Testimony Supporting

S.B. 1095: An Act Concerning School Resource Officers

S.B. 1093: An Act Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee Concerning Education

H.B. 6759: An Act Concerning Early Childhood

Education Committee

March 1, 2023

Dear Co-Chairs McCrory and Currey, Ranking Members Berthel and McCarty, and distinguished Members of the Education Committee of the Connecticut General Assembly:

My name is Lauren Ruth, and I am testifying today on behalf of Connecticut Voices for Children (CT Voices), a research-based advocacy organization working to ensure that Connecticut is a thriving and equitable state where all children achieve their full potential.


S.B. 1095 will amend the current statute requiring a memorandum of understanding (MOU) between school districts assigning school resource officers (SROs) and local law enforcement agencies to clarify that these MOUs must be posted publicly on school district websites as well as on the websites of schools where SROs are assigned. It further amends the statute to specify that MOUs must include information on procedures for the restraint of students, the use of firearms, and school-based arrests. Where typical duties a SRO performs could be done by other trained school staff members, such as school counselors and social workers, this bill clarifies that districts may assign these duties to qualified staff.

CT Voices believes that these steps toward making the role and duties of SROs transparent and publicly available are much needed and long overdue. Clear, transparent MOUs can reduce the misuse of SROs by school personnel, protect student rights, and improve relationships between SROs, school staff, and the school community.

SROs are sworn law enforcement officials with the unique power to arrest individuals suspected of breaking the law. As such, the National Association of School Resource Officers and the United States Department of Justice have issued official statements advising that MOUs between school districts and law enforcement agencies should prohibit SROs from becoming involved in disciplinary situations that are the responsibility of school administrators (as opposed to instances in which a law has been broken). Unfortunately, multiple studies have found a great degree of variability to which school staff involves
SROs in school discipline. In recent years, Connecticut’s Office of the Child Advocate has found that multiple districts (including but not limited to Waterbury and West Hartford) involve police in incidents where a call to Emergency Mobile Psychiatric Services or the local Youth Service Bureau or Juvenile Review Board would have been more appropriate, as determined by the age and behavioral health needs of the children and guidance issued by the Judicial Branch. Issuing clear guidance that is publicly available for law enforcement officials, school staff, and parents will help clarify instances where police involvement is legally advisable versus cases in which schools should utilize behavioral health resources, community-based interventions, and/or tactics from a comprehensive Multi-Tiered System of Support.

Part of the reason why school staff may overly involve SROs in issues of school discipline is that legal guidance around students’ rights in schools can be unclear. For example, the legal standards for searches and interrogations are lower within schools than in other locations. To engage in a search, school officials only need “reasonable suspicion.” This leaves room for SROs acting at the request of school officials to engage in searches that they otherwise may not have been able to conduct in a different setting under the usual legal standards. Guidance is similarly confusing regarding interrogation and self-incrimination in schools. While police officers are supposed to read students their Miranda rights if they interrogate students in a school setting, hallway conversations between students and SROs can lead to questioning and self-incrimination. Publicly available MOUs can help clarify some of these murky situations and ensure that school staff, parents, and students understand students’ rights in schools.

Finally, the United States Department of Justice recommends that a well-written MOU should cover controversial topics such as the use of restraints on students, the use of firearms, and procedures for making arrests on school grounds, all of which this bill would require. Having clear guidance around these issues will help reduce the trauma that occurs from students experiencing these kinds of violent behaviors at the hands of police, and it will also mitigate the vicarious trauma that occurs when young people witness the police using these more violent “tools” in a school setting. When students perceive police interventions to be unfair or inconsistent, they report feeling less trust in police. In turn, students become less willing to confide in SROs and school staff when they experience problems. Making MOUs public so that students and school staff understand the roles and responsibilities of SROs can help strengthen feelings of accountability to policies and procedures and may help to improve police-school-community relationships.

In the Just Facts section of this testimony, below, we cite research done at Connecticut Voices for Children using data reported to the U.S. Department of Education Civil Rights Data Collection. While this testimony cites research using data from SY 2017-2018, the most recent data available, this report replicated a prior study using SY 2015-2016 data that found similar effects. In short, we find that students are statistically more likely to be arrested in Connecticut public schools with SROs than schools without, and we find racial disparities in these impacts. These findings suggest unfair discipline practices within and between schools.

In light of national guidance and research done in Connecticut schools, the proposals within this bill make intuitive sense. Students behave better and have higher academic achievement in schools with transparent, predictable, and fair guidelines. This is why schools must publish disciplinary policies within student handbooks. Additionally, law enforcement agencies have fewer substantiated misconduct allegations and less litigation when their policies are clear and training is appropriate. This bill would help to align the policies guiding SROs with those principles. The proposals in this bill make the role and procedures of SROs in schools more transparent for students, school staff, and SROs.
JUST FACTS ON SCHOOL RESOURCE OFFICERS

- **Almost a quarter of Connecticut public schools have SROs.** During the 2017-2018 school year, 254 schools reported having an SRO (22.5 percent of Connecticut public schools). Overall, a greater percentage of schools in the wealthier District Reference Groups (DRGs) A, B, C, and D had SROs than in the less affluent DRGs E, F, G, H, and I.

