

MEMORANDUM

October 20, 2016

TO: HHS/ED Committee

FROM: Elaine Bonner-Tompkins, Senior Legislative Analyst *EBT*
Office of Legislative Oversight

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

On October 24th, the joint HHS/ED Committee will hold a follow up worksession to the ED Committee's March 7th worksession on Office of Legislative Oversight Report 2016-6. This report is accessible on-line at www.montgomerycountymd.gov/olo.

On March 7th, the ED Committee tasked the the Disproportionate Minority Contact (DMC) Committee at the Montgomery County Collaboration Council to review the OLO report and offer recommendations for next steps. Membership on the DMC Committee includes local law enforcement, service providers, Montgomery County Public Schools, the Department of Juvenile Services, and community-based organizations. On October 24th, representatives of the DMC Committee will share their recommendations for next steps for addressing the School to Prison Pipeline in Montgomery County Public Schools.

Of note, the DMC Committee has also been working closely with the Department of Juvenile Services, local law enforcement, and the State's Attorney's Office to implement other strategies to expand diversion opportunities that reduce minority contact with the juvenile justice system.

Two members of the DMC committee will join the worksession to share their collective recommendations:

- Elijah Wheeler, Social Justice Coordinator and DMC Reduction Coordinator, Montgomery County Collaboration Council; and
- Daniel Uwanamodo, Wheaton High School Senior and DMC Committee Member.

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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

			% 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%



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>



**D.M.C. Reduction Committee
Redressing the “School to Prison Pipeline” in MCPS
Recommendations for Action 2016**

Create a Universal School Climate Plan

- Create Supportive Communities in schools

Action Item(s):

Provide Culturally relevant instruction and discussion around current events in schools/Hold Culturally relevant events in schools/Provide more mental health professionals needed in schools/ Expectations that all students are capable and capable of success

Arrests in Schools

- Limit arrests taking place on schools grounds

Action Item(s):

Define role of SRO’s in schools for students and parents/Arrests on campus during school day should be done privately as possible/Team of administrators meeting should happen prior to on campus arrests if possible/SRO’s involved in all MCPS teacher trainings around cultural competency and adolescent behaviors and brain development

Data

- Data sharing agreements are needed – that means everyone not just the school system

Action Item(s):

Documentation of efforts made to re-engage students who drop out / Data capturing information on undocumented and informal interactions related to discipline/ OLO report a year later on School to Prison Pipeline data(following 2016-17 school year)



Youth with Disabilities

- Reduce the disproportionate amount of Black boys in special education that are suspended/expelled

Action Item(s):

More experienced staff working with this population/ Determine if behavior is a manifestation of student's disability or diagnosis/ Survey students, parents and guardians of black boys with disabilities on their experiences in the school and juvenile justice systems/Remove barriers to family involvement/ Consider the role of trauma without limiting definition of trauma

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
EDUCATION COMMITTEE**

Monday, March 7, 2016
2:05 – 4:00 PM
3rd Floor Council Conference Room

PRESENT

Councilmember Craig Rice, Education Committee Chair
Councilmember Nancy Navarro
Councilmember Marc Elrich
Councilmember Sidney Katz

SUBJECT: Office of Legislative Oversight Report 2016-6: The School-to-Prison Pipeline in Montgomery County

Reference: March 3rd memorandum from Elaine Bonner-Tompkins (Senior Legislative Analyst) and Leslie Rubin (Senior Legislative Analyst), Office of Legislative Oversight.

OLO staff briefed the ED Committee on the School-to-Prison Pipeline Report. They noted six key findings based on their analysis of available data and information:

- The School-to-Prison Pipeline refers to the heightened risk of juvenile and criminal justice involvement among youth who have been suspended, expelled, or who dropped out of school.
- The local School-to-Prison Pipeline is relatively small and shrinking as reflected by the percentage of students suspended and arrested in the County and the decline in delinquency cases addressed by the Circuit Court.
- Three local drivers of the Prison Pipeline include risk factors, three sets of juvenile offenses (fights, disruptions, and dangerous substances), and a subset of MCPS secondary schools.
- Boys, students with disabilities, Latinos, and Black students are over-represented in out-of-school suspensions, expulsions, and juvenile justice intakes. Black students, however, are under-represented in juvenile diversion programs.
- Many local agency practices align with best practices for stemming the School-to-Prison Pipeline, but several opportunities exist for further alignment.
- Stakeholders from local agencies and the community also noted several opportunities for improving local approaches to stemming the Prison Pipeline.

OLO staff also described the report's four recommendations for Council action:

- Task citizens' groups to provide regular feedback to MCPS on Code of Conduct and to MCPD on School Resource Officer Program
- Improve data available to agency leaders and community stakeholders to evaluate current programs and target program improvements
- Expand diversion programs for misdemeanors and access to low-income youth

- Task the Disproportionate Minority Contact Committee of the Collaboration Council to address information gaps and provide additional recommendations.

Following the OLO report briefing, Board of Education President Michael Durso and MCPS Executive Directors Lori-Christina Webb and Ruschelle Reuben offered remarks and a brief presentation describing their Code of Conduct, Restorative Justice Pilot Project in 11 schools, and other supports and initiatives. They noted that suspensions have declined but acknowledged that disproportionality (e.g. the over-representation of Black youth among suspended students) remains a pressing concern. With training and support, they are hoping to change the culture of schools.

Other local agency staff in attendance at the worksession included:

- Darryl McSwain, Montgomery County Police Department
- Joanne Barnes and Raymond Crowell, Department of Health and Human Services
- George Simms and Georgine DeBord, State's Attorney's Office
- Gale Starkey, Department of Corrections and Rehabilitation
- Elijah Wheeler, Collaboration Council for Children, Youth, and Families

Council members raised several questions with agency leaders represented at the worksession. A summary of key questions and responses offered follows:

- What additional resources is MCPS employing to implement its Restorative Practice Pilot? MCPS Executive Director Lori-Christina Webb stated that no additional staff has been deployed and that current staff is expected to do more. MCPS staff believes, however, that in the long term this will save staff time and increase instructional time.
- What is MCPS doing to address the opportunity gap and the root causes of the Prison Pipeline? This question was not directly responded to during worksession. Councilmembers noted the importance of investing in supports at the elementary level to improve student engagement and success and to disrupt the Pipeline.
- What is the process for determining who participates in diversion programs in the County? This question was also not directly addressed, but MCPD Assistant Chief McSwain committed to responding to this question after worksession.
- If an assault occurs on campus, which party determines the consequences of the offense: the principal or the police? Assistant Chief McSwain responded that the school resource officer and school personnel "huddle up" to determine the most effective response. Assistant State's Attorney George Simms also indicated that his office uses two factors to determine the severity of charges: the interests of the community and the interests of the student.

Following the discussion, the ED Committee endorsed the four recommendations proposed by OLO for project follow up. The ED Committee also endorsed eight recommendations from agency and community stakeholders:

- Deliver more services to address root causes
- Require schools to therapeutically respond to challenging behaviors
- 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
- Make schools engaging for high-risk youth
- Expand juvenile diversion programs for low-income youth
- Increase employment opportunities for high-risk youth

The ED Committee directed OLO staff to work with agency staff to implement the four recommendations, including drafting correspondence to the Teen Court Advisory Committee to describe the Committee's support for expanding juvenile justice diversion programs in the County. The ED Committee also directed the DMC Committee to report back to the ED Committee within six months to describe its follow up efforts on this project.

