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HB 1089
Primary and Secondary Education – Expansion of Mental Health Services and
Prohibition of School Resource Officers
(Police-Free Schools Act)
Ways and Means Committee
March 3, 2021

POSITION: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Education Stability Project advocates racial equity in public education by combatting the overuse of exclusionary school discipline practices, like suspension, expulsion, and school policing, that disproportionately target Black and brown children and push students out of school. **PJC supports HB 1089**, which redirects the \$10 million/year state School Resource Officer (SRO) Fund towards student mental health services, wraparound supports, and restorative approaches, measures shown to actually make schools safer.

Regular Police Presence Makes Schools Less Safe, Not More, Particularly for Black Children and Children with Disabilities. Every Maryland school district stations police in its public schools on the theory that doing so will stop school shootings or reduce other types of violence. However, the true impact of the model is different:

- Police presence in schools has not been shown to prevent school shootings or prevent other violence¹

¹ 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/> (citing “accumulating research [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”); 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> (finding “no evidence suggesting that SRO or other sworn law-enforcement contribute to school safety”); Chris Curran, The Expanding Presence of Police in Florida Schools: Research Report (2020),

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- Approximately 70% of school arrests in Maryland are for fights without weapons, disruption/disrespect, trespassing, and similarly low-level offenses; the remainder are mostly for simple drug possession²
- Black students receive 56% of school arrests in Maryland, even though they are only a third of the student population, and research has found no differences in student behavior across race³
- Students with IEPs receive 23% of school arrests in Maryland, even though they are only 12% of the student population⁴
- Students arrested in school are 22 percentage points more likely to drop out than peers who share similar characteristics but do not face arrest⁵

In short, police presence in schools needlessly pushes students – particularly Black students and students with disabilities – out of school and into a pipeline to prison for engaging in developmentally-anticipated childhood and adolescent behavior, without improving school safety.

Expanded Student Mental Health Services, Wraparound Supports, and Restorative Approaches Keep Schools Safe – But These Strategies Are Underfunded. Schools can employ proven strategies to keep students and educators safe without causing harm. Restorative Approaches, for example, build positive relationships within school communities, facilitating the prevention and resolution of conflict and resulting in decreases in

https://www.aclufl.org/sites/default/files/curran_the_expanding_presence_of_law_enforcement_in_florida_schools.pdf

(“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”); Denise Gottfredson et al, Effects of School Resource Officers on School Crime and Responses to School Crime, *J. Criminology & Pub. Pol.* (2020) (“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 shooters); Alex Yablon, Do Armed Guards Prevent School Shootings?, *The Trace* (April 6, 2019), <https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/> (“Armed guards don’t deter gunmen” at schools); 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> (40 years of study “evidence . . . fails to support a safety effect” associated with officer presence at schools”); 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 (finding that the presence of armed police officers was associated with a threefold increase in fatalities resulting from school shootings).

² Maryland State Dep’t of Education, Maryland Public Schools School-Based Arrest Data 2018-19

³ Id.

⁴ Id.

⁵ David S. Kirk & Robert Sampson, Juvenile Arrest & Collateral Educational Consequences in the Transition to Adulthood, *J. Sociol. Educ.* (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4192649/>

suspensions and improvements in school climate.⁶ Social-Emotional Learning teaches students character skills, such as self-awareness, emotional self-regulation, empathy, and responsible decision-making, and has been shown to decrease emotional distress and violent behaviors/conduct problems.⁷ And, Trauma-Informed Practices help to minimize fight-or-flight responses for students who have suffered trauma, preventing behavior crises and making schools feel “safer” and “calmer.”⁸ But to implement these measures, schools need counselors, social workers, psychologists, restorative practitioners, and community school coordinators – and in Maryland, they have far from enough.⁹

Shifting Away From Reliance on On-Site Police is The Necessary Solution; Increased Training is Insufficient.

Increased training of school police is inadequate to address the harms of the current model. The defining function of school police – like all police – is to enforce the law. This includes making arrests when they witness or are asked to respond to any kind of behavior that could constitute a crime – e.g. fighting (assault) or horseplay (criminal disruption of education activities) – even if the person engaged in that behavior is a child. Under Maryland’s Safe to Learn Act and pre-existing policies in many school districts, school police already receive 40 hours of training in de-escalation, disability awareness, maintaining a positive school climate, constructive interactions with students, and implicit bias and diversity awareness.¹⁰ Yet, that training does not change school police officers’ basic law enforcement authority and obligations. That is why we continue to see over-policing of students by school police even where officers have undergone training, such as in the case of the Baltimore County school officer who handcuffed an autistic 12-year old for 23 minutes – breaking his wrist – in the fall of 2019, well after the Safe to Learn training requirements were in place.¹¹ Additional training for school staff – to discourage calls to school police – is also an insufficient solution. Educators should, of course, receive professional development and support to resolve student conflict and behavior challenges in a manner that

⁶ 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

⁷ Taylor, R. Oberle, E., Durlak, J. & Weissberg, R. , Promoting positive youth development through school-based social emotional learning interventions: A meta-analysis of follow-up effects. *Child Development*. 88(4), 1156-1171. (2017), <https://srcd.onlinelibrary.wiley.com/doi/epdf/10.1111/cdev.12864>.

