

MEMORANDUM

March 3, 2016

TO: Education Committee

FROM: Elaine Bonner-Tompkins, Senior Legislative Analyst ^{CBT}
Leslie Rubin, Senior Legislative Analyst
Kristen Lathan, Legislative Analyst
Office of Legislative Oversight

SUBJECT: **Worksession on OLO Report 2016-6: *The School-to-Prison Pipeline in Montgomery County***

On March 7th, the Education Committee will hold a worksession on Office of Legislative Oversight Report 2016-6, which the Council received and released on March 1, 2016. Councilmembers are asked to bring their copies of this report to the worksession. This report is also accessible on-line at www.montgomerycountymd.gov/olo.

Staff recommends the following worksession agenda:

- Overview of the report by OLO staff;
- Comments and presentation(s) from agency representatives; and
- Committee worksession on report and OLO recommendations for Council action.

The Executive Summary of OLO's report is attached on © 1. Written comments received from the Chief Academic Officer of MCPS are attached on © 5; written comments from the Chief Administrative Officer are attached on © 11.

OLO anticipates that the following agency and organization representatives will attend the ED Committee worksession:

- Lori Christina Webb, Executive Director, Office of the Chief Academic Officer, MCPS
- Ruschelle Reuben, Executive Director, Office of School Support and Improvement, MCPS
- Darryl McSwain, Assistant Chief of Police, Patrol Services Bureau, MCPD
- Robert Green, Director of Corrections, Department of Corrections and Rehabilitation, MCG
- Gale Starkey, Deputy Warden, Department of Corrections and Rehabilitation, MCG
- Mary Siegfried, Deputy District Public Defender, Office of the Public Defender, District 6
- Elijah Wheeler, Social Justice Director/DMC Reduction Coordinator, Collaboration Council

OLO also anticipates that representatives from additional departments and agencies that impact the School-to-Prison Pipeline (e.g. Department of Health and Human Services, State's Attorney's Office) will also be available to address questions from the ED Committee.

A. Overview

This OLO Report seeks to improve the County Council's understanding of the School-to-Prison Pipeline that refers to the increased risk of juvenile delinquency and criminal justice system involvement among children who have been suspended or expelled from school. The criminalization of minor school-based infractions and the over-representation of youth of color and students with disabilities are key features of the School-to-Prison Pipeline nationally. The Advancement Project's School-to-Prison Pipeline infographic, attached at © 27, provides an overview of the risk factors and consequences of the School-to-Prison Pipeline.

B. Major Findings

OLO reviewed the research literature on the School-to-Prison Pipeline; interviewed agency and community stakeholders; reviewed relevant policies, programs and practices; and analyzed data on school discipline and juvenile justice measures. Five major sets of findings emerged that are summarized below. The findings and recommendations chapter from OLO Report 2016-6 is attached, beginning at © 13.

1. **Local stakeholders agree that a School-to-Prison Pipeline exists in Montgomery County that merits investments in services that meet the needs of high-risk youth.** Stakeholders note that a small School-to-Prison Pipeline exists in the County that primarily impacts boys, Black and Latino students, and students with disabilities. Risk factors identified by stakeholders included peer pressure, family issues, unemployment, substance abuse, impulsiveness, trauma, school failure, and aggressive law enforcement.

Three strengths were cited by agency and community stakeholders regarding current approaches across the County to stem the Prison Pipeline: (a) MCPS' progressive approach to school discipline with the revised Code of Conduct (b) locally supported services for at-risk youth in the County; and (c) coordinated work across agencies to stem the Prison Pipeline.

Eight opportunities were cited by stakeholders: (1) deliver more services to address root causes; (2) require schools to respond to challenging behaviors therapeutically; (3) increase parents and youth awareness of rights and available services; (4) enhance youth's long term relationships with adults; (5) improve coordination and data sharing among agencies and organizations; (6) expand diversion opportunities for low-income youth; (7) make schools engaging for high-risk youth; and (8) increase jobs and income generating opportunities for high-risk youth.

2. **The School-to-Prison Pipeline in Montgomery County is shrinking.** Data points for the School-to-Prison Pipeline suggest that the Prison Pipeline in Montgomery County is small and shrinking. MCPS' school removal rate for out-of-school suspensions and expulsions has declined by half since 2011. MCPS also had the lowest out-of-school removal rate in Maryland in 2015. Juvenile arrests in Montgomery County have also decreased (60%), as have intakes at the Department of Juvenile Services (18%), referrals to the County's juvenile justice diversion programs (14-22%), and the number of juvenile delinquency cases adjudicated by the Circuit Court (45%).

3. **Three offense categories and a subset of MCPS schools drive the School-to-Prison Pipeline in Montgomery County.** Ninety percent of school removals and arrests within MCPS are for three sets of offenses: fighting/threats/attacks, disrespect/insubordination/disruptions and dangerous substances. Very few children are charged with the most serious offenses that include sex offenses, arson, or weapons. Similarly, three in four cases referred to DJS are for misdemeanors and status offenses. School removals are also concentrated among a subset of MCPS secondary schools and arrests are concentrated among a subset of MCPS high schools. In 2015, 8 of 38 MCPS middle schools accounted for 47 percent of middle school removals and six of 25 MCPS high schools accounted for 60 percent of high school arrests.
4. **Mirroring national trends, boys, Black students, students with disabilities, and to a lesser extent Latinos, are over-represented in the School-to-Prison Pipeline in Montgomery County but Black youth are under-represented in local juvenile justice diversion programs.** Boys comprise half of school enrollment and account for three in four students removed from school and processed by DJS. Students with disabilities account for one in ten MCPS students but account for three in ten out-of-school removals. Latinos also represent a greater share of students removed from school (32%) than their share of school enrollment (28%).

Disproportionality was most prevalent among Black students who accounted for one in five MCPS students but accounted for half of out-of-school removals and more than half of DJS intakes, new commitments, and detentions. Yet Black youth accounted for only a quarter of the youth referred by MCPD to SASCA for juvenile justice diversion and a third of the youth referred by the State's Attorney's Office to Teen Court.

5. **Local practices align with many best practices for stemming the School-to-Prison Pipeline, but opportunities for better alignment and program improvement exist.** OLO found that a variety of local practices for keeping students in school and out of the juvenile justice system aligned with best practices. These include MCPS reporting school removal data by student subgroup, requiring schools to have school climate goals, training staff in de-escalation techniques and partnering with DHHS to provide a systems-of-care approach in select high-poverty schools.

Other local practices aligning with best practices include MCPD encouraging school resources officers to minimize arrests for minor offenses, a written memorandum of understanding that formalizes the school-police partnership in the County, the referral of many students charged with school-based offenses to juvenile justice diversion programs, and DJS partnership with MCPS to ensure that youth in DJS and community-based facilities are enrolled in local public schools.

OLO, however, also found several opportunities for better aligning local practices to best practices for stemming the School-to-Prison Pipeline in the County. These include developing a district-wide school climate plan; assessing students' behavioral health needs and the community's capacity to meet those needs; engaging with parents and community stakeholders in the annual review of the Code of Conduct and SRO program; improving data systems to track the experiences of youth across agencies; and the consistent use of school data and risk assessments to guide decision making for juvenile justice diversion program participation

C. Recommendations for Council Action

Based on the report’s findings, OLO offers four recommendations for Council action.

1. **Task citizens groups to regularly provided feedback on MCPS Code of Conduct and SRO Program with MCPD.** OLO recommends that the Council task MCPS and MCPD to formally include parents and community stakeholder groups impacted by the School-to-Prison Pipeline in their regular reviews of the Code of Conduct and SRO Program. Existing citizens’ groups to consider engaging in the regular review of these programs include the NAACP Parent’s Council, the DHHS Commission on Juvenile Justice, and local special education advocacy groups.

2. **Improve data available to agency leaders and community stakeholders to evaluate current efforts and to target program improvements.** OLO recommends that the County Council task the agencies impacting the School-to-Prison Pipeline locally – MCPS, Montgomery County Government, the State’s Attorney’s Office, and the Circuit Court – to work together to collect and share data across measures that reflect the dimensions of the issue. These agencies can identify key data points to support decision making, collect this data, track performance outcomes, and modify programming. OLO also recommends that the Council task these agencies to share this data with community stakeholders to elicit their feedback on current efforts.

3. **Expand juvenile justice diversion for misdemeanor offenders, including simple assaults.** OLO recommends that the County Council task MCPD, the SAO, and DHHS with expanding local diversion opportunities that enhance the participation of low-income and Black youth in diversion programs. This may include expanding the offenses eligible for local diversion programs to include offenses such as simple assault. OLO further recommends that these local agencies review the policies and practices of sister teen court programs in Baltimore City and Charles County for advice on how to effectively include youth charged with misdemeanor assault in local juvenile justice diversion programs.

4. **Task the Collaboration Council’s Disproportionate Minority Contact (DMC) Reduction Committee to address information gaps and to provide recommendations to the Council.** The DMC Committee is uniquely poised to address questions left unanswered in this report and to offer recommendations to the County Council to stem the School-to-Prison Pipeline. Given their interest and expertise, OLO recommends that the Council task the DMC Committee to undertake a review of local policies, programs, and data to further describe the dimensions of the School-to-Prison Pipeline locally and to develop recommendations for reducing the Pipeline.

