



February 1, 2021

**HB 496 – Primary and Secondary Education –
Mental Health Services - Expansion (Counselors Not Cops Act)
Hearing before the House Ways and Means Committee
February 3, 2021**

Position: SUPPORT

Dear House Ways and Means Committee,

The National Center for Youth Law stands in solidarity with Maryland students who are negatively impacted by police interactions in their schools and who are leading the effort to denounce institutional racism. **We urge you to support HB 496**, the Counselors Not Cops Act which will reinvest school police funds in student mental health services, wraparound supports and restorative approaches. By helping school districts to hire staff such as counselors, social workers, and school psychologists, HB 496 will support the implementation of restorative and trauma-informed practices rather than continue the harm of school policing.

The National Center for Youth Law is a non-profit organization that works to build a future in which every child thrives and has a full and fair opportunity to achieve the future they envision for themselves. Our work is informed by research on best practices in the education and the juvenile justice systems, with a particular focus on how those systems can address systemic racism. It is clear that this body of research fully supports removing law enforcement from schools. For example:

1. **Early police contact negatively affects all youth, but particularly Black youth.** Youth who have contact with law enforcement at schools experience the greatest levels of emotional distress, social stigma, and post-traumatic stress as compared to youth's experiences with police outside of schools.¹
2. **School policing disproportionately harms Black students.** In Maryland, Black students receive over half of school-based arrests despite constituting about a third of the student population.² This inequity exists even though Black students misbehave at the same rate as their peers.³

¹ Dylan B. Jackson, *et al.*, *Police Stops Among At-Risk Youth: Repercussions for Mental Health*, *Journal of Adolescent Health*, vol. 65 (2019): 627-632.

² Maryland State Department of Education, *Maryland Public Schools Arrest Data: School Year 2018-19 (2020)* (hereinafter "MSDE Schools Arrest Data"), <http://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>.

³ See, e.g., Russell J. Skiba, *et al.*, *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Discipline*, *The Urban Review*, vol. 34 (2002): 317-342; Linda M. Raffaele



3. **School policing disproportionately harms students with disabilities.** In Maryland, students with Individual Education Programs (IEP) receive 23% of school-based arrests despite constituting 12% of the student population.⁴ Students with disabilities are often subjected to school-based arrests due to inappropriate disciplinary responses to normal manifestations of the students' disabilities.⁵
4. **Stationing police on school campuses leads to increases in arrests for minor charges.** Students who attended schools with at least one school resource officer (SRO) were found to be almost five times as likely to receive a charge of "disorderly conduct."⁶
5. **School police funds can be reallocated to fund necessary student support positions.** Counselors are one example of needed support positions. Research shows that state funded support for counselor positions reduced teacher reports of student misbehavior that interfered with education.⁷

The research supports that school policing is a threat to the wellbeing of students, especially for communities of color.

The State of Maryland must treat its Black students and students with disabilities with care rather than distrust. By doing so, you will join school boards and communities nationwide who are eliminating school police and advocating for positive climates for learning. More importantly, you will help to set students on a path toward productivity and good health, rather than down the school to prison pipeline.

Sincerely,

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National Center for Youth Law

Mendez and Howard M. Knoff, *Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large Urban District*, Education and Treatment of Children, vol. 26 (2003): 30-51.

⁴ MSDE Schools Arrest Data, *supra* note 2.

⁵ United States Commission on Civil Rights, BEYOND SUSPENSIONS: EXAMINING SCHOOL DISCIPLINE POLICIES AND CONNECTIONS TO THE SCHOOL-TO-PRISON PIPELINE FOR STUDENTS OF COLOR WITH DISABILITIES (2019), www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf.

⁶ Matthew Theriot, *School Resource Officers and the Criminalization of Student Behavior*, Journal of Criminal Justice, vol. 37 (2009): 280-87.

⁷ Randall Reback, *Schools' Mental Health Services and Young Children's Emotions, Behavior, and Learning*, Journal of Policy Analysis and Management, vol. 29 (2010): 698-725.