



Monisha Cherayil, Attorney
Public Justice Center
1 North Charles Street, Suite 200
Baltimore, Maryland 21201
410-625-9409, ext. 234
cherayilm@publicjustice.org

HB 535: ANNE ARUNDEL COUNTY PUBLIC SCHOOLS – PREVENTATIVE MEASURE UNIT PILOT PROGRAM

**Hearing before the House Ways and Means Committee
February 19, 2020**

Position: OPPOSE

The below signed organizations and individuals are advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **We oppose House Bill 535**, which would create a pilot program through which Anne Arundel County Public Schools and local police would “monitor students who have behavioral, social, or legal difficulties in or out of school through increased monitoring and attention, and individualized networking with community programs, schools, students, and parents.” We have several specific concerns.

First, the bill does not define the sorts of “behavioral, social, or legal difficulties” that would trigger inclusion in the monitoring program, an ambiguity at the heart of the bill with far-reaching negative consequences. Virtually any child could be characterized as having “behavioral,” “social” or “legal” difficulties inside or outside of school, and under the terms of this legislation, could be subjected to “monitoring” by Anne Arundel County Public Schools (AACPS) and law enforcement as a result. The lack of clarity on the criteria for including students in the program also makes the program highly susceptible to the influence of implicit racial bias. Substantial research has shown, for instance, that school staff perceive Black students as being more blameworthy when they engage in the same behaviors as their white peers.¹ By failing to set forth the specific criteria that AACPS must use to determine who participates in the program – or even at which three middle schools it operates – the bill is likely to result in the disproportionate monitoring of Black students, and the application of negative disciplinary and law enforcement responses to their behaviors.

Second, the bill fails to delineate how or for what purpose AACPS and its police counterparts will monitor the students targeted by the program. Will such students be targeted for additional suspensions, school-based arrests, or other negative and exclusionary responses for their “behavioral, social, and legal difficulties”? Without any prohibition in the bill on the use of monitoring data to penalize or exclude students, the answer is likely yes. And Maryland’s own State Department of

¹ See, e.g., Brookings Institution, *Disproportionality in Student Discipline: Connecting Policy to Research* (2018), <https://www.brookings.edu/research/disproportionality-in-student-discipline-connecting-policy-to-research/>

Education has recognized that such exclusions increase the chances that a student disengages from school or drops out, while simultaneously failing to improve behavior or school climate.²

Third, the bill subjects students to monitoring even for “difficulties” they experience outside of school. If enacted, it would allow Anne Arundel County Public Schools and county police to monitor – and likely penalize – students whose families struggle with poverty, addiction, or involvement with the child welfare or criminal system. Such an approach is fundamentally contrary to the purpose of public education – to educate *all* students, regardless of the relative advantage of their families or the challenges they may face in their personal lives.

Fourth, the bill increases police involvement in schools without justification and with potentially devastating consequences. Most “behavioral” and “social” difficulties that children experience arise out of developmental, disability-related, mental health, or social service needs that law enforcement are not equipped to address. Because police are instead trained to detect and investigate crime, when they have a greater presence in schools, they tend to apply a criminal lens to normal child or adolescent behavior or behaviors resulting from disability or a need for mental health or social service support. This results in substantial increases in student arrests – even where arrest is unnecessary from a safety perspective³ – and the impacts on targeted students last a lifetime. Research shows that even one instance of police contact increases the likelihood that a young person will have further involvement with the justice system, fall behind, and/or ultimately drop-out without earning a diploma.⁴

Finally, to the extent that the bill intends to provide additional support to students who are struggling with behavior or other needs, there are already established tools and systems in place for that purpose. Maryland school districts are required and trained to employ Positive Behavior Interventions and Supports (PBIS), a research-based multi-tiered system for teaching students to engage in appropriate, pro-social behavior at school. School districts are also required to identify and support students with disabilities, and develop Individualized Education Programs (IEPs) or 504 Plans to address behaviors that arise out of those disabilities. Mentoring partnerships, social service and legal service referrals, and school-based mental health services are additional tools that schools can currently use to support students who are struggling for a variety of reasons. AACPS can and should use these programs before seeking to establish a new and untested initiative.

² Maryland State Dep’t of Educ., School Discipline and Academic Success: Related Parts of Maryland’s Education Reform (2012), <http://www.marylandpublicschools.org/stateboard/Documents/StudentDiscipline/SchoolDisciplineandAcademicSuccessReport0712.pdf>

³ Dignity in Schools Campaign, A Resource Guide on Counselors Not Cops 4 (September 2016), http://www.dignityinschools.org/wp-content/uploads/2017/10/Resource_Guide-on-CNC-1.pdf

⁴ Stephanie Ann Wiley, The Amplification of Deviance Following Police Contact: An Examination of Individual and Neighborhood Factors among a Sample of Youth, July 2, 2014, 35, <https://irl.umsl.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1244&context=dissertation>

For these reasons, the below-signed organizations and individuals strongly oppose House Bill 535.

Organizations

Public Justice Center

Advocates for Children and Youth

The Arc Maryland

BMore Awesome

The CHOICE Program at University of Maryland, Baltimore County

Disability Rights Maryland

Office of the Public Defender

Project HEAL

Restorative Response Baltimore

Sayra & Neil Meyerhoff Center for Families, Children, and the Courts – University of Baltimore

University of Maryland, Francis King Carey School of Law – Youth, Justice, and Education Clinic

Individuals

Lydia X.Z. Brown

Janna Parker

Gail Sunderman

For more information contact:

Monisha Cherayil

Staff Attorney, Public Justice Center

410-625-9409

cherayilm@publicjustice.org