ATTACHMENTS	BEGINS AT:
Executive Summary of OLO Report 2016-6	© 1
Comments from MCPS Chief Academic Officer, February 25, 2016	© 5
Comments from MCG Chief Administrative Officer, February 29, 2016	© 11
Chapter VII: Findings and Recommendations	© 13
Advancement Project School-to-Prison Pipeline Infographic	© 27

The School-to-Prison Pipeline in Montgomery County

Executive Summary of OLO Report Number 2016-6

March 1, 2016

Summary: The School-to-Prison Pipeline refers to the increased risk of juvenile delinquency and criminal justice system involvement among children who have been suspended or expelled from school. Nationally, the criminalization of minor school-based infractions and the over-representation of youth of color and students with disabilities are key features of the School-to-Prison Pipeline. This report seeks to improve the County Council’s understanding of the School-to-Prison Pipeline, particularly in Montgomery County.

Overall, the School-to-Prison Pipeline within the County mirrors national trends in disproportionality by race, ethnicity, gender, and special education status, but the Pipeline is shrinking. OLO also found that while many local agency practices align with best practices for stemming for the Pipeline, opportunities exist for improving local practices that include engaging community stakeholders and improving data systems to track performance outcomes and to support program improvements.

The Pipeline in Montgomery County

Data on key contact points in the school discipline and juvenile justice systems suggest that the School-to-Prison Pipeline in Montgomery County is small and shrinking. Montgomery County Public Schools’ (MCPS) out-of-school removal rate for out-of-school suspensions and expulsions has declined by half since 2011 and is the lowest rate in the state. Juvenile arrests in Montgomery County have also decreased, as have intakes at the Department of Juvenile Services (DJS), referrals to the County’s juvenile justice diversion programs, and the number of juvenile delinquency cases adjudicated by the Circuit Court.

Summary of Data Trends for School-to-Prison Pipeline Contact Points

	2011	2015	% Change
MCPS Data Points (School Years)			
- School Removal Incidents	4,900	2,447	-50%
- Unduplicated Count of Students Removed	3,674	1,804	-51%
- Percentage of Students Removed from School	2.6	1.2	-54%
Juvenile Arrest Data Points (Fiscal Years)	2012	2015	
- Number of Arrests	4,517	1,776	-61%
- Number of Arrests per 10,000 Youth	485.1	195.6	-60%
DJS Data Points (Fiscal Years)	2011	2015	
- Total Intakes	2,817	2,303	-18%
- Total Charges	4,369	3,672	-16%
Circuit Court Data Points (Fiscal Years)	2011	2014	
- Delinquency Cases	4,245	2,354	-45%
SASCA Data Points (Fiscal Years)	2011	2015	
- Youth Screened by SASCA	761	591	-22%
Teen Court Data Points (Fiscal Years)	2012	2014	
- Referrals to Teen Court	387	331	-14%



What drives the County’s School-to-Prison Pipeline? Local stakeholders identified several risk factors for youth involvement in the School-to-Prison Pipeline including: peer pressure, family issues, unemployment, substance abuse, impulsiveness, trauma, school failure, and aggressive law enforcement.

Data show that 90 percent of out-of-school removals within MCPS schools occur for three sets of offenses – fighting/threats/attacks, disrespect/insubordination/disruption, and dangerous substances. Very few children are charged with the most serious offenses that include sex offenses, arson, or aggravated assault. Similarly, three in four cases referred to DJS are for misdemeanors and status offenses.

Out-of-school removals are also concentrated among a subset of MCPS secondary schools and arrests are concentrated among a subset of MCPS high schools. In 2015, eight of 38 middle schools accounted for nearly a half of all out-of-school removals at the middle school level and six of 25 high schools accounted for 60 percent of all high school arrests.

Demographics of the Pipeline in Montgomery County

Similar to national trends, data show that the local School-to-Prison Pipeline disproportionately impacts boys, Black students, and students receiving special education services, and to a lesser extent, Latino students. Boys comprise half of school enrollment but account for three in four students removed from school and referred to DJS. Students with disabilities account for one in ten MCPS students but account for three in ten out-of-school removals. And Latinos share of students removed from schools exceeds their share of MCPS enrollment.

Youth who successfully complete diversion programs reduce their risk for further juvenile justice system involvement. Yet Black students who account for more than half of all out-of-school removals, DJS intakes, new commitments, and detentions, only account for only a quarter of the youth referred by the Montgomery County Police Department (MCPD) to the Department of Health and Human Services (DHHS) for juvenile justice diversion (SASCA) and a third of the youth referred by the State’s Attorney’s Office to Teen Court.

Demographics of Youth among School-to-Prison Pipeline Contact Points

	MCPS Enrollment <i>(2015)</i>	School Removals <i>(2015)</i>	SASCA Diversion <i>(2014)</i>	Teen Court <i>(2014)</i>	DJS Intakes <i>(2014)</i>	DJS New Probations <i>(2014)</i>	DJS New Commitments <i>(2014)</i>
Male	52%	73%		68%	76%		
Female	48%	27%		32%	24%		
Black	21%	50%	23%	33%	52%	58%	69%
Latino	28%	32%	27%	21%	22%	29%	23%
White	31%	12%	56%	43%	19%	13%	6%
Asian	14%	2%	5%	3%	7%		
Special Education	12%	30%					
Non-SPED	82%	70%					

Alignment with Best Practices

OLO found that local practices align with many best practices for stemming the School-to-Prison Pipeline noted by the Council of State Government's School Discipline Consensus Report, but opportunities for better aligning local practices to best practices exist.

County Practices/Policies that Align with Best Practices

Montgomery County Public Schools

- Report out-of-school removal data by student subgroup and examines data
- Require school improvement plans to include school climate goals and alternatives to suspensions
- Require school administrators and staff in Positive Behavior Interventions and Supports (PBIS) schools to receive training in de-escalation
- Partner with DHHS and community-based groups to provide a systems-of-care approach in schools with Linkages to Learning, Wellness Center, and Cluster Project sites
- Uses school support teams to address academic and behavioral needs and to make referrals
- Provide alternative education options for students removed or not succeeding in traditional schools
- Provide training on non-violent crisis prevention and intervention, assistance with functional behavior supports and improvement plans, and access to mental health professionals in emotional disabilities and alternative programs

Local Law Enforcement and Juvenile Justice Agencies

- Have procedures in place to ensure that schools do use school resource officers to respond to students' minor misbehavior
- Encourage school resources officers to use their discretion to minimize arrests for minor offenses
- Have developed a written memorandum of understanding formalizing school and law enforcement partnership that is periodically reviewed and refined based on feedback from agency stakeholders
- Often refer students charged with school-based offenses to juvenile diversion programs
- In partnership with MCPS, ensure that youth released from correctional facilities or placed in community-based settings are enrolled in local public schools with effective supports

Opportunities for Further Alignment with Best Practices

Montgomery County Public Schools

- Develop a district-wide school climate plan that identifies needs and resources and monitors results
- Use Early Warning Indicators system to identify students in need of supports district-wide
- Assess students' behavioral health and related needs and the districts' capacity to meet those needs
- Engage in a collaborative process with community stakeholders to annually review data and the implementation of the Code of Conduct and the School Resource Officer Program with MCPD

Local Law Enforcement and Juvenile Justice Agencies

- Engage with community stakeholders to annually review data and evaluate the SRO Program
- Improve data systems to track the experiences of youth across agencies to evaluate the efficacy of current programs aimed at stemming the Prison Pipeline and to support program improvements
- Regularly review of school resource officer arrest and juvenile court data to develop action plans to reduce referrals for minor offenses if warranted
- Consistently use school-based data and risk assessments to guide diversion decision making

Community Stakeholder Views

Stakeholders also identified local strengths and opportunities for improving efforts to stem the School-to-Prison Pipeline in Montgomery County:

Strengths of Current Approaches to Stem the Prison Pipeline

- MCPS' progressive approach to school discipline with its revised Code of Conduct
- More locally supported services for youth in Montgomery County compared to other jurisdictions
- Coordinated work across agencies and organizations aimed at reducing the Prison Pipeline

Opportunities to Improve Local Approaches to Stem the Pipeline

- Deliver more services to address root causes
- Require schools to respond to challenging behaviors therapeutically
- Increase parents and youth awareness of rights and available services
- Enhance youth's long term relationships with adults
- Improve coordination and data sharing among agencies and organizations
- Expand diversion opportunities for low-income youth
- Make schools engaging for high-risk youth
- Increase jobs and income generating opportunities for high-risk youth

OLO Recommendations

Based on the report findings, OLO recommends the following Council actions.

1. **Task citizens' groups to regularly provided feedback on Code of Conduct and SRO Program.** OLO recommends that the Council task MCPS and MCPD to formally include parent and community groups in their annual reviews of the Code of Conduct and SRO Program.
2. **Improve data available to agency leaders and community stakeholders to evaluate current efforts and to target program improvements.** OLO recommends that the Council task relevant County government agencies to work together to collect, disseminate, and monitor key data points related to the School-to-Prison pipeline and to share key data with community stakeholders.
3. **Expand juvenile justice diversion for misdemeanor offenders.** OLO recommends that the Council task MCPD, the SAO, and DHHS with expanding local diversion opportunities that enhance the participation of low-income and Black youth in diversion programs, particularly expanding the eligible offenses to include simple assault.
4. **Task the Collaboration Council's Disproportionate Minority Contact (DMC) Committee to address information gaps locally and to provide recommendations to the County Council.** OLO recommends that the Council task the DMC Committee to undertake a review of local policies, programs, and data to further describe the dimensions of the School-to-Prison Pipeline in Montgomery County and develop recommendations for reducing the Pipeline.

