



MONTGOMERY COUNTY, MARYLAND WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

House Bill 496 – Primary and Secondary Education – Mental Health Services- Expansion (Counselors Not Cops Act) Ways and Means Committee – February 3, 2021 SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2021 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of HB 496. This bill would redirect a permanent appropriation of \$10 million from providing school resource officers (SROs) to providing mental health services, wraparound services, and behavioral supports for our students. Districts would be able to hire counselors, school psychologists, social workers, and behavioral specialists, develop trauma-informed schools, and implement restorative approaches to disciplinary matters.

These investments would help to foster a positive climate in Maryland's schools that would make students feel safe, valued, and supported. The bill would eliminate a source of funding for the SRO program, which places law enforcement officers in schools and does not create a positive climate for all students—particularly for Black students, other students of color, and students with disabilities. We believe that placing SROS in schools does more harm than good.

The presence of SROs has contributed to a law enforcement orientation to discipline instead of fostering practices focused on teaching and learning. We know from studies of police in schools that schools with SROs are more punitive in addressing the misbehavior of adolescents and tend to experience more arrests, especially for minor infractions. Consequently, the presence of SROs can increase the likelihood that school officials will turn to them to handle disciplinary problems. When an SRO is asked to assist, the officer has discretion in determining whether to make an arrest and is more likely to see misbehavior typical of adolescents from a law enforcement perspective rather than from a developmental perspective or as related to a student's disability.¹

The deployment of SROs in our schools has had unintended harmful effects on our schools and our students. During school year 2018-2019, there were a total of 3141 arrests in Maryland public schools—35 per 10,000 students.² This rate of arrest is higher than it was in 2015-2016, when Maryland had one of the 10 highest school arrest rates in the country³. About 84 percent of the arrests in 2018-2019 were made by SROs. What is even more alarming are the disparities between Black and white students, students of color and white students, and students with and without disabilities. In half of Maryland's 24 school districts, representing over 60 percent of enrollment, Black students were at least 3 times as likely to be arrested as white students in 2018-2019. In five districts, the risk of arrest was 5 times higher for Black students.⁴

¹ Aaron Kupchik, Research on the Impact of School Policing. ACLU Pennsylvania (August 2020), <https://fisafoundation.org/wp->

² The arrest data are found in: Maryland State Department of Education (MSDE), Maryland Public School Arrest Data for School Year 2018-2019. <http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/StudentArrest/index.aspx>. Enrollment data are found in: MSDE, Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools September 30, 2018.

³ ACLU Cops (2020): 28 (Table 5).

⁴ The risk rates were calculated in accordance with the methodology described in Gail L. Sunderman and Erin Janulis, "When law enforcement meets school discipline: School-related arrests in Maryland 2015-16." College Park, MD: Maryland Equity Project,



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The racial disparities must be confronted because they are unjustifiable. The unequal disciplinary treatment between Black students and white students cannot be explained away by claims that there are differences in behavior among these groups. A report by the Maryland Commission on the School-to-Prison Pipeline found that they are likely to result from inconsistent adult responses to various behaviors. There is a real concern that bias, often unconscious, is coming into play.⁵ For example, Black students were four times as likely as white students to be arrested for attacking another student in Montgomery County Public Schools in 2018-2019—a charge that requires a subjective determination.⁶

The negative consequences of an arrest for a student cannot be overstated. An arrest threatens a student's success in school and can affect a student's future success in irreparable ways.⁷ Students who are arrested typically receive out-of-school suspensions, which put them at greater risk of poor academic performance, dropping out, and having subsequent behavioral problems.⁸ When arrests are combined with a referral to the Department of Juvenile Services, the negative consequences can be enormous and life-long, especially for Black students. Black students tend to be disproportionately represented in every stage of the process, except in diversion programs, where there is a prospect for expungement of their record.⁹

Maryland education leaders support discipline that is preventive, proactive, and not punitive. Maryland State Department of Education regulations call for a “discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior.”¹⁰ The Maryland Commission on the School-to-Prison Pipeline reiterated the

The University of Maryland (2018), <https://education.umd.edu/research/centers/mep/research/k-12-education/when-law-enforcement-meets-school-discipline-school>. These are arrests by SROs and other law enforcement on school grounds. The data reports do indicate the number of arrests and referrals by SROs, but do not provide sufficient detail on SRO arrests to calculate SRO arrest rates by race.

