

Center for Children's Advocacy

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY TO THE SCHOOL SAFETY COMMITTEE OF THE BIPARTISAN TASK FORCE ON GUN VIOLENCE & CHILDREN'S SAFETY IN SUPPORT OF RECOMMENDATIONS RELATING TO SCHOOL-POLICE COLLABORATIONS

January 25, 2013

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law to make specific recommendations to the Task Force as it relates to **school-police collaborations**. **The Center would urge that the statutory language attached hereto as Attachment A requiring communities with police in them to execute written policies or Memoranda of Agreements (MOAs) between their schools and police which clarify their respective roles be passed.** Endorsing this and related legislative changes would ensure that the police presence within our schools is focused on school safety and the best interests of each of our children and youth, and does not result in their unnecessary arrest or criminalization.

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. . Through our TeamChild Juvenile Justice Program, the Center collaborates with the Juvenile Public Defender's Office and the Juvenile Probation Office to improve our clients' juvenile justice outcomes by securing needed services through community agencies or the school system. Through our Disproportionate Minority Contact (DMC) Reduction Projects, the Center also works with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system.

As a result of our work, we have seen numerous youth enter the juvenile justice system as a result of being arrested for minor offenses in school. The vast majority of these children and youth are of color.

It is important, therefore, to ensure that the current discussion about school safety does not forget our state's most vulnerable youth. Proposed legislation, as attached hereto, **would achieve this purpose** while providing an effective framework for school-police collaboration. This proposed legislation would:

1. Require collaboration between police and schools whenever a community decides to station police within its schools;
2. Mandate the adoption of formal written policies or agreements between police and schools in those communities, incorporating graduated response policies for student discipline and detailing the roles and responsibilities of

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police officers stationed in schools, also known as school resource officers or SROs, and;

3. Provide communities and their stakeholders with better access to data concerning the number of arrests of students in their schools so that problems with police-school interactions can be identified and addressed as they arise.

In keeping with the mission of our organization, we cannot and do not encourage the placement and expansion of police in schools.¹ However, as a result of the recent tragedy in Newtown, and recent federal initiatives to address it, it is likely such expansion may occur. It is of the utmost importance, therefore, for our schools and police to work together when a community makes a decision to place its police within its schools. **This proposed Act provides the appropriate vehicle to facilitate such collaboration** with the goal of minimizing the potentially negative impacts of that police presence (arrests by police that replace normal school discipline) that disproportionately impact children and youth of color.²

We urge you to incorporate this proposed legislation in your set of Task Force recommendations. Our experience has demonstrated **that police-school collaborations that are carefully circumscribed through written policies** reduce the number of children and students unnecessarily arrested in our communities.

At the heart of our work has been the adoption of **Memoranda of Agreement** between schools and police. A Memorandum of Agreement detailing the roles and responsibilities of police in schools, and outlining graduated response models for school discipline, is an appropriate and effective tool for ensuring police presence in schools is about safety and consistency, while taking care not to over criminalize non-dangerous youth. Similar agreements have been used nationally and in Connecticut with great success.³ Local communities successfully adopting MOAs include Bridgeport, Manchester, Hartford, Stamford, Windham, and others. In fact, a model MOA created by Connecticut's Juvenile Justice Advisory Committee is readily available for our local communities to adapt to their needs.⁴

In Hartford, for example, where student arrests have been drastically reduced over the past two school years, an MOA was signed this past Fall. While the MOA was in the process of being signed, collaboration around it led to the creation of a school-

¹ The presence of police in schools increases the likelihood that a child will be arrested for conduct that would have otherwise been considered to be under the realm of school discipline. AMERICAN CIVIL LIBERTIES UNION & AMERICAN CIVIL LIBERTIES UNION OF CT, *HARD LESSONS: SCHOOL RESOURCE OFFICER PROGRAMS AND SCHOOL-BASED ARRESTS IN THREE CONNECTICUT TOWNS* (2008), p. 16, available at http://www.aclu.org/pdfs/racialjustice/hardlessons_november2008.pdf.

² For example, data collected by our DMC project and published by the Center for Children's Law & Policy, showed that 43% of all juvenile arrests in the fall of 2011 occurred at school. This data blatantly demonstrates how children may be criminalized by police presence in schools.

³ Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* 29 (November 2011).

⁴ The Connecticut Juvenile Justice Advisory Committee model Memorandum of Agreement is available at: <http://www.ct.gov/opm/cwp/view.asp?a=2974&Q=471720>.

police collaboration team, extensive police officer training on the use of Emergency Mobile Psychiatric Services (EMPS) as an alternative to arrest, and resulted in significant reduction of arrests in Hartford Public Schools compared with the previous year.⁵

Let's ensure that police presence in schools does not lead to children being arrested for low-level, non-violent offenses, particularly students of color.

