

HB 522 xover SRO prohibited conduct PSSAM support.

Uploaded by: Fannon, Mary Pat

Position: FAV



Mary Pat Fannon, Executive Director

BILL: House Bill 522
TITLE: Public Schools – School Resources Officers – Prohibited Conduct
DATE: March 30, 2021
POSITION: Support
COMMITTEE: Ways and Means
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

This bill prohibits a school administrator or official or a school safety coordinator from directing a school resource officer (SRO) to enforce discipline-related school policies, rules, regulations, or procedures. It also bars an SRO from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures, and requires that training provided to them reflect that prohibition.

PSSAM is supportive of House Bill 522 and believes that it is important to reiterate the appropriate roles and responsibilities of SROs in our local school systems. SROs provide important supportive safety services to school personnel and help to encourage a positive relationship with students and law enforcement. However, PSSAM is also aware of the periodic negative episodes and encounters between students and SROs in some schools across the State. These individual incidents further reinforce our support of this legislation and its policies and training to ensure a safe and supportive climate and school culture.

In 2018, the General Assembly passed the Safe to Learn Act and created a comprehensive curriculum for SROs and any other designated school security personnel. This legislation is aligned with the training program embedded in that legislation. Currently, SROs participate in a comprehensive 40-hour, 5-day, mandatory curriculum through the Maryland Center for School Safety.

PSSAM continues to be supportive of local decisions regarding the specific safety protocols in their schools. We recognize that some local systems may choose not to include SROs in their public safety plans, but instead provide adequate security personnel as required by the Safe to Learn Act. We believe this legislation will strengthen existing and proposed SRO programs. While not a provision of this bill, we also support adequate funding for all public-school safety programs, which should also include social, emotional, and behavioral supports in school systems.

For these reasons, PSSAM requests a favorable report on House Bill 522.

One Voice, One Vision for Maryland's Students

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EHE - HB522 - ATW.pdf

Uploaded by: Washington, Alonzo

Position: FAV

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—
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THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB522 - School Resource Officers and School Security Employees - Revisions

HB522 prohibits a school administrator or school safety coordinator from directing a school resource officer (SRO) or school security employee to enforce a school's code of conduct, unless there is a threat of serious bodily injury that cannot be addressed through other interventions and supports.

The school-to-prison pipeline is defined as the practices that push a student out of school and into the criminal justice system, and it is real in Maryland. According to a MSDE report on school arrest data, 3,141 students were arrested in Maryland schools in the 2018-2019 school year. 56% of students arrested were black, 61% were low-income, and 22% were special education students. Also, 33% of students were arrested for non-violent offenses.

The idea behind HB522 is simple – enforcement of school code of conduct policies should originate with teachers or school administrators, not from SROs or other school security employees. SROs and school security employees should be solely responsible for protecting our students from threats, de-escalating violent situations, and promoting a positive school climate, all of which they still would be able to do under this bill. Prohibiting SROs and school security employees from intervening in these situations will hopefully result in a reduction of school-related arrests and the school-to-prison pipeline.

Over the course of the past several weeks, we also worked with key stakeholders to draft significant improvements to this legislation. Included in the current version of the bill are:

- Clearer roles for administrators and SROs,
- Additional training on restorative practices,
- A robust school safety & behavioral health plan,
- Comprehensive approach to the assignment of SROs,
- Reassigning SROs who are under investigation for use of excessive force,
- More options for SRO grant funds,
- Additional data collection on incidents, and more.

HB522 represents a comprehensive, thorough approach to address the safety and behavioral health needs of our students, while also providing a much needed clarification of roles between school security and administrators. For these reasons, I respectfully ask for a favorable report on HB 522.

MCPA-MSA_HB 522-SRO-Support-with-amendments.pdf

Uploaded by: Morris, David

Position: FWA



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Paul G. Pinsky, Chair and
Members of the Education, Health, and Environmental Affairs Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 30, 2021

RE: **HB 522 Public Schools – School Resource Officers and School Security Employees - Revisions**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 522 WITH AMENDMENTS.**