- **The racial and ethnic demographic makeup of students in schools with SROs is similar to schools without SROs.** The percentage of Black and Latino/a/x students in schools with SROs is the same as in schools without SROs. This means that racial differences in who is arrested and referred to law enforcement cannot be due to differences in student body populations.

- **Students in schools with SROs face a significantly higher risk of referral to law enforcement than students in schools without SROs.** In SY 2017-2018, Black and Latino/a/x students had a three times greater risk of being referred to law enforcement in schools with SROs, and white students had a two times greater risk of being referred to law enforcement. A test for causal inference found that the average percentage of Black and white students referred to law enforcement in schools with SROs was more than twice as high as those without SROs. These differences are statistically significant even when adjusting for school size and DRG.

- **Students in schools with SROs face a vastly higher risk of arrest than students in schools without SROs.** In SY 2017-2018, Black and Latino/a/x students had a five times greater risk of arrest in schools with SROs, and white students had a three times greater risk of arrest. A test for causal inference found that the average percentage of Black students arrested in schools with SROs was over 17 times higher than in schools without SROs. The average percentage of Latino/a/x students arrested in schools with SROs was 11 times higher than in schools without SROs. The average percentage of white students arrested in schools with SROs was five times higher than in schools without SROs. These differences are statistically significant even when adjusting for school size and DRG.

CT Voices supports S.B. 1093; however, we have concerns regarding appropriate staffing in SDE and in districts to implement such policies.

S.B. 1093 requires SDE to monitor school districts that have abnormally high levels of exclusionary discipline and/or exclusionary discipline that disproportionately punishes young people of color and provide support to these districts so that they can improve their school discipline policies and practices. It will require boards of education to implement a plan to cap classroom sizes depending on the age of the young people in the classroom. The bill requires the State Department of Education to provide districts with a list of recommended assessments to screen students for mental health distress and risk of suicide. It will require the ten largest school districts to submit reports to SDE and the Juvenile Justice Policy and Oversight Committee (JJPPOC) regarding expulsions, alternative placements, and the quality of education students receive in alternative placements. Finally, it will require SDE to establish an advisory committee regarding exclusionary discipline for students in pre-kindergarten through 2nd grade. CT Voices supports all these proposals; however, this testimony will speak to the proposals related to exclusionary discipline.

Through work with the Connecticut School Discipline Collaborative, SDE monitors which districts have abnormally high levels of exclusionary discipline and disproportionate use of discipline. It uses a tiered support structure to provide districts with increasing levels of support based on their needs. SDE helps
districts that have a high level of overall discipline and/or high disproportionality create communities of practice to evaluate progress on a quarterly basis, provides school districts with individual coaching sessions, provides individualized support and targeted professional learning opportunities, and helps districts assess funding to shift support toward early intervention and discipline strategies that keep young people in class. Asking districts to create plans to revise discipline policies and support school staff in equitable implementation of these policies would provide an additional layer of accountability on the part of the districts; CT Voices believes these plans will complement the work that SDE is already to advance the mission of reducing the use of disciplinary practices that remove young people from schools and eliminating inequitable use of these practices.

This is critical work, especially in light of the pandemic. Students of color were far more likely than white students to suffer the trauma of family members dying, more likely to have faced housing and food insecurity due to the pandemic, and more likely to have been denied instruction from a teacher while school doors were closed. These young people need the supports provided by trauma-informed school staff and caring teachers more than ever. However, data from EdSight indicate that while the disproportionate impact of exclusionary discipline on children of color declined during the pandemic due to classes moving to at-home platforms, once young people returned to school in person, differences in exclusionary discipline rates returned to pre-pandemic levels (see graph, below). While students of color struggle with the lasting impact of the traumas and systemic failure they experienced during the pandemic, they are being pushed out of Connecticut educational communities.

Data calculated from EdSight Suspension Rates by Race/Ethnicity.

It is important to note that while we support these efforts, the underfunding of SDE staffing will likely present an impediment to SDE being able to do this work rigorously and continually. Commissioner Russell-Tucker testified in front of the Appropriations Committee on February 23, 2023, that although
SDE has 275 positions authorized, currently, only 175 positions have funding through state or federal resources. Without staffing to do the work laid out in SDE’s District Tier exclusionary discipline reduction plan, districts lacking implementation support will continue to struggle with responding to the post-pandemic increase in student externalizing behaviors, regardless of drafting plans.

We additionally want to voice our support for creating an advisory committee to monitor and advise on ways to reduce exclusionary discipline for children in prekindergarten through second grade. The rate of very young children being suspended or expelled in Connecticut has dropped significantly since the Connecticut General Assembly passed P.A. 15-96, which prohibited the suspension or expulsion for students in grades prekindergarten through two except in cases where behavior is “of a violent or sexual nature.”