For a complete copy of OLO-Report 2016-6, go to:
<http://www.montgomerycountymd.gov/olo/reports/2008.html>



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND
www.montgomeryschoolsmd.org

February 25, 2016



Dr. Chris Cihlar, Director
Dr. Elaine Bonner-Tompkins, Senior Legislative Analyst
Montgomery County Office of Legislative Oversight
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Dear Dr. Cihlar and Dr. Bonner-Tompkins:

Thank you for providing Montgomery County Public Schools (MCPS) staff members with the opportunity to review and comment on the Office of Legislative Oversight (OLO) report, *The School-to-Prison Pipeline in Montgomery County*. We appreciated the ongoing collaborative process used throughout the study and review of the report. Additionally, we have comments that address your specific findings and recommendations.

Overall, the findings and recommendations provided are consistent with the multiyear, multifaceted effort MCPS has taken to reduce suspensions, increase student engagement, and narrow the achievement gap. At the beginning of the 2014–2015 school year, the MCPS *Code of Conduct* was introduced in response to the Maryland State Department of Education’s *The Maryland Guidelines for a State Code of Discipline* adopted in July 2014, as well as joint federal guidance issued by the U.S. Department of Education and the U.S. Department of Justice. In many ways, this was a codification of the work MCPS initiated several years previously to actively engage students in their learning and reduce suspensions and was designed to articulate a shared vision of the factors involved in maintaining an orderly and safe school environment focused on teaching and learning.

Consistent with recent revisions to Montgomery County Board of Education Policy JGA, *Student Discipline*, the *Code of Conduct* adopts a restorative philosophy of student discipline and sets forth the principle that removing students from the classroom, through suspensions and expulsions in particular, is to be only used as a last resort. During the course of the 2014–2015 school year, the number of suspensions continued to decline significantly. Although disproportionality remains a concern in MCPS, the focused efforts on keeping students connected to their educational communities and instructional program resulted in fewer suspensions and more innovative approaches to supporting students in their social emotional and behavioral development. The decline in suspensions occurred within the context of the work MCPS staff members are doing to create positive school climates where students, parents/guardians, and staff members collaborate respectfully to create a nurturing, safe environment for learning.

Office of the Chief Academic Officer

We have concerns that the presentation of the suspension data does not portray an entirely accurate picture. The report highlights trends in suspensions in MCPS middle and high schools by comparing Fiscal Year (FY) 2011 data with FY 2015 data, as well as using FY 2015 data to sort middle and high schools into quintiles in order to compare suspension rates across the district. These data points represent only a snapshot of suspensions in MCPS. Suspension data may fluctuate from one year to the next. Comparing two years of data in isolation does not accurately reflect trends in suspensions, and therefore, it is difficult to draw conclusions based on two isolated years rather than a longer period of time.

For example, FY 2013 suspension data changes the trend lines substantially. Most importantly, depending on the year selected to describe schools that suspend the most students against the student population, the schools in each quintile change. In FY 2013, the five high schools that suspended the highest number of students only included two of the schools in the first quintile for FY 2015 (Table 3.15 in the OLO report). Those five schools together accounted for 22 percent of the student population during the 2012–2013 school year and 23 percent of the suspensions. As you may see, changing the year for data collection leads to a very different conclusion. Thus, it is important to analyze the data trends over multiple years while also understanding that anomalies occur that may affect the data as well. It is important to emphasize that MCPS has taken the suspension issue very seriously, and has made significant strides in reducing suspension rates across all groups and continue our work to improve in this area.

MCPS is launching a Restorative Justice Pilot Project this school year that includes professional development for participating schools and a cadre of central services staff members. MCPS is committed to bringing restorative justice to our schools, students, and families as an alternative to suspensions and expulsions. The pilot project with middle and high schools includes intensive professional learning opportunities and ongoing support to implement restorative justice practices with fidelity. It is the expectation that pilot schools serve as role models for other schools and these staff members may serve as coaches. It is important to note, that while the Restorative Justice Pilot Project is new in its inception, many MCPS schools have been implementing restorative practices such as community circles, on their own for several years and have demonstrated positive results in improving school climate, attendance, and academic achievement, while decreasing disciplinary issues and suspensions. For example, Sligo Middle School began implementing circles in the 2013–2014 school year. Data on office referrals, suspensions, bullying incidents, and attendance are reported below:

Sligo Middle School Data

	FY 2013	FY 2014	FY 2015
Number of Office Referrals	373	116	53
Number of Suspensions	29	14	7
Number of Bullying, Harassment, or Intimidation Reports	17	5	2
Attendance Rate	94.5%	95.7%	96.4%

We will continue this level of work in not solely internal work within MCPS, but extends to the continued collaboration with other countywide agencies all focused on common data metrics to assess our progress as a county. To further enhance support for students and families, MCPS is undergoing reorganization that will create a new Office of Student Services and Engagement (OSSE) in the 2016–2017 school year. OSSE's mission is to create and maintain seamless supports for students and families through a coordinated program of student services focused on student health, safety, engagement, and social emotional learning. This office will align resources so we may better assist families and schools with wraparound supports. In addition, OSSE and the Office of School Support and Improvement will continue to proactively monitor school discipline data and provide professional learning opportunities to better equip staff to support our students and families.

MCPS offers the following comments on project findings and recommendations included in the report:

1. The report identifies the need to address the root causes of the School-to-Prison Pipeline through a comprehensive county program of behavioral, mental health, and educational services. OLO suggests that MCPS develop a districtwide school climate plan and annual reports to identify school needs, target resources, and monitor results, and assess students' behavioral health and related needs and the districts' capacity to meet those needs. The report also encourages schools to respond to disciplinary issues in a therapeutic, rather than punitive, manner.

As stated above, MCPS understands the need to create a safe, equitable learning environment for all students and is actively engaged in implementing evidence-based practices, such as restorative justice, to improve school climate, teach responsibility and accountability, and address infractions as a learning and growth opportunity for social emotional development. MCPS also is in its tenth year of implementing Positive Behavioral Interventions and Supports (PBIS) which currently is employed in 104 schools and the Alternative Education Program. PBIS is a framework of proactive, schoolwide system of supports and strategies to define, teach, and support appropriate behavior in order to create a positive school environment. MCPS continues to expand PBIS to additional schools and to deepen our understanding of restorative justice and restorative practices.

MCPS is proactively aligning programs and procedures with best practices for stemming the School-to-Prison Pipeline. School climate and the social emotional learning needs of students are critical components of each school's improvement plan (SIP). The SIP focuses efforts around common goals, specific action plans, and measureable outcomes. The most effective approach to addressing school climate issues is an individualized approach linked to the identified needs of the school versus a one-size fits all centrally-mandated model. By requiring all schools to include a customized school climate SIP goal, MCPS has in effect adopted a district level approach.

MCPS is participating in the Middle School Maryland Safe and Supportive Schools Program in collaboration with the Johns Hopkins Bloomberg School of Public Health, and the National Institute of Justice. All participating schools will be required to collect annual data using the *School Climate Survey* created by Johns Hopkins University. The *School Climate Survey* also may be used to assess students' behavioral health and related needs at the school and district level in order to identify resources to support these needs. Currently, PBIS schools collect office referral data as a key component of the model. These data are essential for monitoring the overall health and climate of the school community.

Reducing suspensions is just one component of creating a truly equitable school system where academic outcomes are not predicted by race or socio-economic status. To specifically address equity and cultural competency, MCPS created the Equity Initiatives Unit in 2006. The primary purpose of the unit is to close the racial achievement gap by:

- increasing awareness, knowledge, and understanding of the racial and cultural identity of students, staff members, and one's self;
- promoting effective teaching, leading, and learning;
- establishing learning environments that are conscious of race and culture to insure that culturally responsive practices, policies, and procedures are implemented across the school district;
- supporting schools, professional learning modules, and Study Circles; and
- partnering with the Office of Human Resources and Development, McDaniel College, and the Montgomery County Education Association to provide a 15-credit graduate certificate program in Equity and Excellence in Education in order to prepare culturally responsive educators.

In addition, there are numerous other professional learning initiatives that support schools in establishing and maintaining a positive school climate. For instance, MCPS is offering La Cultura Cura, a nationally recognized evidence-based program designed to help educators respond to and support the social emotional needs of students who have experienced trauma in a culturally responsive manner. Staff members who work in the secondary Multidisciplinary Education, Training, and Support Program, as well as selected school and central services staff members who support these schools, will participate in this training.

MCPS provides Youth Mental Health First Aid (YMHFA) training courses, which have been attended by school administrators, counselors, Pupil Personnel Workers, psychologists, paraeducators (especially those in the Emotional Disabilities Unit), teachers, and school security staff members. Participants reported that the course taught them how to identify risk factors and warning signs of mental health or addiction challenges, where to turn for help, and how to follow a five-step action plan to help an adolescent who is having mental health issues or is in crisis.

