



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

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**BILL 46-20—POLICE-SCHOOL RESOURCE OFFICERS-PROHIBITED
COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SUPPORT**

Executive Summary of Testimony on Bill 46-20

The Montgomery County Women's Democratic Club supports the prohibition of County funds for the deployment of School Resource Officers in our public schools for the following reasons:

1. **Focus on teaching and learning.** Education practitioners, policymakers, and researchers agree that effective discipline is focused on teaching and learning, not punishing students. To achieve success, all students need to feel safe, supported, respected, and valued. The SRO program, while well-intentioned, has resulted in harming, not supporting, students.
2. **Criminalization of minor infractions.** The presence of SROs in MCPS schools has increased the likelihood that school officials will turn to SROs and law enforcement to deal with discipline incidents, resulting in arrests of children for minor infractions that should have been treated as violations of the school code of conduct, not crimes.
3. **Disproportionality.** The disproportionate arrest of Black students is alarmingly high. In three of the last five years, the arrest rate for Black students was three times the rate for white students and more than 10 times in school year 2017-2018 and in the last year.
4. **Explanations for disproportionality.** There is no research supporting the claim that Black students are more likely to engage in problematic behavior. Instead, there is a very real concern that racial bias, often unconscious, on the part of teachers, school officials, and police is coming into play. The arrests of Black students in MCPS high schools account for a disproportionate share of the arrests for misbehavior for which the police officer is making a subjective determination (e.g., fighting or attacks on students). We should not support a program that allows discretion in combination with implicit racial bias to harm Black students.
5. **Effects of harsh discipline.** Research shows that harsh discipline—suspension, expulsions, and arrests—has injurious effects on students, particularly students of color. A school-based arrest, often accompanied by suspension, interrupts the learning process and social bonds needed for social development. Students can become alienated, distrustful, resentful, and hostile. Harsh discipline is associated with academic failure, dropping out, and future behavioral issues.
6. **Consequences of arrests.** Most of the students who are arrested are also referred to the Department of Juvenile Services. Black youth are less likely to benefit from an informal resolution of the charges and



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more likely to be over-represented in the parts of the process associated with a risk for later involvement in the adult criminal justice system and life-long negative consequences.

7. **SROs not needed in schools for safety.** There is no evidence that the presence of SROs has a safety effect. The police department can provide necessary law enforcement coverage to the schools without having armed SROs on-site everyday patrolling the hallways. There can be collaboration and communication to ensure adequate emergency preparedness and address any threats to school safety.
8. **School climate.** Having a healthy school climate is key to education success. We need to pay attention to what our students are saying about having armed officers in their schools. We will not be promoting a school environment that supports student engagement and learning if we ignore student comments that indicate the SROs make students feel uncomfortable or threatened or that SROs do not treat students of color fairly.
9. **Safe schools without police.** To help schools respond appropriately to problematic behavior, we need to make investments in our schools that are consistent with State guidance and the research on discipline and adolescent development. We should provide the mental health services and hire the counselors, school psychologists, social workers, and other professional staff that will enable our schools to implement best practices. We need to commit to practices that will interrupt, not contribute to, the school-to-prison pipeline.

Respectfully,

Diana Conway
President



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BILL 46-20—POLICE-SCHOOL RESOURCE OFFICERS-PROHIBITED COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SUPPORT

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

WDC thanks Councilmembers Will Jawando and Hans Riemer for their lead sponsorship of Bill 46-20, a bill that would prohibit the use of County funds for the deployment of School Resource Officers (SROs) in our public schools. We see the removal of SROs from our schools as necessary to provide the positive, supportive, and safe learning environments that ALL children deserve to have. We are disturbed by the racial imbalance in the arrest data and have concluded that SROs' presence does more harm than good, despite the best of intentions to deploy SROs to protect our children from harm. In particular, we believe the SRO program has resulted in harsher, more punitive discipline in our schools than is justifiable, has contributed to maintaining the school-to-prison pipeline for Black students, students of color, and students with disabilities, and undermines a welcoming school climate for all students.

The Issue. To achieve education success, need to feel safe, supported, respected, and valued. To maintain this kind of school environment, we need to keep our students in school to maximize classroom-based instructional time, provide support and interventions that address root causes when children break the rules, and hold children accountable in a manner consistent with their development and that helps prevent inappropriate conduct and minimizes harm to them. The SRO program, while well-intentioned, does not advance these goals. Moreover, it has had unintended, undesirable effects on our schools and our students.