As introduced, HB 522 intended to clarify the role of an SRO in a school by stating an SRO could not be directed by a school administrator to enforce discipline-related school policies, rules, regulations, or procedures. As amended, the bill, in addition to clarifying the SRO's role, expands training and provides for a broader oversight structure. MCPA and MSA worked with the sponsor to address several concerns as the bill was being discussed in the House Ways and Means Committee. These included the assignment of SROs to a school, supervisory oversight of an SRO, and further clarifying an SRO's role in the school system. However, one issue remained unaddressed. Language on page 6, lines 29-32 states "A SCHOOL RESOURCE OFFICER WHO IS UNDER INVESTIGATION FOR EXCESSIVE FORCE SHALL BE REASSIGNED IMMEDIATELY AND MAY NOT BE ASSIGNED TO A PUBLIC SCHOOL UNTIL THE INVESTIGATION HAS CONCLUDED WITH A FINDING THAT EXCESSIVE FORCE WAS NOT USED. This language could lead to an SRO being reassigned for frivolous or unsubstantiated complaints, and presumes the SRO is guilty before an investigation takes place to substantiate the complaint. MCPA and MSA understands there may be a need to reassign SROs under certain circumstances, but a reassignment such as the one described in HB 522 should occur after there is some finding of fact that the act occurred. Therefore, MCPA and MSA suggest the following amendment.

On page 6, strike lines 29-32 and insert

"IF A PRELIMINARY INVESTIGATION DETERMINES AN OFFICER USED EXCESSIVE FORCE, THE OFFICER SHALL BE IMMEDIATELY REASSIGNED AND NOT ASSIGNED TO A PUBLIC SCHOOL.

For these reasons, MCPA and MSA **SUPPORT HB 522 WITH AMENDMENTS.**

HB522- Public Schools - School Resource Officers a

Uploaded by: Sterrette, Dawana

Position: FWA

BALTIMORE CITY PUBLIC SCHOOLS

Brandon M. Scott
Mayor, City of Baltimore

Linda Chinnia
*Chair, Baltimore City Board
of School Commissioners*

Dr. Sonja Brookins Santelises
Chief Executive Officer

**Testimony of the
Baltimore City Board of School Commissioners
Support with Amendment
House Bill 522
Public Schools – School Resource Officers and School
Security Employees – Revisions**

March 30, 2021

The Baltimore City Board of School Commissioners (the Board) has had the only sworn school police force in the State for approximately 40 years.. The Baltimore City School Police Force works directly for the public school system. The Board agrees that no school resource officer (as the Baltimore City School Police Force has been defined) should be involved in discipline. We have created an MOU for school police and principals with a clear delineation of roles and responsibilities. As a result, we have significantly reduced student arrests over 91% over the last several years. I would also include that our Chief of Police and his team have received national recognition from their work with students. The Board also agrees that all officers that deal with our students should undergo specified training, as listed in the legislation.

The Board has one technical amendment to the legislation. Currently, on page 5 lines 23-25 it states :
“The Baltimore City School Police Force shall consult with the Baltimore City Board of School Commissioners before the assignment of a school resource officer to a public school. “

We request that the Committee **replace the “Baltimore City Board of School Commissioners” with “the LOCAL SCHOOL SYSTEM.”** Currently, the police assignments are designated by the school police chief, who reports directly to the Chief of Schools. In order for our current practice to continue, the consultation should remain with the school system and not the school board and this change would also make it consistent with other school systems that must consult with their local law enforcement agencies.

Based on the foregoing, the Baltimore City Board of School Commissioners urges a favorable report, with the suggested amendment.

Dawana Merritt Sterrette, Esq.
Director, Legislative and Government Affairs
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HB 522.SROs as Non-Disciplinarians - SENATE.pdf

Uploaded by: Woolums, John

Position: FWA

BILL: House Bill 522
TITLE: Public Schools - School Resource Officers - Prohibited Conduct
DATE: March 30, 2021
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Health, and Environmental Affairs
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 522 with amendments.

MABE recognizes the major contributions SROs are making in schools across the state to benefit school climate, culture, and safety. SROs and teachers, principals, and other school personnel are collaborating to provide mentoring, counseling, and instruction concerning appropriate student behaviors, and are responding accordingly to violations of school policy and law. MABE also recognizes the need to pursue expanded training of SROs, principals, behavioral health staff, and teachers, on the optimal classroom and school-based practices to maintain safe and supportive schools conducive to learning and the dignity and well-being of each student.

MABE supported House Bill 522, as introduced, in order to clarify the reasonable prohibition on SROs from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures to ensure that SROs do not make determinations regarding student discipline. As introduced, this legislation was aligned with Maryland's training program for SROs and therefore the policies and procedures that should already in place regarding the appropriate role of SROs as it relates to students, educators, and administrators, and student disciplinary actions. As amended in the House, this legislation not only continues to reflect this original intent but also includes several new provisions which MABE generally supports but believes require additional clarification and revisions.