MCPS continues to implement the Crisis Prevention Institute's Nonviolent Crisis Intervention program in all schools to equip staff members with evidence-based strategies for defusing

anxiety and hostile or violent behavior at the earliest stage possible. While targeted specifically at crisis situations, the skills learned include understanding how behavior escalates, responding appropriately in chaotic situations, and implementing prevention strategies to avoid crisis events. These skills complement YMHFA, restorative justice, and PBIS and equip staff members with the language and behavior that they need to identify students in distress and to respond in an empathetic manner until additional supports may be provided.

MCPS works collaboratively with county agencies and nonprofits to evaluate and respond to the needs of at-risk youth and families. To this end, we participate on the following boards and committees:

- Montgomery County Alcohol and Other Drug Abuse Advisory Council;
 - Montgomery County Mental Health Advisory Committee;
 - Collaboration Council's Many Voices for Smart Choices;
 - Criminal Justice Coordinating Commission;
 - School Health Council;
 - Committee on Hate/Violence;
 - Interagency Commission on Homelessness;
 - Circle of Restorative Initiatives for Maryland;
 - Healthy Montgomery; and
 - The Collaboration Council Board of Directors.
2. OLO recommends that MCPS and other county agencies align their programs and procedures with best practices for stemming the School-to-Prison Pipeline by improving data collection and sharing between agencies to more easily support at-risk students, collaborating with community-based stakeholders to review data, the *Code of Conduct*, and the School Resource Officer (SRO) Program, and identifying students and families in needs of support districtwide and the resources that are available to them.

Collaboration with county partner agencies and our stakeholders is vital to our work. MCPS will continue to explore innovative methods for assessing the needs of Montgomery County students and implementing evidence-based strategies for intervention and support for students and their families. For example, a multiagency group that includes MCPS, the U.S. Department of Health and Human Services, the Mental Health Association of Montgomery County, and Family Services, Inc. worked with the National Association of County and City Health Officials and Cambridge Leadership Associates to employ the adaptive leadership framework to identify the behavioral health needs of our students and their families to effect meaningful change in order to respond innovatively to the needs of the students and families in our county.

In addition, throughout the school year, there are intentional ongoing conversations with internal and external stakeholders on both the *Code of Conduct* and the SRO Program. The goal of this outreach related to the *Code of Conduct* has been twofold—to provide accurate

Dr. Chris Cihlar

Dr. Elaine Bonner-Tompkins

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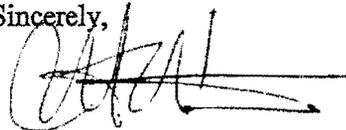
February 25, 2016

information on the *Code of Conduct*, its implementation, and its place in the local and national conversations about keeping students engaged in their instructional programs; and to gather feedback on individual and group perceptions of the implementation of the *Code of Conduct*. MCPS employees had multiple venues for collaboration and dialogue on the implementation of the *Code of Conduct*. Similar discussions were held with community stakeholder groups, including representatives from the African American Student Achievement Action Group; Latino Student Achievement Action Group; Southern Christian Leadership Conference; 1977-II Action Group; National Association for the Advancement of Colored People; Identity, Inc.; and the Montgomery County Council of Parent-Teacher Associations.

MCPS continues to be committed to annual conversations with community stakeholders on its collaboration with the Montgomery County Police Department (MCPD) to implement the SRO Program. This provision is incorporated into recent revisions to the Memorandum of Understanding, developed collaboratively with the Montgomery County State's Attorney's Office and the MCPD. MCPS is meeting monthly with MCPD to share and review data. Review of data and trends will inform the assessment of needs in Montgomery County and how we may better serve our students and their families. Collaboration and data sharing also will allow MCPS, MCPD, and stakeholders to better evaluate the SRO Program.

Thank you again for the opportunity to review the report and discussion topics. The collaborative nature of this process is appreciated, and we look forward to future discussions on the School-to-Prison Pipeline in Montgomery County and the opportunities for improving our local practices.

Sincerely,



Maria V. Navarro, Ed.D.
Chief Academic Officer

MVN:CAR:dab

Copy to:

Mr. Leggett

Mr. Rice

Members of the Board of Education

Mr. Bowers

Dr. Statham

Dr. Zuckerman

Mr. Ikheloa



OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

MEMORANDUM

February 29, 2016

TO: Chris Cihlar, Director, Office of Legislative Oversight

FROM: Timothy L. Firestine, Chief Administrative Officer *Timothy L. Firestine*

SUBJECT: OLO Draft Report 2016-6: School-to-Prison Pipeline in Montgomery County

Thank you for the opportunity to comment on OLO Report 2016-6: School-to-Prison Pipeline in Montgomery County. We are pleased to be a partner in the prevention of students entering the Schools-to-Prison Pipeline. Our Positive Youth Development Programs, Linkages to Learning, Clusters Project, the Wellness Centers and other such programs help provide stability for students and their families. These programs, initially organized to assist in removing barriers to learning, also help parents who are in crisis and connect them to resources that will allow their children to succeed in school. Whether these barriers are caused by housing, lack of food, somatic or mental health care, domestic abuse, or other such problems, these resources provide a solid foundation for students to proceed with their education. Partnering with MCPS to provide health and human service resources has been very productive.

Because of these programs and others where MCPS and DHHS partner, MCPS and DHHS have had a series of meetings exploring data sharing, which is Recommendation #2 on the OLO report. The first meeting, held in August 2015, included appropriate agency representatives and attorneys to guide us through FERPA and HIPPA issues. Presently, teams within Child Welfare and Linkages to Learning are working on templates for shared data between DHHS and MCPS—with the ultimate goal of providing a better understanding of families and students.

In addition, one of the most recent initiatives of the Cluster Project has been a task force that developed ideas for the prevention of and intervention for students with "out of control behaviors." This task force, an outgrowth of the Kennedy and Watkins Mill Projects, had representatives from Police, State's Attorney's Office, MCPS, and DHHS. A series of subcommittee meetings was held with a list of prevention providers focusing on attendance and

Chris Cihlar, Director, Office of Legislative Oversight
February 29, 2016
Page 2

truancy, preventing risky behaviors before middle and high school, and intervention with students that are in the Children in Need of Supervision Project. These recommendations were brought to the Supervisory groups for the cluster project (operations group and leadership group—both made up of representatives of all of the listed agencies plus recreation and the collaboration council) and received positive feedback.

Again, I thank the Office of Legislative Oversight for its work on this report. If you have questions or need additional information please contact Fariba Kassiri, Assistant Chief Administrative Officer.

TLF:ja

cc: Uma Ahluwalia, Director, Department of Health and Human Services
Gabriel Albornoz, Director, Department of Recreation
Robert Green, Director, Department of Correction and Rehabilitation
Fariba Kassiri, Assistant Chief Administrative Officer
Bonnie Kirkland, Assistant Chief Administrative Officer
J. Thomas Manger, Chief of Police

Chapter VII. Findings and Recommendations

The purpose of this Office of Legislative Oversight Report is to improve the County Council's understanding of the School-to-Prison Pipeline and the dimensions of it in Montgomery County. The School-to-Prison Pipeline refers to the heightened risk of juvenile justice and criminal justice involvement among students who have been suspended from school and who drop out of school.¹²⁰ Youth and adults with a history of suspensions, expulsions and dropping out of school account for the bulk of youth and adults in the juvenile and adult criminal justice systems nationally.

This OLO report includes background information on the factors that contribute to the School-to-Prison Pipeline nationally. This report also describes the dimensions of the School-to-Prison Pipeline in Montgomery County based on school discipline, arrest, and juvenile justice data and the inter-related work of agencies impacting children and youth at risk of entering the School-to-Prison Pipeline. Finally, this report compares local practices to best practices for stemming the Prison Pipeline and shares the perspectives of key stakeholders (including juvenile justice-involved youth) on what works well within the County for addressing the School-to-Prison Pipeline and opportunities for program improvement.

Based on an analysis of available data and information about current programs, OLO finds that the School-to-Prison Pipeline within the County mirrors national trends in disproportionality by race, ethnicity, gender, and special education status, but is relatively small and shrinking. Less than two percent of children in the County are suspended annually and the juvenile arrest rate has fallen by approximately 60 percent since FY11. OLO also finds that while many local agency practices align with best practices for stemming for the Pipeline, opportunities exist for improving local practices – particularly with regard to engaging community stakeholders and improving data systems to track youth and performance outcomes to support program improvements.

This chapter is presented in two parts to describe this project's ten key findings and to offer four recommendations for Council discussion and action.

A. Key Project Findings

Finding #1: School suspensions, dropping out, and schools' use of zero tolerance policies increase youths' risks for involvement in the juvenile and adult criminal justice systems.