⁵Maryland Commission on the School-to-Prison Pipeline, Final Report and Collaborative Action Plan, Report to the Maryland Governor and General Assembly pursuant to House Bill 1287(2017) (December 20, 2018): 29-30, <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>; See also Adai Tefera, Genevieve Siegel-Hawley, and Rachel Levy, “Why do racial disparities in school discipline exist? The role of policies, processes, people, and places,” Richmond, VA. Metropolitan Educational Research Consortium (2017): 5, https://scholarscompass.vcu.edu/cgi/viewcontent.cgi?article=1103&context=merc_pubs; Cheryl Staats, Implicit Racial Bias and School Discipline Disparities (May 2014) Kirwan Institute Special Report, <http://www.racialequityresourceguide.org/resource/implicit-bias-and-school-discipline-disparities>.

⁶ Calculated using the data cited in footnote 2 and the methodology referenced in footnote 4.

⁷ Homer (2019): 1.

⁸ OLO (2016): 96-97; Daniel J. Losen, Cheri L. Hodson, Michael A Keith II, Katrina Morrison, and Shakti Belway, “Are We Closing the School Discipline Gap?” UCLA: The Civil Rights Project (2015), <https://escholarship.org/uc/item/2t36g571>; Council of State Governments Justice Center, The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System (2014), <https://knowledgecenter.csg.org/kc/content/school-discipline-consensus-report>; NASP (2020); Justice Policy Institute, “Education under Arrest: The Case Against Police in Schools” (November, 2011), <http://www.justicepolicy.org/research/3177>, Nance (2015): 924.

⁹ OLO (2016):71-74, 76, 103; Maryland Department of Juvenile Services, Data Resource Guide (Fiscal Year 2019): 230, https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf; CSG Consensus Report (2014): xviii.

¹⁰Code of Maryland Regulations 13A.08.01.11.



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importance of problem solving and rehabilitation in creating a positive learning environment.¹¹ In 2019, the General Assembly passed HB 725, which requires school districts to issue regulations that provide for restorative practices, defined to include all the activities that would be authorized under HB 496.

There is a better path to school safety—a positive school climate based on mutual trust, respect, and open communication among all members of the community. Like many districts, Montgomery County began to hire more and more SROs following the horrific mass shootings in Connecticut and in Florida. We see this as a well-intentioned, but misguided, effort to protect our schools and their students. Few people realized that the deployment of SROs would have an especially harmful impact on Black students, other students of color, and students with disabilities, and would not have the desired safety effect.^{12 13} In 2018, an interdisciplinary group of 19 violence prevention scholars called for a public health approach to prevent gun violence in schools with a focus on promoting a positive school climate. They discussed the need the more counselors, psychologists, and social workers to foster positive social, emotional, behavioral, and academic success.¹⁴ HB 496 funding would help Maryland schools begin to meet the critical shortages of mental health staff and services that are needed to support a proactive approach for safe and healthy schools.

WDC supports HB 496 because we believe it is time to end the harm caused by over policing in our schools and to invest in research-based practices that hold the promise of fostering a school environment in which all students feel safe, valued, and supported. We ask for your support for HB 496 and strongly urge a favorable Committee report.

Respectfully,

Diana Conway
President

¹¹Maryland Commission on the Pipeline (2017): 33.

¹² In 2018-2019, students with disabilities who were receiving special education services were arrested at more than twice the rate as students who were not receiving special education services. Calculated using the arrest and public-school enrollment data referred to in footnote 2 and the special education census data reported by MSDE in Early Intervention and Special Education Services Census Data and Related Tables. October 1, 2018, <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20182019Student/2019CensusPubSpecEd.pdf>.

¹³ For information on the safety effect, see Alexis Stern and Anthony Petrosino, "What do we know about the effects of school-based law enforcement on school safety?" San Francisco, CA: WestEd (2018), <https://files.eric.ed.gov/fulltext/ED595727.pdf>; Kupchik (2020): 2.

¹⁴Call for Action to Prevent Gun Violence in the United States of America, <https://education.virginia.edu/prevent-gun-violence>.