Specifically, MABE is concerned with the conditions placed on the use of school safety grant funding to prohibit the combined use of these funds for SROs and the expansion of school-based mental health services and behavioral supports. MABE supports the continuation of the school safety grant program, and additional resources for the hiring of additional school counselors, school psychologists, and other services, and does not believe these investments should be mutually exclusive. Other provisions added to the bill include extensive new training and reporting requirements which MABE generally supports, specifically regarding the responsibilities of the Center for School Safety and the training of school administrators in addition to security personnel.

Local boards appreciate that when the Safe to Learn Act passed in 2018 it mandated the development of comprehensive curriculum for all SROs and any other designated school security personnel. The multi-faceted role of SRO's is evident in the outline of the 40-hour, 5-day, mandatory curriculum for all SROs and school security staff.

- School Resource Officer: Definition & History of Role
- Memorandum of Agreement/Understanding (MOU) between the police department and the school
- Working Collaboratively with School Administration and Staff
- Restorative Practices in Schools: PBIS, School Based Mediation, and School to Prison Pipeline considerations and Implicit Bias
- Maintaining a Positive School Climate

- Victimization of Youth in Schools - Child Protective Services
- Informal Counseling Roles and Responsibilities
- Disability & Diversity Awareness with a focus on Inclusiveness and Cultural Fluency
- Implicit Bias
- Drug Education and Current Trends in Maryland Schools
- Investigation of Bullying, Threats & Social Media
- Principles of Effective Learning - The Expanding Role of an SRO as an Instructor
- Constructive Interactions with Students - Building Trust and Reducing Fear
- Collaboration and Problem Solving with Stakeholders
- Youth Development, Behavior and Discipline

Again, MABE believes that a holistic approach to training SROs and other school security staff is essential to maintaining safe schools and access to an equitable, high quality education for all of Maryland's students.

For these reasons, MABE requests a favorable report on House Bill 522 with amendments.

HB 522 SROS 2021 Oppose.pdf

Uploaded by: Bamiro, Seanniece

Position: UNF

Testimony for the Senate Education, Health, and Environmental Affairs Committee
HB 522 - Public Schools – School Resource Officers – Prohibited Conduct
March 30, 2021

POSITION: OPPOSE

Dear Senate Education, Health, and Environmental Affairs Committee:

I respectfully oppose HB 522. The current version of HB 522 contains several problematic provisions and I urge the committee to take action in a future legislative session to get police out of schools and adopt a new, transformative vision for school safety in Maryland.

I stand with the Maryland Coalition for Justice & Police Accountability (MCJPA) in their findings that school police do not keep students and educators safe, police presence in schools increases student arrests for minor offenses like disorderly conduct, Black and Latinx students are disproportionately impacted by school policing, and alternative strategies like restorative approaches and trauma-informed practices can effectively keep students safe.

State law should encourage districts to shift away from reliance police presence in schools; instead, HB 522 cements and expands the role of school policing in Maryland schools. As a PGCPS graduate, I know firsthand that Black and Latinx students will bear the brunt of the overreliance on police presence. Ultimately, to keep all students safe, districts should shift away relying on on-site police and should instead invest in student mental health services, wraparound supports, and restorative approaches – all of which have been shown to meaningfully improve student behavior and school safety. The reasons are clear, and well-supported.

Thank you,

Seanniece Bamiro
SeannieceBamiro@gmail.com
Bowie, MD, District 23B

MCJPA - HB 522 - Oppose.pdf

Uploaded by: Cherayil, Monisha

Position: UNF



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

HB 522

Senate Education, Health, and Environmental Affairs Committee

March 30, 2021

POSITION: UNFAVORABLE

The **Maryland Coalition for Justice & Police Accountability (MCJPA)** is a large, diverse, statewide coalition of 90+ organizations united behind [5 police reform demands](#), including ending regular police presence in Maryland schools. MCJPA appreciates that the intent of HB 522 may be to address the serious harms resulting from regular presence of police in schools that students, parents, educators, and communities of color have raised and illustrated with their experiences and extensive data and academic research at multiple bill hearings this session. However, the bill falls far short of achieving meaningful solutions and shifting districts away from reliance on school-based police and towards implementation of effective safety measures, like student mental health services, wraparound supports, and restorative approaches. **We oppose HB 522 and urge the committee to take action in a future legislative session to get police out of schools and adopt a new, transformative vision for school safety in Maryland.**

HB 522 Contains Several Problematic Provisions

The current version of HB 522 contains several problematic provisions. We highlight just four below, by way of illustration.