The School-to-Prison Pipeline refers to the heightened risk of juvenile and criminal justice involvement among students who have been suspended from school and/or who drop out of school. Students who are suspended are placed at a higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile and adult criminal justice system. A synthesis of the research shows that:

- Being suspended is associated with a greater likelihood of future misbehavior and suspension.¹²¹
- A single suspension doubles the risk of grade retention.¹²² Being retained a grade, especially while in middle or high school, is also one of the strongest predictors of dropping out.¹²³

¹²⁰ Texas' School-to-Prison Pipeline School Expulsion *The Path from Lockout to Dropout*, Executive Summary, p. 2 http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=380

¹²¹ Anfinson, Autumn, Lehr, Riestenberg, & Scullin, 2010 cited by Porowski et al, 2014

¹²² Fabelo, T., Thompson, M.D., Poltkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Related to Students' Success and Juvenile Justice Involvement*, Justice Center. Public Policy Research Institute, cited by Vera Institute for Justice

¹²³ Shane Jimmerson et al cited by Vera Institute for Justice

- Students who have been suspended/expelled are 10 times more likely to drop out of high school.¹²⁴
- Dropping out of school is strongly related to juvenile delinquency.¹²⁵ In turn, dropouts are overrepresented in both the juvenile justice and adult criminal justice systems.

Research also shows that early introduction into the juvenile justice system – and juvenile justice detention in particular – can have lasting negative consequences that include:

- Halting youth development and thwarting “mature decision-making capacity”,
- Promoting “antisocial behavior” among incarcerated youth living in close proximity to one another,
- Creating a “conviction stigma” for anyone convicted of a felony drug offense – whose collateral consequences include lifetime bans on federal benefits (e.g., food stamps, public housing),
- Diminishing educational outcomes due to school interruption, stigma, and social isolation, and
- Increasing crime and recidivism.

Finally, research suggests that “zero tolerance policies” assigning mandatory consequences for disciplinary infractions in schools contribute to the School-to-Prison pipeline by criminalizing minor infractions.¹²⁶ The intention of zero tolerance policies was to create safer schools that fostered education by removing “problem” students. The reach of zero tolerance policies, however, extends beyond weapons and firearm violations: the policies create mandatory consequences for drug offenses, fighting, bullying, and other disruptive behaviors and often for minor offenses like insubordination. Thus, zero tolerance policies likely contribute to the School-to-Prison Pipeline rather than remediate it,¹²⁷ failing to make schools more orderly or safe while producing life-long negative effects that can severely limit a young person’s future.

Finding #2: Male, Black, Native American, and Latino students, and students with disabilities are over-represented in the School-to-Prison Pipeline nationally.

A central feature of the School-to-Prison Pipeline nationally is the over-representation of boys, Black and Latino students, and students with disabilities. Data describing disparities in school discipline and juvenile justice involvement by gender, race and ethnicity, and special education status follow.

Disparities by Gender -

- *School Discipline:* Boys were suspended at more than twice the rate of girls (9% v. 4%). Some female subgroups are suspended at higher rates than some male subgroups. In 2012, for example, Black girls were suspended at twice the rate of White boys (18% v. 9%) among secondary school students.¹²⁸
- *Juvenile Justice:* Boys were six times more likely to reside in residential correctional facilities than girls. In 2011, 280 boys per 100,000 lived in detention facilities compared to 46 girls per 100,000.

¹²⁴ Lamont et al., 2013 cited by Porowski et al, 2014

¹²⁵ Forsyth et al., 2013 cited by Porowski et al, 2014

¹²⁶ Deal, T., Ely, C., Hall, M., Marsh, S., Schiller, W., & Yelderian, L. (2014). *School Pathways to the Juvenile Justice System Project: A Practice Guide*. Reno, NV: National Council of Juvenile and Family Court Judges. http://www.ncjfcj.org/sites/default/files/NCJFCJ_SchoolPathwaysGuide_Final2.pdf

¹²⁷ Boccanfuso and Kuhlfield, 2011; Cassalla, 2003

¹²⁸ See Losen, D. et al., *Are We Closing the School Discipline Gap?*, Table 9, 2015

Disparities by Race and Ethnicity -

- *School Discipline:* Black students were suspended at three times the rate of White students (15% v. 5%) in 2006. Native American and Latino students were also suspended at a higher rate than White students (7-8%) while Asian students were suspended at a lower rate (3%). Black students were also five times more likely to be expelled than White students (0.5% v. 0.1%).
- *Juvenile Justice:* Black youth are arrested at nearly twice the rate of their White peers,¹²⁹ they are 1.4 times more likely to be detained than their White peers,¹³⁰ and young Black offenders are more than twice as likely to be transferred to an adult court as young White offenders.¹³¹ Latino youth are one and a half times more likely to be incarcerated than White youth nationally.¹³² Latino youth were also sent to detention facilities more often and for longer time periods than White youth committing the same offenses.¹³³

Disparities by Special Education Status -

- *School Discipline:* Students with disabilities were suspended at nearly twice the rate of their non-disabled peers in 2010 (13% v. 7%).¹³⁴ Students of color with disabilities were also suspended at higher rates. In 2010, 25% of Black students with disabilities had been suspended during the school year compared to 12% of Latino students with disabilities, 11% of Native American students with disabilities, 9% of White students with disabilities, and 3% of Asian students with disabilities.
- *Juvenile Justice:* Students with disabilities accounted for 9% of all public school students compared to 33% of youth in juvenile corrections settings in 2005.¹³⁵ In 2006, 65-70% of youth involved in the juvenile justice system had at least one diagnosable mental health disorder.¹³⁶ Black students with learning disabilities were also four times more likely to end up in correctional facilities than similarly situated White students.¹³⁷

Finding #3: Local stakeholders agree that a School-to-Prison Pipeline persists in Montgomery County that merits increased investments in services aimed at meeting the needs of high-risk youth.

OLO staff interviewed a number of local stakeholders to solicit their perspectives on the School-to-Prison Pipeline in the County, including agency staff from Montgomery County Public Schools, Montgomery County Government, and the Maryland Department of Juvenile Services. OLO also had conversations with service providers and local youth and families involved in the juvenile and adult criminal justice systems. Collectively, stakeholders offered their perspectives on three broad themes, described below.

¹²⁹ Office of Juvenile Justice and Delinquency Prevention, *OJJDP Statistical Briefing Book*, Washington, DC, September 08, 2006.

¹³⁰ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.

¹³¹ Building Blocks for Youth, *Youth Crime/Adult Time: Is Justice Served*, Washington, DC, October 26, 2000.

¹³² Human Rights Watch, *Backgrounders: Race and Incarceration in the United States*, New York, NY, February 27, 2002.

¹³³ Building Blocks for Youth, *Donde Esta La Justicia?* Washington, DC, July 2002.

¹³⁴ Losen and Gillespie, 2012

¹³⁵ Quinn, M.M, et al 2005 *Youth with disabilities in juvenile corrections: a national survey*

¹³⁶ Shufelt, J. L., & Cocozza, J. J. (2006). *Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study*. National Center for Mental Health and Juvenile Justice. Research and Program Brief

¹³⁷ Poe-Yamagata and Jones, 2000

Key Features of the School-to-Prison Pipeline in Montgomery County. There is consensus among stakeholders that a small School-to-Prison Pipeline exists in Montgomery County that primarily impacts boys, Black and Latino students, and students with disabilities. Stakeholders identified a number of risk factors for being involved in the juvenile and adult criminal justice systems, including peer pressure, family issues, unemployment, substance abuse, anger control, impulsiveness, trauma, and school failure. Aggressive law enforcement was also mentioned as a driver of the local School-to-Prison Pipeline.

What Works Well in Montgomery County for Reducing the Prison Pipeline. Stakeholders cited three strengths.

- *MCPS' More Comprehensive Approach to School Discipline.* Stakeholders agree that MCPS' revised Code of Conduct provides a progressive approach to student discipline that reduces the use of suspensions and provide educational services to students who have been suspended.
- *Greater Services in Montgomery County than in Other Counties.* Stakeholders cited the coordinated efforts of the Positive Youth Development Initiative, collaborations across agencies to meet the needs of MCPS students, and the coordination of services at the Montgomery County Correctional Facility as examples of services not typically available in other locales.
- *Work across Agencies and Organizations to Reduce the Prison Pipeline.* Stakeholders perceive that staff across agencies and non-profits are committed to working together to improve outcomes among children at risk of criminal justice system involvement. The Collaboration Council's Disproportionate Minority Contact Committee was cited as an example of this collaboration.

Additional Opportunities for Eliminating the School-to-Prison Pipeline. Stakeholders described eight opportunities.

- *Deliver More Services to Address the Root Causes of the Prison Pipeline.* Additional services recommended by stakeholders include behavioral, educational, employment, health, mental health, housing, and child care services, especially in at-risk communities.
- *Schools Should Respond to Challenging Behaviors Therapeutically.* Many of the youth interviewed acknowledged acting out in school as a way of asking for help. Rather than addressing the root causes of misbehavior, however, their actions often led to suspensions.
- *Make Parents and Youth Aware of Rights and Available Services.* Many parents, particularly those with their own challenges, need support to understand their child's rights during the school disciplinary and/or juvenile justice process and the services available to children and families. Several youth interviewed reported being "informally" suspended and sent home from MCPS high schools with no notification or documentation of the suspensions provided to the student or parents.
- *Enhance Youth's Long-Term Relationships with Adults.* High-risk youth often have strained familial relationships that place them at high risk for homelessness and at-risk behaviors. Strong relationships between youth and adults were viewed as essential for enabling youth to transition into adulthood.
- *Improve Coordination and Data Sharing among Agencies and Organizations.* Effective coordination between the schools, County agencies, the juvenile justice system, and community organizations were viewed by stakeholders as essential to ensuring that at-risk youth and their families receive the variety of services they may need. The Kennedy and Watkins Cluster Programs were cited as examples.
- *Expand Diversion Opportunities for Low-Income Youth.* Several stakeholders contend that the costs of complying with current County diversion programs requirements (e.g., program fees, community service hours, and restitution) preclude low-income youth with limited family support from participating – forcing them to enter into the juvenile justice system when charged.