When a very young child exhibits behaviors that could endanger another person, this is a sign that child is struggling with something that has happened to them. A meta-analysis of research found that in up to 80 percent of cases, when children display sexual behavior problems, they have been sexually victimized. Further reasons young children may display sexual behavior problems include: experiencing physical or emotional maltreatment, exposure to family violence, and inappropriate exposure to sexual behavior in the media. While violent and sexual behaviors are certainly alarming, they are warning signs that the child has been the victim of a traumatic experience. A more appropriate and effective intervention in these cases is to connect the child and a supportive caregiver to trauma-focused mental health services such as TF-CBT, an intervention supported by almost three decades of research.

As displayed in data taken from EdSight, below, while suspensions and expulsions of very young children have been greatly reduced since the 2014-2015 school year, during the 2021-2022 school year almost 600 students (not including preschoolers) were still suspended or expelled. These children and their families need help, and passing the problem back to their families through suspension does not do that. We support creating an advisory committee to advise on better, trauma-informed ways schools in Connecticut can meet the needs of families of young children engaging in behaviors of a violent or sexual nature.

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Data retrieved from EdSight Suspension Rates by Grade.

CT Voices Supports H.B. 6759; however, we have concerns regarding the cost bearer of raising early care staff wages.

H.B. 6759 will require early care programs receiving State funding to implement the early childhood educator compensation schedule proposed by the Commissioner of Early Childhood. This bill, however, does not include language to raise per-child reimbursement rates for children in State-funded child care centers and programs, and it does not include language to increase the Care 4 Kids reimbursement. Absent this language, we are concerned that early care providers will need to increase what they charge parents, and this will place an insurmountable burden on many families.
First, we strongly advocate that the State should ensure that there is wage parity between ECE staff and elementary school staff. A study conducted by the University of Connecticut in partnership with the Office of Early Childhood estimated that such a policy would almost double the salaries of mid-level teachers at child care centers. Family child care (FCC) providers typically work close to 70 hours in a week, so if the State ensures wage parity that provides an equivalent amount per hour and equivalent benefits to those in child care centers, an FCC provider with an associate’s degree would more than triple their annual salary.

Second, we urge policymakers to increase reimbursement rates for publicly-funded care to 90 percent of the market rate. The federal government requires that OEC conduct market rate studies of what providers in each region of Connecticut charge. If we set child care reimbursement rates at a 90 percent level, parents with Care 4 Kids vouchers could use these vouchers to access child care at 90 percent of the programs in their area. Currently, across the state, Care 4 Kids reimburses for less than 50 percent of the market rate for infants and toddlers, less than 25 percent of the market rate for preschoolers, and less than 50 percent of the market rate for school-age children receiving part-time care. In certain parts of the state, though, Care 4 Kids reimburses for less than 10 percent of the market rate. And per pupil reimbursement rates in many state-funded child care programs, such as School Readiness, fall short of the average cost of care in a center setting. Raising reimbursement rates for public programs like Care 4 Kids would incentivize more providers to accept low-income children into their programs, increase parental access, and increase the pay for providers.

Third, we echo the recommendations of the U.S. Department of Health and Human Services that families in Connecticut should not spend more than seven percent of their income on child care. Realizing this recommendation would require a significant investment in the early care and education infrastructure. Currently, even families receiving Care 4 Kids pay up to 10 percent of their income in child care co-pays. The U.S. Department of Labor estimates that child care price comprises between 14 percent and 18 percent of median family income in CT, depending upon where families live.

JUST FACTS ON THE EARLY CARE WORKFORCE

- **Connecticut’s ECE workforce was 22 percent smaller in 2021 than in 2019.** According to the Bureau of Labor Statistics Occupational Employment and Wage Statistics, Connecticut’s early care and education workforce in May of 2019 comprised 16,270 workers. In May of 2021, only 12,640 people were part of the ECE workforce.
- **Connecticut’s number of child care workers—typically working in center-based and home-based care settings—has been cut in half between 2018 and 2022.** The occupation that has suffered the most attrition within the early care and education workforce is child care workers. The number of child care workers decreased from a high of 9,490 in May of 2018 to a low of 4,810 in the first quarter of 2022.
- **Connecticut’s wages for workers in the ECE field are untenably low.** According to the CT Department of Labor Occupational and Wage Statistic Database, the median salary for a preschool teacher in CT in Q1 of 2022 was $31,567 compared to the median salary for a primary school teacher in CT in Q1 of 2022, which was $81,968. This disparity is even more significant for ECE workers in home-based settings, many of whom earn far less than minimum wage once the totality of their hours and expenses are considered.

Connecticut Voices for Children urges the committee to pass S.B. 1095: An Act Concerning School Resource Officers; to pass S.B. 1093: An Act Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee Concerning Education, and to include language ensuring the funding of
staff at SDE to provide adequate support to schools struggling with reducing exclusionary discipline; and to pass H.B. 6759: An Act Concerning Early Childhood, and to include language ensuring that the State assumes the costs of increasing early care staff pay rather than shifting this increase in costs to parents.

Thank you for your time and consideration.

Sincerely,

Lauren Ruth, Ph.D.
Research & Policy Fellow
Connecticut Voices for Children


Connecticut Voices for Children calculations utilizing data retrieved from: https://www.bl.gov/oes/tables.htm

Data for Q1 2022 retrieved from: https://www1.ctdol.state.ct.us/lmi/wages/default.asp