First, the bill states that a school police officer (referred to as a school resource officer or SRO) may not unilaterally or at the direction of school staff enforce the student code of conduct except in instances of “serious bodily injury” or an “imminent threat” of the same (page 6, lines 15-25). This language fails to account for the fact that most violations of student codes of conduct – could also be characterized as violations of criminal law – e.g. a run-of-the-mill fight (assault under Md. Crim. 3-201), a student running off with another’s backpack or other low-value property (theft under Md. Crim. 7-104), horseplay (disorderly conduct under Md. Crim. 10-201 or willful disturbance of school activities under Md. Educ. 26-101(a)), and so on. Thus, even if HB 522 were enacted, school police officers could continue to interrogate and arrest students for minor, developmentally-anticipated behaviors that produce no actual or threatened “serious bodily injury” and defend their actions on the grounds that they were enforcing criminal law, not the code of conduct. Because HB 522 does not limit SROs’ criminal law enforcement obligations or abilities to cases of “serious bodily injury”, the bill is unlikely to narrow the circumstances under which they may take action against students.

Second, although the bill prohibits police officers from serving as SROs if an administrative tribunal has made a final finding that they engaged in excessive force, that prohibition does not extend to officers facing allegations that are still pending (page 5, lines 13-15; page 6, lines 6-8). This leaves open the possibility that an officer who has used excessive force against another person could serve as an SRO at least until a final finding is made. Not only is this prospect alarming, it is inconsistent with other provisions of the bill which require the immediate suspension of an SRO who faces allegations of

excessive force while serving on site at a school (page 6, lines 29-32). There is no rational reason some SROs facing unresolved allegations of excessive force should be permitted to work in schools while others are not.

Third, the bill requires the Maryland Center for School Safety (MCSS) to develop trainings for school administrators on restorative approaches and trauma-informed approaches (page 7, line 25 – page 8, line 10), but these trainings are likely to be ineffectual. As an initial matter, MCSS may lack sufficient expertise in the areas of trauma and non-punitive conflict resolution to be able to provide high-quality professional development in this area. The leadership and staff expertise highlighted on the Center’s website is primarily in the area of disaster response and school policing; similarly, its advisory board contains only one representative from the Center for School Mental Health and no other members with an apparent mental health background.¹ Without substantially expanding and diversifying their staff and advisors, MCSS likely is not well-positioned to conduct the trainings assigned to it by this bill. Moreover, the school administrator trainings set forth in the bill are optional, not mandatory. This means that, even if the trainings proved valuable, they likely would not reach those administrators who would benefit from the most – i.e. those who are currently habituated to use exclusionary and police-based responses to student misbehavior and do not already understand the value of a trauma-informed, restorative approach.

Fourth, HB 522 continues to invest state dollars in the expansion of school policing – allowing districts to keep spending the money they currently receive under the \$10 million/year state SRO fund to assign armed, uniformed officers to patrol their schools. Although the bill tweaks current law by giving districts the choice to use these state funds for other purposes, an optional fund provides no incentive for districts who are the worst offenders in terms of school policing practices to make change. Under the terms of HB 522, such districts can and will continue to over-police students – pushing them out of school and on a pipeline to prison – on the state’s dime.

In short, HB 522 contains significant internal inconsistencies and holes that would require extensive amendment to repair. We do applaud one provision of HB 522 – the prohibition on school security officers arresting students (page 8, lines 11-13). In Prince George’s County Public Schools, school security officers have long exercised arrest authority against students, oftentimes for low-level offenses where other responses would have been more appropriate and less damaging. However, it is our understanding that the Prince George’s County Board of Education recently enacted a change in policy to take arresting power away from security officers, rendering this provision of the bill likely unnecessary. We support this element of the bill, but this support does not outweigh our concerns about other provisions and the bill’s overall impact.

State Law Should Encourage Districts to Shift Away from Reliance Police Presence in Schools; Instead, HB 522 Cements the Role of School Policing in Maryland Schools

Ultimately, to keep all students safe, districts should shift away relying on on-site police and should instead invest in student mental health services, wraparound supports, and restorative approaches – all of which have been shown to meaningfully improve student behavior and school safety. The reasons are clear and well-supported.

