

Ways and Means Committee

**Bill #: HB0496**

**Bill Title: Primary and Secondary Education - Mental Health Services - Expansion  
(Counselors Not Cops Act)**

**February 3, 2021**

**\*\*SUPPORT\*\***

Dear Ways and Means Committee Members,

I am writing on behalf of Showing Up for Racial Justice Annapolis & Anne Arundel County in SUPPORT of *Bill #: HB0496, Bill Title: Primary and Secondary Education - Mental Health Services - Expansion (Counselors Not Cops Act)* that would expand the membership of the School Safety Subcabinet Advisory Board and divert annual appropriations of \$10,000,000 to the Safe Schools Fund to be used for certain purposes related to expanding the availability of school-based mental health services.

Children have a right, actually an obligation, to education within the State of Maryland. Yet too often our most marginalized children face criminalization when entering a school building, instead of the positive emotional and academic supports needed to secure the high-quality education all kids deserve. Our children were already facing significant mental health issues before the pandemic, now they need our support more than ever through restorative approaches, trauma-informed approaches, wraparound services, special education planning and implementation, and access to more mental health specialists, counselors, and community resources.

School safety is an extremely complex issue and consideration of students' safety must extend beyond threats of armed violence in schools. Data shows school resource officers (SROs) do not protect our children from school shootings.<sup>1</sup> SROs use their discretion to criminalize ordinary youthful behavior or behavior that is disability-related, which should be handled by school administrators. When controlling for poverty, studies show disorderly conduct arrests were double at schools with SROs compared to non-SRO schools.<sup>2</sup> Students of color and/or with disabilities are disproportionately referred to law enforcement for school-based incidents.<sup>3</sup>

SROs do have a direct impact on students' mental and emotional health, along with negatively impacting academic outcomes.<sup>4</sup> Pre-COVID, approximately 72% of children in the United States experienced at least one major stressful life event such as witnessing violence or experiencing abuse by the age of 18, and these numbers are disproportionately higher for students of color.<sup>5</sup> When danger is experienced, students' "fight/flight/freeze" response is overactivated and they may interpret seemingly minor situations as threatening and therefore respond with agitation and anxiety. The presence of SROs in response to a student's behavioral challenges, for

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<sup>1</sup> According to FBI statistics, the majority of mass shootings end when the shooter decides to end them, not by intervention by law enforcement. <https://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013>. *The Washington Post* found just two cases between 1999 and 2018 "in which a resource officer gunned down an active shooter. (To put that in perspective, at least seven shootings in the same period were halted by malfunctioning weapons or by the gunman's inability to handle them.)" <https://www.washingtonpost.com/graphics/2018/local/school-shootings-and-campus-safety-industry/>

<sup>2</sup> Matthew T. Theriot, "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice*, January 2009.

<sup>3</sup> African American and Latino boys with disabilities represent only three percent of students nationally, but account for 12 percent of school arrests. African American boys are often labeled as "emotionally disturbed" or "bad" when non-compliant behavior occurs - whether or not they have an emotional or behavioral disability - and those behaviors disproportionately lead to a law enforcement response rather than a supportive response through appropriate accommodations.

<sup>4</sup> A single arrest can impact a student's achievement, and lead to a 25% increase in the likelihood of dropping out of school. Webbink D, Koning P, Vujić S, Martin NG. Why Are Criminals Less Educated than Non-Criminals? Evidence from a Cohort of Young Australian Twins. CPB Netherlands Bureau for Economic Policy Analysis, The Hague, the Netherlands.; 2008.

<sup>5</sup> <https://www.aclu.org/report/cops-and-no-counselors>

many, only further re-traumatizes them and overactivates their fear and anxiety response. SROs often misconstrued these responses as “non-compliance” and escalate the situation, causing further trauma.

Yet we are not writing in support of HB0496 because of all the national statistics. Maryland State Department of Education data show an 87% increase in arrests in Anne Arundel County Public Schools (AACPS) from 2016-17 to 2018-19. In the same period, African American students were consistently arrested at 2-3 times the rate of white students statewide. **More students were arrested in AACPS in 2018-19 (i.e., 356 students) than in any other county school system in Maryland.**<sup>6</sup> According to *The Capital Gazette*, police representatives and AACPS Deputy Superintendent Jackson have **admitted this stark increase in arrests is due to an increase in SRO presence.**<sup>7,8</sup> Therefore, in a school system like AACPS where punitive discipline is extremely disproportionately directed at African American students,<sup>9</sup> the presence of SROs leads directly to the very criminalization of Blackness that harms our students.

The COVID-19 pandemic has provided a glimpse into a world where SROs do not exist. As school buildings shut down across the country (with the result being no school-based arrests), between February 1, 2020 and April 1, 2020, youth admissions to juvenile detention facilities decreased by 52%,<sup>10</sup> along with the percentage of youth of color in detention also shrinking.

In closing, we wanted to share one more set of statistics: African Americans are more likely to be shot by law enforcement in split-second decisions, and trained police miss their targets more than 4 out of 5 times in gun fire. Additionally, 77% of SROs indicated they had arrested a student in the past to calm that student down. No child should enter their school afraid of being harassed by the authorities in the building, yet alone scared that they might be shot by an SRO.

In the 1983 decision *Hornbeck v. Somerset County Board of Education*, the Maryland Court of Appeals wrote that the state is obligated “to minimize the impact of undeniable and inevitable demographic and environmental disadvantages on any given child.”<sup>11</sup> Maryland has an opportunity to minimize the impact of systemic racism and ableism on our students and take the proactive action to make education safer for our kids. Currently, Maryland spends \$10 million annually on SROs, whose reactive, discriminatory practices cause harm and reduce community safety. If Maryland diverts the current \$10 million, it would be able to invest in social workers, resources for special education, restorative approaches to resolving conflict, psychologists, and counselors. **Children should be focused on learning, while we focus on their safety and well-being. This is the time to take action: Stop feeding our children into the criminal justice system and enable professionals to proactively address the “why” behind mental health issues and disability-related behavior.**

For the reasons stated above, we strongly urge this committee to vote FAVORABLY on Bill #: HB0496, Bill Title: Primary and Secondary Education - Mental Health Services - Expansion (Counselors Not Cops Act).

Respectfully Submitted,

India Ochs

Showing Up for Racial Justice Annapolis and Anne Arundel County (SURJ3A)

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<sup>6</sup> <http://marylandpublicschools.org/stateboard/Documents/2020/0623/ArrestsSchoolPremises06232020.pdf>

<sup>7</sup> <https://www.capitalgazette.com/education/ac-cn-juvenile-citations-20191106-2sg42tyxnbcflk5zdphafcpu-story.html>

<sup>8</sup> Even when acknowledging the negative impact of SROs, AACPS plans to place SROs in all middle schools.

<sup>9</sup> <https://www.aacps.org/cms/lib/MD02215556/Centricity/Domain/1741/jointinitiative.pdf>

<sup>10</sup> The Annie E. Casey Foundation, “Survey: 52% Drop in Admissions to Youth Detention in Two Months Matches Reduction Over 13 Years,” [aecf.org](http://aecf.org), Accessed July 7, 2020.

<sup>11</sup> <https://edlawcenter.org/states/maryland.html>