District Reference Group [DRG]¹⁷ I) were 23 times more likely to be arrested** in school and **17 times more likely to be expelled** from school than children in the wealthiest districts (DRG A).
- Disparities were 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.

In the wake of the tragedy at Sandy Hook, as schools continue to increase the presence of law enforcement personnel to protect our children, we are concerned that these trends could accelerate without the implementation of provisions such as are included H.B. 6834 and H.B. 6837. This could have 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. While these bills will not prevent all inappropriate arrests, expulsions or suspensions, they do address at least one of the major issues in reforming exclusionary discipline practices: the need for better data.

The Promise of Better Data

Better information is crucial to improving educational outcomes and ensuring accountability and transparency in our schools. Parents, advocates, and the school districts themselves need access to arrest, expulsion, and suspension data in order to identify what is going well, and what needs to change. Robust data will allow school districts to benchmark themselves against their peers, and to chart their own progress over time. It will also allow policymakers to identify best practices to be implemented statewide. Particularly as districts change their school discipline and safety policies, it is crucial that they collect data with which to monitor the effects that these changes have. **Both H.B. 6834 and H.B. 6837 include provisions that will improve the quality and availability of data measuring the use of exclusionary discipline practices across the state.**

- *Inclusion of school discipline data in the Strategic School Profiles.* Most school discipline data is currently only available through direct request to the State Department of Education.¹⁸ Conversely, **H.B. 6834 and H.B. 6837 would require the inclusion of school discipline data in Strategic School Profiles (SSPs).** Strategic School Profiles already provide a wealth of information about schools,¹⁹ and parents and guardians already know to look there for information. 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”²⁰ – a goal which is undoubtedly served by including school discipline data.

In addition to submitting SSPs to the Commissioner of Education, superintendents must also present SSPs annually at a public meeting of the local board of education. This will provide parents and advocates alike with a forum in which to openly discuss the number of arrests, expulsions and suspensions in their district.²¹ Because SSPs are standardized across all districts and schools, it will also provide a basis on which to compare and contrast school discipline data across the state.

- *Annual analysis of data and reporting on school discipline.* Beyond SSPs, H.B. 6834 also requires the Department of Education to examine all suspension, expulsion, and arrest data and to subsequently submit a report to the State Board of Education. Under H.B. 6837, this data will have to be disaggregated by school, race, ethnicity, gender, age, students with disabilities, and type of offense. Connecticut Voices for Children would also support requiring disaggregation by English Language Learner (ELL) status, and free and reduced price lunch status and a requirement that the report to the State Board of Education also be provided to the Education

Committee and be made public, and that it include an assessment of disparities in school discipline practices and trends in such disparities over time.

In all, this information will allow policymakers and advocates to better understand the scope of disparities in disciplinary practices across the state. Drawing attention to disproportionality, this disaggregation will also help schools and districts identify problematic areas on which to focus their 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. Additionally, accessible and easily interpreted data will allow for the identification of positive outliers whose arrest rates are significantly lower than their peers. These standout districts can then be analyzed for best practices, serving as models for other districts hoping to improve. **If Connecticut is going to close some of the troubling gaps highlighted above, the public needs full visibility into the extent of the problem. Access to good data is crucial.**

- *Clear and consistent definition of terms.* In terms of data quality, the current methods of data collection are often inaccurate and incomplete. **A clear and consistent definition of school arrests, such as the one proposed in H.B. 6834 and H.B. 6837, will help address this problem.** Currently, the ED166 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 complete it accurately, since they do not always know about arrests taking place off school property. Both H.B. 6834 and H.B. 6837 propose a definition that is limited to the arrest of students for conduct on school property or at a school-sponsored event. This will allow schools to comprehensively count all arrests.

In conclusion, H.B. 6834 and H.B. 6837 offer a tremendous opportunity to increase transparency and accountability with more robust data and data analysis. The first step to reduce the overall number of inappropriate and unnecessary arrests, expulsions and suspensions – and the first step to eradicate gross disproportionalities in their application – is to ensure the availability and review of high quality and complete data. H.B. 6834 and H.B. 6837 set us down the right path.

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 from variations in school characteristics and personnel than differences in child behavior; 2) schools with zero tolerance policies spent more time on discipline and had worse school climates where teachers and students reported feeling less happy and safe; 3) exclusionary discipline was ineffective as a deterrent and instead predicted increased rates of future misbehavior; and 4) schools are increasingly using referrals to the juvenile justice system to handle infractions that would previously have been handled at a school level and are not dangerous or threatening. See, American Psychological Association Zero Tolerance Task Force, “Are Zero Tolerance Policies Effective in Schools?” *American Psychologist* 63: 9, (December 2008): 852-862, available at: <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>.

² See Sweeten, Gary, “Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement,” *Justice Quarterly* 23:4, 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 Hirschfield, “Another Way Out: The Impact of Juvenile Arrests on High School Dropout”, *Sociology of Education*, Vo. 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.”)

³ 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/janthonny/requests/articles/Cohen_Monetary%20High-Risk%20Youth.pdf.

⁴ See Danfeng Soto-Vigil Koon, “Exclusionary School Discipline: An Issue Brief and Review of the Literature,” *The Chief Justice Earl Warren Institute on Law and Social Policy*, Berkeley School of Law, University of California (April 2013), available at: http://www.law.berkeley.edu/files/BMOC_Exclusionary_School_Discipline_Final.pdf.

⁵ See Tony Fabelo et al., “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement,” *The Council of State Governments Justice Center and Public Policy Research Institute* (July 2011), available at: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=257292>.

⁶ 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>.

⁷ *Ibid.*

⁸ See, Connecticut Code Sec. 10-233c. Suspension of pupils, available at: <http://safesupportivelearning.ed.gov/statecompendium/connecticut>.

⁹ Connecticut Voices for Children, “Keeping Kids in Class: Student Arrests, Expulsions, and Suspensions in Connecticut, 2008-2013,” (February 2015), pp. 15, available at: <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf>.

¹⁰ *Ibid.* (p. 9)

¹¹ *Ibid.* (p. 3)

¹² *Ibid.* (p. 3)

¹³ Preliminary analysis of unpublished data by Connecticut Voices for Children on student arrests, expulsions and suspensions by grade. These data will be published in an upcoming Connecticut Voices for Children report.

¹⁴ For more on the heightened risk faced by ninth graders, see Ruth Curran Nield, “Falling Off Track during the Transition to High School: What We Know and What Can Be Done,” *The Future of Children* 19:1 (Spring 2009), available at: <http://futureofchildren.org/publications/journals/article/index.xml?journalid=30&articleid=38§ionid=84>.

¹⁵ 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).

¹⁶ The statistics that follow are a mere sampling of some of the disparities that exist in the use of exclusionary discipline practices. These statistics and many more can be found in Connecticut Voices for Children, “Keeping Kids in Class: Student Arrests, Expulsions, and Suspensions in Connecticut, 2008-2013,” (February 2015), available at: <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf>.

¹⁷ 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>.

¹⁸ For 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.

¹⁹ Strategic School Profiles are available for all districts and public schools in Connecticut at: <http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>.

²⁰ Connecticut 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”

²¹ Connecticut 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.”

²² See, 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.*