First, School Police Do Not Keep Students and Educators Safe. On-site police presence has not been shown to prevent school shootings or other violence. Indeed, The Federal Emergency Response Agency (FEMA) and Center for Homeland Defense and Security recently summarized “accumulating research

¹¹ See Meet the MCSS Team, <https://schoolsafety.maryland.gov/Pages/MCSS-Team-Contact.aspx>; MCSS Advisory Board, <https://schoolsafety.maryland.gov/Pages/MCSS-Advisoryboard.aspx>

[which] has shown that the conspicuous security, including the presence of school resource officers, have little to no effect in preventing school shootings, or reducing casualties.”² For example:

- A 2020 investigation of the impact of expansions of school policing in Florida, following the Parkland school shooting (where an SRO was unable to stop the shooter), shows that found “little consistent evidence that the presence of law enforcement decreased the number of behavioral incidents occurring, indicating that school-based law enforcement were not necessarily making schools safer”³
- A study of approximately 3,000 schools nationwide found “no evidence suggesting that SRO or other sworn law-enforcement contribute to school safety”⁴
- Another observed that “no empirical evidence supports th[e] claim” that school police stop shootings and in many of the highest profile school shootings nationwide the presence of armed school police failed to deter or stop shooters⁵
- A review of over 40 years of research found that the “evidence . . . fails to support a safety effect” associated with officer presence at schools⁶
- A February 2021 study found that armed officer presence is associated with a threefold *increase* in the number of deaths resulting from a school shooting⁷

Within Maryland, over 75% of public schools do not have SROs on site and instead utilize “adequate law enforcement coverage” plans – where they work with county police on emergency planning and response and may employ unarmed, non-arresting security guards.⁸ There is no indication that these schools are less safe than the 25% that do have SROs.

Second, Police Presence in Schools Increases Student Arrests for Minor Offenses. In national studies, students in schools with a police officer are five times more likely to be arrested for disorderly conduct and twice as likely to be referred to law enforcement for run-of-the-mill fistfights than students in schools without one.⁹ In Maryland, approximately 70% of school arrests are for fights without weapons and offenses like disruption/disrespect, alcohol/tobacco, property destruction or theft (including of

² Caitlin Moe & Ali Rowhani-Rabar, What We Know About School Mass Shootings Since Columbine and How to Prevent Them (2019), <https://www.chds.us/ssdb/what-we-know-about-school-mass-shootings-since-columbine-and-how-to-prevent-them/>

³ Chris Curran, The Expanding Presence of Police in Florida Schools: Research Report at 2(2020), https://www.aclufl.org/sites/default/files/curran_-_the_expanding_presence_of_law_enforcement_in_florida_schools.pdf

⁴ Chongmin Na & Denise Gottfredson, Police Officers in School: Effects on School Crime & the Processing of Offending Behaviors, Justice Quarterly (2011), <https://www.tandfonline.com/doi/abs/10.1080/07418825.2011.615754>.

⁵ Denise Gottfredson et al, Effects of School Resource Officers on School Crime and Responses to School Crime, J. Criminology & Pub. Pol. (2020); *see also* Alex Yablon, Do Armed Guards Prevent School Shootings?, The Trace (April 6, 2019), <https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/>

⁶ Alexis Stern & Anthony Petrosino, What Do We Know About the Effect of School-Based Law Enforcement on School Safety? (2018), <https://www.wested.org/wp-content/uploads/2018/04/JPRC-Police-Schools-Brief.pdf>

⁷ Jillian Peterson et al, Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019, JAMA Network (2021) https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=021621

⁸ Maryland Center for School Safety Adequate Law Enforcement Coverage Report, 2019–20 school year, at 4. Available at <https://schoolsafety.maryland.gov/Documents/Reports-Docs/SRO%20Adequate%20Coverage%20Report-2019.pdf>

⁹ Dignity in Schools Campaign, A Resource Guide on Counselors Not Cops (2016), http://www.dignityinschools.org/wp-content/uploads/2017/10/Resource_Guide-on-CNC-1.pdf

property with little or no monetary value), trespassing, and similar conduct. The remainder are in large part for drug-related offenses, including minor possession.¹⁰

Third, School Policing Disproportionately Harms Black Students, and Students with Disabilities. In Maryland, Black students receive 56% of school-based arrests statewide despite representing only about a third of the student population, even though data demonstrates that Black students misbehave at the same rate as their peers. Meanwhile, students with Individual Education Programs (IEPs) receive 23% of school-based arrests despite comprising 12% of the student population.¹¹ Oftentimes, students with disabilities face arrest for engaging in behavior that arises from their disability, as in the recent case of a [12 year old student who was handcuffed for 23 minutes by a Baltimore County school police officer for exhibiting non-violent autism-related behavior](#).