According to State Department of Education data, during the 2010-2011 school year, **both African-American students and Hispanic students were arrested at school at twice the rate that would be expected from enrollment data.**⁶ Data reported by Connecticut school districts to the Office of Civil Rights of the federal Department of Education shows that this disproportionality exists both in small towns and large cities: school districts with fewer than 5,000 students still saw highly disproportionate rates of school-based arrests for youth of color, particularly African-American youth.⁷

A culture where children are regularly arrested at school harms children and communities. Keeping children in school is crucial to improving their long-term opportunities. Students who feel connected to school are less likely to use illegal substances, become pregnant, attempt suicide or engage in violent behavior.⁸ **And formal processing through the juvenile justice system makes it more likely that a child will be involved in the adult criminal justice system in the future.** A 2010 study found that the very act of being labeled as a delinquent made it more likely that a child would have a criminal history as an adult.⁹

In accordance with the recent recommendations of the National Juvenile Justice Network's response to the President's statement on gun violence,¹⁰ legislation such as attached hereto **gives communities the necessary tools to ensure that the police**

⁵ For example, according to data from the Court Support Services Division, arrests were down 78% when comparing March to June of 2011 to March to June of 2012 (from 113 arrests to 24).

⁶ State Department of Education data for the 2009-2010 school year showed that African-American students were 14% of total statewide public school enrollment, but were 28% of students arrested at school; Hispanic students were 17% of total statewide enrollment, but were 35% of students arrested at school. State Department of Education data only includes arrests that resulted also in a suspension or expulsion. Although historical statewide data is not available, available data suggests that disproportionate school-based arrests of youth of color has persisted as a problem in Connecticut. An American Civil Liberties Union report on school-based arrests in the Hartford area which analyzed data from the 2005-2006 and 2006-2007 school years showed that children of color were significantly more likely to be arrested for the same offense as white children. AMERICAN CIVIL LIBERTIES UNION & AMERICAN CIVIL LIBERTIES UNION OF CT, *HARD LESSONS: SCHOOL RESOURCE OFFICER PROGRAMS AND SCHOOL-BASED ARRESTS IN THREE CONNECTICUT TOWNS (2008)*, available at http://www.aclu.org/pdfs/racialjustice/hardlessons_november2008.pdf

⁷ Data available at: <http://ocrdata.ed.gov/DistrictSchoolSearch>.

⁸ Kathryn C. Monahan et al., *Predictors and Consequences of School Connectedness: The Case for Prevention*, 17 THE PREVENTION RESEARCHER 3, 3-6 (September 2010).

⁹ Anthony Petrosino et al., *Formal System Processing of Juveniles: Effects on Delinquency*, CAMPBELL SYSTEMATIC REVIEWS 2010:1, 36-37.

¹⁰ Accessible at Connecticut's Juvenile Justice Advisory Committee www.njjn.org

in our schools are focusing on protecting our children and youth and that best practices are followed when police become involved in school discipline:

- The adoption of MOAs between school and police defining their respective roles;
- The use of graduated response policies for school discipline when police are involved in schools, and;
- Access to data collected on student arrests in school.

For the foregoing reasons, the Center urges you to incorporate in your recommendations the legislative changes embodied in the proposed act attached, **An Act Concerning School–Police Collaboration**.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marisa Mascolo Halm", with a long horizontal flourish extending to the right.

Marisa Mascolo Halm, J.D.
Director, TeamChild Juvenile Justice Project

ATTACHMENT A

An Act Concerning School-Police Collaboration

Section 1. Section 10-220, subsection a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall give all the children of the school district as nearly equal advantages as may be practicable; shall provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, (3) proper maintenance of facilities, and (4) a safe school setting; shall have charge of the schools of its respective school district; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities; shall adopt and implement a green cleaning program, pursuant to section 10-231g, that provides for the procurement and use of environmentally preferable cleaning products in school buildings and facilities; shall report biennially to the Commissioner of Education on the condition of its facilities and the action taken to implement its long-term school building program, indoor air quality program and green cleaning program, which report the Commissioner of Education shall use to prepare a biennial report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Education of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes and at all times shall insure all such buildings and all capital equipment contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall develop and implement a written plan for minority staff recruitment for purposes of subdivision (3) of section 10-4a; shall employ and dismiss the teachers of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within the school district; shall make such provisions as will enable each child of school age residing in the district to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; **shall adopt and implement a policy and/or memorandum of agreement (MOA) regarding the role and responsibilities of any sworn officers of any local law enforcement agency or the Division of State Police within the Department of Emergency Services and Public Protection who have been assigned to any school in accordance with an agreement between the chief of the appropriate law enforcement agency or the Commander of the State Police and the local or regional board of education which may govern regular day to day interactions , including the use of a graduated response model for student discipline;** may place in an alternative school program or other suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.

Section 2. Section 10-220, subsection c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) 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. The profile report shall provide information on

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measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy **and discipline**, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, and (7) special education. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements. Such truancy data shall be considered a public record for purposes of chapter 14.

Section 3. Section 10-220, subsection c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) 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. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy **and discipline**, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, [and] (7) special education, **and (8) school-based arrests**. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements. Such truancy data shall be considered a public record for purposes of chapter 14. **For purposes of this subsection, "school-based arrest" means an arrest of a student on school property during the school day, or an arrest of a student at a school-sponsored activity conducted on or off school property. For purposes of this subsection, measures of school-based arrests include the number of arrests made annually at each school and in each school district; such measures shall be disaggregated by race/ethnicity, gender, age, whether the student is receiving special education services, whether the student is an English Language Learner and the offenses for which the arrests were made, except that for any such category in which the reporting body has five or fewer students enrolled, the data shall instead be reported as a symbol.**