- *Make Schools Engaging for High-Risk Students.* Most of the youth interviewed for this project had dropped out of school. When asked what would have kept them in school, they stated more hands-on opportunities to develop skills (e.g., auto repair, building), supportive school environments, and recreational opportunities.
- *Increase Jobs and Income Generating Opportunities for High-Risk Youth.* Stakeholders noted the difficulty that high-risk youth, and Black offenders in particular, have securing employment after adjudication. Youth interviewed cited their desire for employment and the ability to earn a stipend as a critical feature and benefit of the County’s Conservation Corps Program.

Finding #4: Out-of-school removals and juvenile arrests are on the decline in Montgomery County.

MCPS’ out-of-school removal rate for out-of-school suspensions and expulsions has declined by half since 2011. In turn, MCPS had the lowest out-of-school removal rate in Maryland in 2015. Juvenile arrests in Montgomery County have also decreased, as have intakes at the Department of Juvenile Services, referrals to the County’s juvenile justice diversion programs, and the number of juvenile delinquency cases adjudicated by the Circuit Court. Together, these data trends suggest that the School-to-Prison Pipeline in Montgomery County is small and shrinking, impacting only a small fraction of local youth.

Table 7.1. Summary of Data Trends for School-to-Prison Pipeline Contact Points

			% Change
MCPS Data Points (School Years)	2011	2015	
- School Removal Incidents	4,900	2,447	-50%
- Unduplicated Count of Students Removed	3,674	1,804	-51%
- Percentage of Students Removed from School	2.6	1.2	-54%
Juvenile Arrest Data Points (Fiscal Years)	2012	2015	
- Number of Arrests	4,517	1,776	-61%
- Number of Arrests per 10,000 Youth	485.1	195.6	-60%
DJS Data Points (Fiscal Years)	2011	2015	
- Total Intakes	2,817	2,303	-18%
- Total Charges	4,369	3,672	-16%
Circuit Court Data Points (Fiscal Years)	2011	2014	
- Delinquency Cases	4,245	2,354	-45%
SASCA Data Points (Fiscal Years)	2011	2015	
- Youth Screened by SASCA	761	591	-22%
Teen Court Data Points (Fiscal Years)	2012	2014	
- Referrals to Teen Court	387	331	-14%

Finding #5: Out-of-school removals and youth arrests mostly occur for minor and misdemeanor offenses in Montgomery County.

Data show that 90 percent of all out-of-school removals within MCPS occur for three sets of offenses – fighting/threats/attacks, disrespect/insubordination/disruption, and dangerous substances. Weapons, arson, and sex offenses comprise only a small proportion of out-of-school removals. Misdemeanors and status offenses (offenses only because the person is underage, e.g., underage drinking) accounted for four in five arrests in MCPS high schools in 2015 and four in five delinquency complaints processed by DJS in 2014.

Table 7.2. Offenses Leading to Out-of-School Removal in MCPS by Major Offense Category, 2015

Offense Category	#	%
Attacks/Threats/Fighting	1,571	64%
Disrespect/Insubordination/Disruption	301	12%
Dangerous Substances	260	11%
Weapons	134	5%
Sex Offenses	68	3%
Arson/Fire/Explosives	22	1%
Other	61	2%
Total	2,447	100%

Table 7.3. Arrests at MCPS High Schools by Type of Offense, FY15

Offense	#	%
Part II Crimes	133	80%
Drug Offenses (Possession)	66	40%
Weapons	27	16%
Minor Assaults (2 nd Degree)	20	12%
Other	10	6%
Disorderly Conduct	6	4%
Alcohol Violations	3	2%
Sex Offenses	1	0%
Vandalism	0	0%
Part I Crimes	33	20%
Theft (Larceny)	17	10%
Robbery	8	5%
Aggravated Assaults (1 st Degree)	5	3%
Burglaries	3	2%
Total	166	100%

Table 7.4. DJS Intake Cases by Offense Category, FY15

Offense Category	#	%
Misdemeanor	1,479	64%
Status Offense	318	14%
Crime of Violence	309	13%
Felony	166	7%
Total	2,303	100%

Finding #6: Out-of-school removals and SRO arrests are concentrated in a subset of MCPS schools.

There is significant variation in the use of out-of-school removals and arrests among MCPS secondary schools. Out-of-school removals were concentrated among five high schools and eight middle schools in 2015. While Northwest, Montgomery Blair, Springbrook, Gaithersburg, and Wheaton High Schools made up 23 percent of MCPS' high school enrollment, they accounted for 37 percent of out-of-school removals in high schools. Moreover, students enrolled at Rocky Hill, Forest Oak, Francis Scott Key, Loiderman, White Oak, Martin Luther King, Roberto Clemente, and Benjamin Banneker Middle Schools comprised 22 percent of MCPS' middle school enrollment, but nearly half (47%) of all out-school removals in middle schools.

Table 7.5. Proportion of MCPS High School Students Compared to Out-of-School Removals, 2015

High Schools	Students	Removals	Ratio of Removals to Students
Total Number	45,242	1,025	
Northwest, Montgomery Blair, Springbrook, Gaithersburg, Wheaton	23%	37%	1.61 (61% more likely)
Clarksburg, Einstein, Paint Branch, Watkins Mill, Kennedy	19%	27%	1.42 (42% more likely)
Richard Montgomery, Seneca Valley, Macgruder, Blake, Wootton	19%	19%	1.0 (as likely)
Sherwood, Northwood, B-CC, Walter Johnson, Quince Orchard	21%	11%	0.52 (48% less likely)
Damascus, Rockville, Whitman, Poolesville, Churchill	17%	5%	0.29 (71% less likely)

Table 7.6. Proportion of MCPS Middle School Students Compared to Out-of-School Removals, 2015

Middle Schools	Students	Removals	Ratio of Removals to Students
Total Number	33,169	989	
Rocky Hill, Forest Oak, Francis Scott Key, Loiederman, White Oak, Martin Luther King, Jr., Roberto Clemente, Benjamin Banneker	22%	47%	2.14 (114% more likely)
Eastern, Parkland, Silver Spring International, Neelsville, Takoma Park, Montgomery Village, Julius West, Briggs Chaney	22%	27%	1.23 (23% more likely)
Westland, Herbert Hoover, Newport Mill (2014), Kingsview, John Baker, Redland, Ridgeview, Sligo	19%	15%	0.79 (21% less likely)
William Farquhar, Col. Lee, Argyle, Rosa Parks, Shady Grove, North Bethesda, Tilden, Thomas Pyle	21%	9%	0.43 (57% less likely)
Earl B. Wood, John Poole, Lakelands Park, Gaithersburg, Cabin John, Robert Frost	15%	2%	0.13 (87% less likely)

Arrests in high schools were also concentrated among a subset of MCPS schools in 2015. Six MCPS high schools – Montgomery Blair, Paint Branch, Einstein, Wheaton, Northwest, and Seneca Valley – accounted for nearly 60 percent of high-school arrests in 2015. When controlling for student enrollment, arrest rates ranged from a high of 10 per 1,000 students at Paint Branch and Montgomery Blair high schools to a low of 0 arrests per 1,000 students at Blake, Macgruder, and Quince Orchard High Schools.

Finding #7: Males, Black students, students with disabilities, and to a lesser extent Latino students are over-represented in the School-to-Prison Pipeline locally.

Available local data on out-of-school removals and juvenile justice contact demonstrate that the School-to-Prison Pipeline disproportionately impacts boys, Black students, and students receiving special education services, and to a lesser extent, Latino students. Boys comprise half of school enrollment and account for three in four students both removed from school and processed by DJS for juvenile delinquency. Black students comprise one in five MCPS students and accounted for half of out-of-school removals and more than half of DJS intakes, new commitments, and detentions. Moreover, students with disabilities account for one in ten MCPS students while accounting for three in ten out-of-school removals.

Table 7.7. Demographic Distribution of Youth among School-to-Prison Pipeline Contact Points

	MCPS Enrollment	School Removals	DJS Intakes	DJS New Probations	DJS New Commitments
Year	2015	2015	2015	2014	2014
Male	52%	73%	76%		
Female	48%	27%	24%		
Black	21%	50%	54%	58%	69%
Latino*	28%	32%	29%	29%	23%
White	31%	12%	17%	13%	6%
Asian	14%	2%			
Multiple Races	5%	4%			
Special Education	12%	30%			
Non-SPED	82%	70%			

* DJS intakes for “Latino” in 2015 also include “Other” – which includes Asian and Unknown youth. In FY14, Latinos accounted for 22% of DJS intakes and Asians/Other accounted for 7% of DJS intakes.