Beyond arrests, officer presence in schools has been shown to have harmful impacts on students of color. Many such children have a well-grounded fear of law-enforcement – based on the experiences they have had in their neighborhoods, and brutality they have witnessed on TV or the internet, including the killing of Black people by officers and the separation of immigrant families by ICE agents. Putting SROs in schools does not help these children to develop fond feelings for police; instead, seeing officers in the hallway often distracts and traumatizes, undermining children’s ability to learn.¹² Indeed, officer presence in schools has been linked to increased suspensions and decreased test scores and graduation rates among Black children.¹³

Fourth, Non-Policing Strategies Can Effectively Keep Students Safe. Strategies to support positive behavior and strengthen relationships among students, staff, and parents effectively keep schools safe. For example:

- Restorative Approaches proactively build positive relationships among students and staff to prevent conflict, and repair harm and impose accountability when conflict does occur. When implemented comprehensively, RA improves student behavior and reduces reliance on exclusionary discipline.¹⁴
- Trauma-Informed Practices recognize that students with histories of trauma can lash out at others when triggered. Recognizing this reality, trauma-informed schools focus on students’ physical, social, and emotional safety; embrace a shared understanding among staff about the impact of trauma; engage in positive and culturally-responsive discipline; ensure students’ access to comprehensive

¹⁰ Maryland State Dep’t of Education, Maryland Public Schools School-Based Arrest Data 2018-19

¹¹ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan at 21- 22 (2018),

www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf; National Education Policy Center, The Starts & Stumbles of Restorative Justice in Education: Where Do We Go From Here? (2020), https://nepc.colorado.edu/sites/default/files/publications/Revised%20PB%20Gregory_0.pdf; OSI Baltimore, Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide. <https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>.

¹² Matthew Theriot & John Orme, School Resource Officers & Students’ Feelings of Safety in School, Youth Violence & Juvenile Justice, Vol. 14-2, 130-146 (April 2016);; Chris Curran et al, The Good Guy Image Police Present to Students Often Clashes with Students’ Reality, The Conversation (June 5, 2020), <https://theconversation.com/the-good-guy-image-police-present-to-students-often-clashes-with-students-reality-139821>

¹³ National Public Radio, Do Police Officers in Schools Really Make Them Safer? (March 8, 2018),

<https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>

¹⁴ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan at 21- 22 (2018),

<https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf>

school mental health and behavioral services; and engage in effective community collaboration. Schools report becoming “safer” and “calmer” after implementing trauma-sensitive practices.¹⁵

- Community Schools provide wraparound services to students and families to address their needs in a holistic way, resulting in significant improvements in student behavior and social functioning¹⁶
- Special Education planning and implementation supports positive behavior among students with disabilities.¹⁷

That is why school districts that have already removed school police have seen positive results:

- In 2017, Toronto Public Schools – which serves over 250,000 students – removed all on-site police, and invested instead in restorative approaches and unarmed non-arresting “safety monitors”. Since then, the district has seen declines in police involvement in student behavior incidents, decreases in suspensions, and NO increase in school-based violence.¹⁸
- In 2016 Intermediate School District 287 outside the Twin Cities which serves high numbers of students with social-emotional disabilities – replaced all SROs with “student safety coaches” and invested in a trauma-informed, relationship-based and mental health-driven model to supporting student behavior. Student arrests dropped from 65 per year to 5, and the school community is not calling for a reversion to the police model or raising alarms about safety.¹⁹

HB 522, while well-intentioned, does little or nothing to encourage districts to move away from school policing and implement more effective and supportive approaches to student behavior and school safety. Rather, through its lengthy provisions on the selection, supervision, and training of SROs, and reporting on SRO activity, it expands the bureaucratic structure for keeping police in schools. We are eager to work with the Committee to develop and support more meaningful legislation in coming years.

Please contact Monisha Cherayil (cherayilm@publicjustice.org) with any questions about this testimony.

