

HOUSE WAYS AND MEANS COMMITTEE
HOUSE BILL 327: PUBLIC SCHOOLS—SCHOOL RESOURCE OFFICERS—
PROHIBITED CONDUCT

FEBRUARY 5, 2020

POSITION: SUPPORT

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. As a leader in Maryland’s educational advocacy community, DRM advocates for fair and equitable discipline practices, especially for students with disabilities and students of color who are disproportionately impacted by exclusionary school discipline practices that force them out of school and into the juvenile or criminal justice systems (i.e. the school-to-prison pipeline). **Disability Rights Maryland strongly supports House Bill 327**, which prohibits school resource officers (SROs) from participating in routine student discipline matters and prohibits school administrators and staff from directing SROs to enforce discipline-related school policies and procedures.

Students of color and students with disabilities are disproportionately harmed by the presence of police in schools. According to data from the U.S. Department of Education’s 2015-16 Civil Rights Data Collection, students with disabilities are 2.9% more likely to be arrested than students without disabilities when police are present in schools.¹ Black boys with disabilities suffer the highest arrest rate, at 5 times the rate for all students.² This bill is important because it aims to minimize this harm and to delineate and clarify the role of the SRO in order to prevent the over-disciplining and criminalizing of students. When both SROs and school staff are clear that SROs must not play a role in school discipline, SROs can remain focused on matters of school safety. When the role of SROs is unclear, SROs become unnecessarily involved in school discipline matters which increases the risk that students will be removed from classes, subject to physical restraint and handcuffing, interrogated, charged, and involved in the school-to-prison pipeline. This exacts a terrible toll on Maryland’s students, especially its most vulnerable students.

As an attorney who provides direct representation to students with disabilities in education matters across the state, I have seen first-hand negative and harmful SRO and police interactions with students. I have seen SROs and police improperly called to respond to students with disabilities who engage in non-traditional but non-violent challenging behavior with the result that the student is handcuffed and charged with disorderly conduct. The student is not only traumatized from the restraint and handcuffing, but is ultimately criminalized for non-violent, disability-related behavior.

¹ ACLU, COPS AND NO COUNSELORS: HOW THE LACK OF MENTAL HEALTH STAFF IS HARMING STUDENTS 23 (March 2019), https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

² Id. at 30.

I have also seen SROs called to respond to students at under-resourced schools that lack the support staff necessary to address behavioral challenges and meet the unique needs of children with disabilities. When this happens, and school staff direct SROs to get involved in behavior management and routine school discipline of students with disabilities, the risk of harm to the student increases. In one particular case, my client, a young man diagnosed with multiple disabilities including Autism Spectrum Disorder, did not want to go to class and wanted to remain in an empty classroom. Because my client wasn't following the directives of the school staff and returning to class, the SRO was called to respond. The SRO became involved, the situation escalated, and a power struggle resulted that ended with my client being restrained in handcuffs for over 30 minutes. My client screamed and cried the whole 30 minutes (this is captured on video) and begged for the handcuffs to be removed. After the incident, my client's parent took him to the hospital where it was determined that he suffered a fractured wrist. He was also diagnosed with Post Traumatic Stress Disorder (PTSD) as a result of the incident and doesn't want to return to school. It is for reasons such as this that this bill is so critical—the bill properly limits the role of SROs to matters of school safety and ensures that SROs do not unnecessarily harm our students or introduce them to the school-to-prison pipeline in the name of school discipline.

For these reasons, Disability Rights Maryland strongly supports HB 327.

For more information contact:

Megan Berger
Attorney
Disability Rights Maryland
Megan.berger@disabilityrightsmd.org
443-692-2504