⁸ 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>.

⁹ ACLU, *Cops & No Counselors: How the Lack of School Mental Health Services is Harming Students* (2019), https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf

¹⁰ Md. Code Ann., Educ. 7-1508(b); COMAR 14.40.04.03

¹¹ Jayne Miller, *Special Needs Student Family Question Police Use of Force After Boy Handcuffed*, <https://www.wbalv.com/article/jarome-liason-autism-handcuffed-family-questions-police-use-of-force-baltimore-county/34362102>

de-escalates and teaches students appropriate and responsible ways to conduct themselves. However, as long as they have the crutch of a police officer down the hall, many will be unlikely to take full advantage of those tools and strategies; it will always be easier to call that officer to remove the student than to do the harder work of de-escalation and youth development, particularly in schools where educators are already overstretched and underresourced. The solution is to reallocate investment from school police and towards non-police strategies for supporting positive student behavior and conflict resolution.

Maryland Can Look to Successful Models for Ensuring School Safety Without Police. Following Black Lives Matter protests in 2017, Toronto Public Schools – an urban/suburban district which serves over 250,000 students, many of whom are poor – removed all on-site police.¹² It arrived at this decision through a community-driven process based in equity, giving the greatest weight to the views of the minority of students – particularly Black and Indigenous students – who had experienced harm at the hands of police, rather than deferring to the majority of white students who were indifferent or favored police presence. Instead of police, the district invested in “safety monitors” – unarmed adults without arresting powers who monitored the hallways and entrances, developed rapport with students, de-escalated conflicts, and coordinated outside police response where necessary. TPS also implemented restorative approaches and other interventions to support positive student behavior. In the three years since going police-free, the district has seen declines in police involvement in student behavior incidents, decreases in suspensions and expulsions, and no increase in school-based violence. Another district to adopt the approach is the Intermediate School District 287 outside the Twin Cities which serves a population that is fifty percent students of color, and a higher-than-average population of students with disabilities and social-emotional needs.¹³ In 2016, ISD 287 replaced all SROs with “Student Safety Coaches” who are trained in mental health, de-escalation, restorative approaches, and safe physical interventions. SSCs do not arrest and do not carry firearms, and they spend their days checking in with students, building relationships, preventing and mitigating conflict, and being a sounding board for those that need to vent. In the first year of the program, ISD 287 went from 65 to 12 arrests per year, and now it averages 5 arrests by outside officers. The school community is not calling for a reversion to the police model or raising alarms about safety – the SSC model is working, and it has transformed the district’s school culture.

School Policing Should Be Prohibited at the State Level. State level legislation is necessary to shift school districts away from reliance on school police and towards effective safety measures, like student mental health services, wraparound supports, and restorative approaches, for at least four reasons. First, Maryland currently puts \$10 million per year in state funds into a state SRO Fund, through which local law enforcement agencies

¹² 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>

¹³ 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/>

and school districts receive grants to station police in their schools.¹⁴ The existence of this fund gives local jurisdictions a powerful financial incentive to continue relying on the school police model, notwithstanding its harms and failures. Second, the Baltimore City School Police Force is a creation of state law.¹⁵ Thus, as a legal matter, Baltimore City Public Schools cannot dismantle its own police force – the only way to do so is through a change in state law. Finally, and most fundamentally, issues of student behavior and school safety have long been governed by state law in addition to local policy. For example, existing Maryland state law bans corporal punishment,¹⁶ prohibits most suspensions of students in grades K-2,¹⁷ limits restraint and seclusion in schools,¹⁸ and requires the use of Positive Behavior Interventions and Supports.¹⁹ The General Assembly enacted these state level requirements and prohibitions because they reflect good policy supported by objective evidence; accordingly, to allow local jurisdictions to depart from such policy would inflict harm on Maryland’s children. That same rationale applies here. The evidence is clear that school policing does not work and hurts children and that, at the same time, trauma informed practices, social emotional learning, and restorative justice have been shown to meaningfully improve student behavior and school safety overall. Under these circumstances, Maryland must abandon the school policing model at the state level while supporting districts to implement school safety strategies that have been shown to work.

The Public Justice Center urges the committee to issue a favorable report on HB 1089. For questions, please contact Monisha Cherayil at 410-625-9409 x 234 or cherayilm@publicjustice.org.

¹⁴ Educ. 7-1508

¹⁵ Educ. 4-318.

¹⁶ Educ 7-306(b)

¹⁷ Educ 7-305.1

¹⁸ COMAR 13A.08.04.03

¹⁹ Educ 7-304.1