MCJPA Members:

Advocates for Children and Youth	Arts Education in Maryland Schools Alliance
ACLU of Maryland	Baltimore Action Legal Team
ACLU of Maryland, Montgomery County Chapter	Baltimore Bern Unit
Amnesty International	Baltimore City Civilian Review Board

¹⁵ Wehmah Jones et al, Trauma & Learning Policy Initiative (TLPI): Trauma-Sensitive Schools Descriptive Study, American Institutes for Research (2018), <https://traumasensitiveschools.org/wp-content/uploads/2019/02/TLPI-Final-Report-Full-Report-002-2-1.pdf>; National Association of School Psychologists, Trauma-sensitive schools; Brief tips and policy recommendations, <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/trauma-sensitive-schools>

¹⁶ Anna Maier et al, Community Schools as an Effective School Improvement Strategy: A Review of the Evidence (2017), <https://learningpolicyinstitute.org/product/community-schools-effective-school-improvement-report>

¹⁷ Sugai et al, Applying Positive Behavior Support and Functional Behavioral Assessments in Schools, Journal of Positive Behavior Interventions, Vol. 2, Issue 3 (2000); Perry A. Zirkel, Case Law for Functional Behavior Assessments and Behavior Intervention Plans: An Empirical Analysis, 35 Seattle Univ. L. Rev. 175 (2011)

¹⁸ Kalyn Blesha, Canada’s Largest School District Ended Its Police Program. Now Toronto May Be an Example for U.S. Districts Considering the Same. Chalkbeat (June 19, 2020), <https://www.chalkbeat.org/2020/6/19/21297248/toronto-canada-ended-school-police-program-example-for-united-states-school-districts>

¹⁹ Erin Hinrichs, No Police in Schools? This Minnesota District Committed to An Alternative 4 Years Ago, Minn. Post (June 25, 2020), <https://www.minnpost.com/education/2020/06/no-police-in-schools-this-minnesota-district-committed-to-an-alternative-four-years-ago/>

Baltimore for Border Justice
 Be More Unified
 Council on American-Islamic Relations (CAIR) – Maryland
 CASA
 Caucus of African-Americans Leaders
 CHOICE Program at University of Maryland – Baltimore County
 Citizens Policing Project
 Coalition for Justice for Anton Black
 Coalition of Concerned Mothers
 Coalition of People Opposed Violence and Extremism
 Common Cause Maryland
 Community Actively Seeking Transparency (C.A.S.T.)
 Community Justice
 Democratic Socialists of America – Baltimore City
 Democratic Socialists of America – Greater Baltimore
 Democratic Socialists of America – Prince George’s County
 Disability Rights Maryland
 Do the Most Good
 Drug Policy Alliance
 Equality Matters
 For Kathy’s Sake
 FreeState Justice
 Greenbelt People Power
 Hispanic National Law Enforcement Association
 Homeless Persons Representation Project
 Innocence Project
 InterFaith Action for Human Rights
 Jews United For Justice
 Job Opportunities Task Force
 Justice Policy Institute
 The JustUs Initiative
 Kevin L. Cooper Foundation
 Central Atlantic Conference – United Church of Christ
 Leaders of a Beautiful Struggle
 League of Women Voters Maryland
 LGBTQ Dignity Project
 Life After Release
 Making Changes LLC
 Mama Sisterhood of Prince George’s County
 March for Our Lives Maryland
 Maryland Alliance for Justice Reform
 Maryland Center on Economic Policy
 Maryland Consumer Rights Coalition
 Maryland Defenders Union
 Maryland Justice Project
 Maryland Poor People’s Campaign
 Maryland Prisoners’ Rights Coalition
 Maryland Restorative Justice Initiative
 Maryland Youth Justice Coalition
 Montgomery County Civil Rights Coalition
 Montgomery County Democratic Socialists of America
 Mothers on the Move
 Mount Rainier Organizing for Racial Equality
 NARAL Pro-Choice Maryland
 NAACP – Washington County
 National Coalition for Drug Legalization
 Nigerian American Lawyers Association - Washington DC
 Office of the Public Defender
 Organizing Black
 Our Maryland
 Our Prince George’s
 Our Revolution Maryland
 Out For Justice
 PG Changemakers
 Planned Parenthood of Maryland
 Power Inside
 Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation
 Prince George’s People’s Coalition
 Prisons to Professionals
 Progressive Maryland
 Public Justice Center
 Racial Justice NOW!
 Rebuild, Overcome, and Rise (ROAR) Center at University of Maryland - Baltimore
 Reproductive Justice Inside
 Sanctuary DMV
 SEIU 1199
 Showing up for Racial Justice, Annapolis and Anne Arundel County
 Showing Up for Racial Justice, Baltimore
 Showing Up for Racial Justice, Montgomery County

