

Testimony in *Support* of House Bill 1089
Primary and Secondary Education – Expansion of Mental Health Services and Prohibition
of School Resource Officers
(Police-Free Schools Act)

To: Luke Clippinger, Chair, and Members of the House Judiciary Committee

From: Maya Jackson, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: March 1, 2021

I am a student attorney in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, and other means, as well as individuals who are serving life sentences for crimes they committed when they were children (“juvenile lifers”) and who are now eligible to be considered for parole. I write in support of House Bill 1089, which seeks to expand mental health services for school children and prohibit school resource officers.

The recent and tragic police killings of George Floyd and Breonna Taylor have led to broader demands to reform policing. Their deaths have bought more attention to the over-policing and police brutality that disproportionately criminalizes, physically harms, and kills Black and Brown adults and children, as well as individuals with disabilities.

Over-policing is not confined to neighborhoods and communities. It is also a central feature of policing in our schools. Indeed, Black and Brown children, as well as children with disabilities, are disproportionately criminalized by law enforcement presence in their schools. Therefore, it is imperative to recognize that HB 1089, which aims to ensure police-free schools in Maryland, is directly connected to the broader efforts to transform policing in Maryland and throughout the United States. Indeed, racialized policing presents the same problems in our schools as they do in our communities. The big differences, of course, are that schools are tasked with educating our students, understanding and addressing their struggles, and providing them with the tools necessary to succeed in school and in life. Education, ideally, is the equalizer, providing the same opportunities to students no matter their different circumstances and abilities.

The presence of SROs, however, widens the achievement and opportunity gaps that isolate Black and Brown students as well as students with disabilities. This is particularly so in Maryland. In the 2018-2019 school year, Black students represented 56% of school-based arrests in Maryland’s

public schools,¹ even though they comprised only 33% of the student population.² In the same school year, students with Individualized Education Plans (IEPs) represented 23% of school-based arrests, even though they totaled 12.2% of Maryland’s overall student population in Maryland schools.³

Criminalization is not compatible with educational success. While “schools often rely on exclusionary discipline such as suspensions, expulsions, and arrests to address student misconduct, researchers have found little evidence to support the effectiveness of these practices.”⁴ Instead, negative police interaction has been found to increase the likelihood that a young person will have further involvement with the juvenile justice system, fall behind in school, and/or ultimately drop-out of school.⁵ Studies show that the presence of SROs is particularly destabilizing for Black students, who often feel less safe because of over-policing in and out of school and racialized police violence.⁶ These realities make it clear that the damage that accrues disproportionately to Black students as a result of police presence in schools aligns with the detrimental effects of over-policing and racialized policing in our communities.

Importantly, HB 1089 recognizes these harms and sets forth a different way to engage, respond to, and teach our children. Specifically, the bill calls for investing in the present and futures of *all* children by hiring or contracting with professionals such as school psychologists, social workers, counselors, behavioral specialists, and coordinators who are trained to engage with and respond to students in ways that maximize health, well-being, and accountability. The time is long overdue to turn away from policing students in our schools and toward the supports and practices that keep students on the educational track.

Thus, HB 1089 understands that the presence of police officers does not enhance safety in our schools and does not respond effectively to the range of issues that students present. Primarily, officers are in schools to enforce the law. In Maryland, as is true elsewhere, school administrators have reflexively relied on SROs to criminalize students for normal adolescent behavior. Given

¹ MD STATE DEP’T OF EDUC., MARYLAND PUBLIC SCHOOLS ARREST DATA 7-8 (2018-19) (hereafter MARYLAND PUBLIC SCHOOLS ARREST DATA), <http://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>.

² MD STATE DEP’T OF EDUC., MARYLAND PUBLIC SCHOOL ENROLLMENT BY RACE/ETHNICITY AND GENDER AND NUMBER OF SCHOOLS 4 (2019), <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20192020Student/2020EnrollRelease.pdf>

³ MD STATE DEP’T OF EDUC., MARYLAND EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES CENSUS DATA AND RELATED SERVICES 1 (2018), <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20182019Student/2019CensusPubSpecEd.pdf>

⁴ AMBER FARN, M.S.Ed, CTR. FOR JUVENILE JUSTICE REFORM, KEEPING YOUTH IN SCHOOL AND OUT OF THE JUSTICE SYSTEM: PROMISING PRACTICES AND APPROACHES 1 (2018) (citations omitted), <https://www.flcourts.org/content/download/215976/file/June-2018-CJJR-Report.pdf>

⁵ Stephanie Ann Wiley, *The Amplification of Deviance Following Police Contact: An Examination of Individual and Neighborhood Factors among a Sample of Youth*, 35 (July 2, 2014), <https://irl.umsl.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1244&context=dissertation>.

⁶ 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>.

the direct relationship between racialized policing in our communities and in schools, Black students, in particular, suffer in ways that undermine, compromise and often end their education in Maryland's schools.

Transforming policing is a matter of racial justice in Maryland and nationally. The same is true of taking the steps necessary to ensure police-free schools. Indeed, as HB 1089 details, there are meaningful and accessible alternatives to SRO presence in Maryland's schools.

For these reasons, I ask that you give HB 1089 a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.