Finding #8: Black youth are under-represented in local juvenile justice diversion programs.

As noted in Finding 7, Black youth accounted for over half of DJS intakes for juvenile delinquency in 2014. Yet, that same year, Black youth accounted for a quarter of the youth referred by MCPD to SASCA for juvenile justice diversion and a third of the youth referred by the State’s Attorney’s Office (SAO) to Teen Court. Conversely, White youth accounted for one fifth of DJS intakes but accounted for more than half of youth referred by MCPD to SASCA and more than two-fifths of youth referred by the SAO to Teen Court. Youth who successfully complete diversion programs have their cases resolved without DJS involvement.

Table 7.8. Distribution of Diverted Youth by Race and Ethnicity, 2014

	Local Population	DJS Intakes	SASCA Diversion	Teen Court
Black	19%	52%	23%	33%
Latino	21%	22%	27%	21%
White	41%	19%	56%	43%
Asian/Other	19%	7%	5%	3%

The delinquency offenses that are referred for diversion may help explain the under-representation of Black youth among the County’s diversion programs. Drug offenses, alcohol violations, and thefts comprised nine in ten referrals to SASCA and eight in ten referrals to Teen Court while misdemeanor assaults accounted for few referrals to either program. If Black youth are more likely to be charged with assault than other demographic groups, then they are less likely to be referred to juvenile diversion programs in Montgomery County.

Finding #9: MCPS’ programs and practices align with many school-based best practices for stemming the School-to-Prison Pipeline but opportunities for better alignment and program improvement exist.

The Council of State Government’s School Discipline Consensus Report identifies a number of school-based best practices for reducing the School-to-Prison Pipeline. Although an assessment of how well MCPS implements its policies and programs was beyond the scope of this project, OLO finds that MCPS’ stated practices and policies align with many of the recommended best practices for stemming the School-to-Prison Pipeline. More specifically, MCPS:

- Reports out-of-school removal data by student subgroup and examines data.
- Requires that school improvement plans include strategies for improving school climate and alternatives to out-of-school removals to manage behaviors.
- Requires school administrators and staff in PBIS schools to receive training on creating effective learning climates for all students and in de-escalation techniques.
- Partners with DHHS and community-based groups to provide a systems-of-care approach that delivers a comprehensive array of interventions for behavioral health and related needs in schools with Linkages to Learning, Wellness Center, and Cluster Project sites.
- Uses school support teams to address intensive academic and behavioral needs and to make referrals.
- Provides alternative education options for students who are removed from school and for students who are not succeeding in traditional schools.
- Supports effective behavior management in schools by providing training on non-violent crisis prevention and intervention, assistance with functional behavior supports and behavioral improvement plans, and access to mental health professionals in ED Unit programs.

Opportunities for MCPS to further align its programs and practices with best practices for stemming the School-to-Prison Pipeline include:

- Developing a district-level school climate plan and annual school climate reports that identify school needs, target resources, and monitor results.
- Adding strengths-based indicators to its Early Warning Indicators (e.g., hope, engagement, and well-being) and using this system to identify students in need of supports districtwide.
- Assessing students' behavioral health and related needs and the districts' capacity to meet those needs.
- Engaging in a collaborative process with community-based stakeholders to annually review multiple data sources and to regularly review and evaluate implementation of the Code of Conduct and the School Resource Officer Program with MCPD.

Finding #10: Local law enforcement and juvenile justice programs and practices align with many best practices for stemming the School-to-Prison Pipeline but opportunities for further alignment exist.

The Council of State Government's School Discipline Consensus Report also identifies a number of best practices for law enforcement, juvenile justice agencies, and the courts for reducing the School-to-Prison Pipeline. Although an assessment of how well local law enforcement and juvenile justice agencies implement their policies and programs was also beyond the scope of this project, OLO finds that these agencies' stated practices and policies align with many of the recommended best practices for stemming the Prison Pipeline. More specifically, local law enforcement and juvenile justice practices aligns with best practices such that:

- Policies and procedures are in place to ensure that MCPS schools do not rely on School Resource Officers to respond students' minor misbehavior.
- School Resource Officers are encouraged to use their discretion to minimize arrests for minor offenses.
- MCPD has developed recruitment and selection procedures to ensure that SRO's are suited to their positions and receive training, supports, and supervision.
- There is a written memorandum of understanding formalizing the MCPS and law enforcement partnership that is periodically reviewed and refined based on feedback from agency stakeholders.

- Students who are arrested and charged with minor school-based offenses are often diverted from further involvement in the juvenile justice system.
- DJS, MCPS, and local school administrators ensure that youth released from correctional facilities or placed in community-based settings are reenrolled in local public schools with effective supports.

Opportunities for local law enforcement and juvenile justice agencies to further align their programs and practices with best practices for stemming the School-to-Prison Pipeline include:

- MCPD and MCPS engaging in a collaborative process with community-based stakeholders to annually review multiple data sources to review and regularly evaluate the SRO Program.
- Improved data systems to track the experiences of youth across agencies to evaluate the efficacy of current programs aimed at stemming the Prison Pipeline and to support program improvements.
- The regular review of SRO arrest and juvenile court data to determine the existence of disproportionality by race and ethnicity in juvenile justice involvement, to determine the offenses that lead to charges, to examine how they are handled, to identify schools with the highest rates of referrals for minor offenses, and to develop action plans to help reduce referrals for minor offenses.
- The consistent use of school-based data and risk assessments to guide diversion decisions that are responsive to youth's needs.

B. Recommendations for Discussion

The existence of a School-to-Prison Pipeline in Montgomery County that disproportionately impacts boys, Black and Latino youth, and students with disabilities raises questions about whether state and local agencies serving high-risk youth and their families provide sufficient support and services that could eradicate the Pipeline. State and local agencies impacting the School-to-Prison Pipeline include:

- Montgomery County Public Schools
- Montgomery County Department of Health and Human Services
- Montgomery County Police Department
- State's Attorney's Office
- Office of the Public Defender
- Montgomery County Department of Correction and Rehabilitation
- Maryland Department of Juvenile Services
- Montgomery County Circuit Court
- Montgomery County Collaboration Council for Children, Youth and Families

This report finds that many of these agencies practices align with best practices for stemming the School-to-Prison Pipeline. MCPS continues to reduce the number and percentage of students it suspends, MCPD has reduced its juvenile arrest rate, DHHS and the SAO offer juvenile justice diversion programs for first-time offenders, DJS has reduced the number of complaints it refers to court, the Office of the Public Defender and DOCR offer transition services to adjudicated youth, and the Collaboration Council has assembled these and other partners to identify and implement strategies aimed at reducing the disproportionate contact of youth of color in the juvenile justice system.

This report, however, also finds that several opportunities for better aligning local practices to best practices exist for stemming the School-to-Prison Pipeline. These include:

- Engaging and responding to systematic feedback from community partners and parents on the effectiveness of school-police partnerships in the County;
- Improving data systems to track and monitor juvenile arrests in MCPS schools and the processes to assess the behavioral health needs of MCPS students; and
- Expanding access to juvenile justice diversion programs for low-income and Black youth.

OLO recommends that the County Council discuss with MCPS and Montgomery County Government representatives the merits and feasibility of implementing these three best practices that are described in greater detail below. OLO also recommends that the County Council task the Collaboration Council's Disproportionate Minority Contact Committee with reviewing this OLO report and offering the Council additional recommendations for action, as warranted.

Recommendation #1: Task citizen groups representative of community stakeholders to regularly provide feedback to MCPS and MCPD on the Code of Conduct and School Resource Officer Program.

Best practices from the School Discipline Consensus Report recommend involving a diverse group of stakeholders (1) to review multiple data sources to evaluate the need for officers on school campuses, and (2) to reassess the success and effectiveness of current school-police partnerships at maintaining school safety by supporting engaging learning environments while minimizing students' involvement in the juvenile justice system. Toward this end, best practices recommend engaging students, their families, and the adults in the school who have contact with students, as well as service providers or community members.

Locally, MCPS briefs the Board of Education, school-based staff, and community groups on its Code of Conduct. Further, MCPS and MCPD regularly engage with each other to evaluate the SRO Program and improve their collaboration. These discussions, however, generally do not include parents or community members or seek their feedback on program outcomes based on a review of program data and performance measures.

OLO recommends that the County Council task MCPS and MCPD to formally include parents and community stakeholder groups impacted by the School-to-Prison Pipeline in their regular reviews of the Code of Conduct and SRO Program based on relevant program data. Existing citizens' groups to consider engaging in the regular review of these programs include the NAACP Parent's Council, the DHHS Commission on Juvenile Justice, and local special education advocacy groups.

Recommendation #2: Improve data available to agency leaders and community stakeholders to evaluate current efforts and to target program improvements.

Best practices recommend that school districts and local agencies collect and analyze school discipline and other related data that allow policymakers, educators, parents, and other stakeholders to evaluate the effectiveness of efforts to improve school discipline policies and practices. More specifically, best practices recommend that school systems and partner agencies collect and monitor data on the following measures to assess and support program improvement:

- School climate,
- Behavioral health needs of the student population,
- The relationship between local law enforcement and the school,
- The nature of school-based referrals to the juvenile justice system, and

- School-based arrest data by race and ethnicity.