Sierra Club Maryland Chapter
Silver Spring Justice Coalition
Takoma Park Mobilization
West Wednesdays

Wicomico County NAACP Branch 7028
Women's Law Center
Young People for Progress

AACPS HB522 SRO Discipline INFO 3.30.21.pdf

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Position: INFO



HB522 PUBLIC SCHOOLS - SCHOOL RESOURCE OFFICERS - PROHIBITED CONDUCT

March 30, 2021

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

LETTER OF INFORMATION

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) supports **HB522 Public Schools - School Resource Officers - Prohibited Conduct**. This bill prohibits a school administrator or official or a school safety coordinator from directing a school resource officer (SRO) to enforce discipline-related school policies, rules, regulations, or procedures. It also bars an SRO from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures, and requires that training provided to them reflect that prohibition.

AACPS recognizes the contributions SROs are making in schools across the State to benefit school climate, culture, and safety. We also recognize the need to pursue expanded training of SROs, principals, behavioral health staff, and teachers on the best classroom and school-based practices to maintain safe and supportive schools conducive to learning. As such, AACPS supported HB522, as introduced, in order to clarify the reasonable prohibition on SROs from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures to ensure that SROs do not make determinations regarding student discipline. As introduced, this legislation was aligned with Maryland's training program for SROs and therefore the policies and procedures that should already be in place regarding the appropriate role of SROs as it relates to students, educators, and administrators, and student disciplinary actions.

AACPS appreciates the sponsor's willingness to work with advocates during the subcommittee review and amendment process. However, AACPS has concerns with language on page 6 of the bill which would allow any SRO to implement a student code of conduct. This new language contradicts the intent of the legislation, which is to ensure that SROs are not involved in student disciplinary matters or enforce a student code of conduct as this is not and should not be the role of an SRO. Currently, SROs do not make determinations regarding student discipline. AACPS has policies and procedures in place regarding such interactions with SROs and law enforcement. If there has been a criminal law violated, adjudication is referred to law enforcement to address the criminal aspect of the behavior and a school administrator makes a disciplinary determination in pursuant to our policies, procedures, and the AACPS Code of Student Conduct. In accordance with a student's due process rights and current policies and procedures, it is the school administrator who makes the final school determination regarding student discipline. Once such a determination is made, AACPS policy affords a student appeal rights. Accordingly, AACPS recommends that this language be amended as follows:

(C) (1) (I) A SCHOOL RESOURCE OFFICER MAY NOT ENFORCE AND A SCHOOL ADMINISTRATOR OR OFFICIAL OR SCHOOL SAFETY COORDINATOR MAY NOT DIRECT A SCHOOL RESOURCE OFFICER TO INTERVENE IN A MATTER ENFORCE A SCHOOL'S STUDENT CODE OF CONDUCT UNLESS:

1. A SERIOUS BODILY INJURY, AS DEFINED UNDER COMAR 13A.08.03.02, WITH AN IMMINENT THREAT OF SERIOUS HARM HAS OCCURRED; OR

2. TO PREVENT AN IMMINENT THREAT OF SERIOUS BODILY INJURY, AS DEFINED UNDER COMAR 13A.08.03.02, TO OTHER STUDENTS 23 OR STAFF THAT CANNOT BE REDUCED OR ELIMINATED THROUGH OTHER 24 INTERVENTIONS AND SUPPORTS.

AACPS appreciates additional clarification to help ensure that the role of an SRO in schools is not construed in a manner that is overly broad. Regular conversation and rapport among students, administrators, staff, SROs and other law enforcement are essential to ensure a more holistic, contextual view of student behavior. These interactions help to facilitate ongoing relationships that create safer school climates among student, administrators, staff, SROs and law enforcement.

AACPS also has concerns with the new conditions placed on the use of school safety grant funding to prohibit the combined use of these funds for SROs and the expansion of school-based mental health services and behavioral supports. AACPS supports the continuation of the school safety grant program, and additional resources for the hiring of additional school counselors, school psychologists, and other services, and does not believe these investments should be mutually exclusive. AACPS recognizes the importance of promoting the positive mental health of all students through the development of impactful relationships and by teaching resilience. Student mental health is of particular importance during this time when AACPS students are faced with a global health pandemic and social unrest. School counselors, school psychologists, school social workers, pupil personnel workers, and school nurses collaborate with staff, parents/guardians, and the community to overcome barriers to learning.

Thank you for consideration of this information regarding HB522.