While this project noted the use of data by several agencies to track individual program outcomes, OLO found an insufficient use of data and evaluation across agencies to discern if current efforts are stemming or expanding the School-to-Prison Pipeline for minor, school-based offenses. The data limitations noted include a lack of trend data on school-based arrests by race and ethnicity, a lack of data on how school-based arrests are addressed and resolved in court, the inability of DHHS to track the experiences of youth it serves across its various programs, and an absence of data on the experiences of students suspended and expelled from MCPS in the juvenile justice and criminal justice systems locally. This report also noted that MCPS does not systematically collect data on two measures that can contribute to the School-to-Prison Pipeline: school climate and students' behavioral health needs.

OLO recommends that the County Council task the agencies impacting the School-to-Prison Pipeline locally – MCPS, Montgomery County Government, the State's Attorney's Office, and the Circuit Court – to work together to collect and share data across measures that reflect the dimensions of the issue. Using the School Discipline Consensus Report as a guide, these agencies can identify key data points to support decision making, collect this data, track performance outcomes, and modify programming as needed. OLO further recommends that the County Council task these agencies to share this data with community stakeholders and elicit their feedback on the effectiveness of efforts to stem the School-to-Prison Pipeline.

Recommendation #3: Expand juvenile justice diversion for misdemeanor offenders not currently eligible for DHHS Juvenile Justice Services (SASCA) or Teen Court.

Best practices recommend that students who are arrested and/or charged with minor school-based offenses be diverted, whenever appropriate, from further involvement with the juvenile justice system. There are multiple points at which a student may be diverted from formal case processing: at the point of referral where school administrators and resource officers have the discretion to arrest or to refer a student to a diversion program; as well as after arrest whereby a student may be diverted to an alternative court (e.g., youth court), or a school-, court-, or community- based treatment program.

DHHS and the SAO offer two main diversion programs for youth offenders in Montgomery County: SASCA and Teen Court. Each program mainly serves youth charged with alcohol and drug violations or theft, and youth completing these programs avoid juvenile justice involvement. Black youth, however, are disproportionately under-represented in these two diversion programs compared to being over-represented on every other juvenile justice contact point. Stakeholders interviewed also found that there are barriers to low-income youth, English language learners, and youth of color participating in and successfully completing these diversion programs. OLO also found that unlike other diversion programs across the state, Montgomery County's two main diversion programs exclude youth charged with misdemeanor assault, which may contribute to the under-representation of Black youth in these programs.

OLO recommends that the County Council task MCPD, the SAO, and DHHS with expanding local diversion opportunities that enhance the participation of low-income and Black youth in diversion programs. This may include expanding the offenses eligible for local diversion programs to include offenses such as simple assault. OLO further recommends that these local agencies review the policies and practices of sister teen court programs in Baltimore City and Charles County for advice on how to effectively include youth charged with misdemeanor assault in local juvenile justice diversion programs.

Recommendation #4: Task the Collaboration Council to address information gaps in the School-to-Prison Pipeline locally and to provide additional recommendations to the County Council.

Montgomery County is one of five jurisdictions in Maryland that receives federal funding to support a Disproportionate Minority Contact (DMC) Committee of county-based juvenile justice stakeholders who meet regularly to discuss and monitor local DMC reduction strategies.

The Montgomery County Collaboration Council for Children, Youth, and Families houses Montgomery County's DMC Committee and employs the local DMC coordinator. The DMC coordinator, Elijah Wheeler, is responsible for directing attention to several focal areas and leveraging the committee's power to affect change across county programs and policies that affect youth. DMC Committee focal areas in Montgomery County have included promoting equal justice for all youth by expanding alternatives to detention available in the County and improving DMC Committee members' understanding of biases in the juvenile justice system.

As noted by the University of Maryland's 2011 report on DMC in the Maryland Juvenile Justice System, "the power of local DMC committees is rooted in the occupational diversity of its membership and the strength of its leader."¹³⁸ Montgomery County has a strong leader as its current DMC Coordinator who has leveraged agencies and non-profits assets of DMC Committee participants to support the implementation of the Evening Reporting Center in Silver Spring (an alternative to detention) and the Children in Need of Supervision (CINS) Pilot program that offers services to high-needs youth.

The current DMC Coordinator has shared with OLO the Collaboration Council's desire to add the School-to-Prison Pipeline as a focal point for the DMC Committee's work in 2016. Given their interest and expertise, OLO recommends that the County Council task the DMC Committee to undertake a review of the policies and programs of its member agencies and non-profits to further describe the dimensions of the School-to-Prison Pipeline in Montgomery County and develop recommendations for reducing the Pipeline. Agencies and organizations that serve on the DMC Committee include MCPS, MCPD, DJS, DHHS, SAO, the Office of the Public Defender, and the Circuit Court, as well as community-based service providers such as the Mental Health Association and Lead for Life.

The DMC Committee is uniquely poised to address questions left unanswered in this report and to offer recommendations to the County Council to stem the School-to-Prison Pipeline. As staff leaders within their agencies and organizations, members of the DMC Committee are also poised to scale up some of the best practices identified in this report and to identify additional opportunities for program coordination and improvement.

Specific research questions that the DMC Committee could investigate as follow up to this report include:

- What are actual experiences of youth in the Pipeline? In particular, what are the experiences of the following youth subgroups: students with emotional disabilities, LGBT and non-gender-conforming youth, and MCPS students with multiple suspensions and/or expulsion from school?
- What is the role of varying MCPS programs in meeting the needs of students at high risk of entering the School-to-Prison Pipeline and how effective are non-public schools in meeting the needs of students with disabilities at high risk for entering the Pipeline?

¹³⁸ Page xi, Disproportionate Minority Contact in Maryland Juvenile Justice System, Institute for Governmental Service and Research, University of Maryland, College Park, January 2011

- What gaps, if any, exist between services available and services needed for high-risk youth and their families? Within MCPS and DHHS, what is the availability and efficacy of tier 2 and tier 3 services to meet the needs of students at highest risk of entering the Pipeline?
- How successfully are County agencies implementing best practices? Where do opportunities for improvement exist? What are the costs of implementing best practices with success and the consequences of the status quo?
- What data points need to be shared across DMC Committee agencies and non-profits to ensure that high-risk youth are receiving services?

Finally, tasking the DMC Committee with reviewing this report and developing additional recommendations provides an opportunity (1) to draw more attention to the School-to-Prison Pipeline in the County, (2) to leverage the important work of the DMC Committee in addressing the needs of high-risk youth, and (3) to encourage program improvements across agencies and non-profits aimed at eradicating the Pipeline.

SCHOOL-TO-PRISON PIPELINE

Today's Students Experience...

Prison-Like Environments

- SURVEILLANCE CAMERAS
- POLICE DOGS
- ARMED GUARDS
- SCHOOL AND LOCAL POLICE ON CAMPUS
- METAL DETECTORS
- STRIP SEARCHES
- PHYSICALLY UNINVITING BUILDINGS

Under Investment

- CUTBACKS ON COUNSELORS, SOCIAL WORKERS AND MENTAL HEALTH RESOURCES
- UNDERFUNDED AND UNDER-RESOURCED SCHOOLS

Harsh School Discipline

- OUT-OF-SCHOOL SUSPENSIONS
- EXPULSIONS
- TRANSFERS TO ALTERNATIVE SCHOOLS
- ZERO TOLERANCE POLICIES

Pressures & Uncertainty

- SCHOOL CLOSURES
- PRIVATIZATION
- HIGH-STAKES TESTING PRESSURES ON STUDENTS, TEACHERS AND ADMINISTRATORS
- IMPLICIT AND EXPLICIT BIAS

Youth of color, LGBTQ students, and students with disabilities are punished more often and more harshly than their peers for the same misbehavior.

Out-of-School Suspensions

OVER **3,000,000** students receive an out-of-school suspension annually.

A NUMBER THAT HAS BEEN RISING FOR DECADES.

School Arrests

OVER **70%** of students involved in school-related arrested or referred to law enforcement are Hispanic or African-American.

SUSPENSIONS, RACE & DISABILITY
Likelihood of Being Suspended at Least Once

WHITE		1/20
LATINO		1/14
NATIVE AMER.		1/13
BLACK		1/6
BLACK WITH DISABILITY		1/4

OVER **67%** of school arrests in Florida are for minor misdemeanor charges.

STUDENTS HAVE ACTUALLY BEEN SUSPENDED FOR...

- Talking about a Hello Kitty bubble gun
- Hugging a friend
- Chewing a Pop Tart into the shape of a gun

HARSH DISCIPLINE POLICIES =

- No Trust in Adults
- No College or Career
- No Safer Schools

STUDENTS HAVE ACTUALLY BEEN ARRESTED FOR...

- Kindergartener throwing a temper tantrum
- Scribbling on a desk
- Sneaking into school for a senior prank
- Playing the *Fresh Prince* theme song on a cellphone
- Science experiment gone wrong

Just **ONE** out-of-school suspension in the 9th grade **DOUBLES** a student's risk of dropping out before graduation.

BOOKS NOT BARS

END #SCHOOL2PRISON

YOU CANT BUILD PEACE WITH A PIECE

NO QUALITY NO LIFE

EDUCATION NOT INCARCERATION

PUSH BACK