During the past five years, there have been a total of 1,113 arrests in Montgomery County public schools, mostly by SROs. This statistic, in and of itself, should be of concern because of what we know about the effect of harsh disciplinary policy. However, what is even more alarming is that some 46 percent of these arrests were of Black students, who represent just 20 percent of the school population. The arrest rate for Black students was about three times the rate for white students in school years 2015-2016, 2016-2017, and 2018-2019 in MCPS and more than 10 times the rate in 2017-2018 and 2019-2020. Inexplicable, unjustifiable racial disparities in the administration of discipline in our school and justice in our society raise serious equity issues.¹ There are also very troubling disparities in the arrest rates of Hispanic students and students with disabilities.

¹ All of our calculations of arrest rates use publicly available data. The arrest data are found in: Maryland State Department of Education (MSDE), Maryland Public School Arrest Data for School Years 2015-2016, 2016-2017, 2017-2018, 2018-2019. <http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/StudentArrest/index.aspx>. The arrest data for 2019-2020 can be found in a slide presentation made to the Montgomery County Board of Education on October 5, 2020, [https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/BU5PS965F571/\\$file/Arrest%20Data%20SRO%20Work%20Group%20201005%20PPT.pdf](https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/BU5PS965F571/$file/Arrest%20Data%20SRO%20Work%20Group%20201005%20PPT.pdf). Enrollment data are found in: MSDE, Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools September 30, 2015, September 30, 2016, September 30, 2017, September 30, 2018, September 30, 2019.



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Data for Students Arrested in Montgomery County Public Schools²

Number of arrests and arrests per 10,000 students for all students, Black students, and white students
Risk of arrest – the likelihood of arrests for Black students compared to white students

School yr.	All arrests	All arrest rate	Black arrests	Black arrest rate	White arrests	White arrest rate	Risk of arrest for Black/White
2019-2020 ³	71		34	9.6 per 10,000	4	.9 per 10,000	10.7 times
2018-2019	163	10.0 per 10,000	73	20.8 per 10,000	32	7.1 per 10,000	2.9 times
2017-2018	226	14.0 per 10,000	137	39.6 per 10,000	16	3.5 per 10,000	11.3 times
2016-2017	349	21.9 per 10,000	144	42.5 per 10,000	60	12.9 per 10,000	3.3 times
2015-2016	304	19.4 per 10,000	121	36.2 per 10,000	61	12.9 per 10,000	2.8 times

Arrests for Discretionary Offenses. Notably, a high proportion of the offenses for which Black students are arrested fall into the category of “discretionary offenses.” While we do not know the facts of each of the arrests made in Montgomery County schools during the past 5 years, we do know that Black students accounted for a disproportionate share of arrests for offenses that require a subjective determination and need not be charged as a crime at all. These include attacks, fighting, disruption, and threats that are charged as misdemeanors.

² The arrest rates were calculated using arrest and enrollment data reported by the MSDE. The rates were calculated in accordance with the methodology described in Sunderman (2018), except that we are reporting arrests per 10,000 students, not 1,000 students. Gail L. Sunderman and Erin Janulis, “When law enforcement meets school discipline: School-related arrests in Maryland 2015-16,” College Park, MD: Maryland Equity Project, The University of Maryland (2018), <https://education.umd.edu/research/centers/mep/research/k-12-education/when-law-enforcement-meets-school-discipline-school->. These are arrests by SROs and other law enforcement on school grounds. The data reports do indicate the number of arrests and referrals by SROs, but do not provide sufficient detail on SRO arrests to calculate SRO arrest rates by race or by type of offense.

³ The number of arrests used here was provided to the BOE in October, 2020. There is a different and much larger number for the same school year (269 arrests) referred to in a MCPD document that is available on-line. We do not know which number is comparable to the numbers reported to the MSDE for prior years. Moreover, we do not have a breakdown by race for the larger number that would permit the calculation of arrest rates by race and the risk of arrest. See Montgomery County Department of Police School Resource Program FAQ Document, <https://www.montgomerycountymd.gov/pol/Resources/Files/SRO/MCPD-SRO-FAQ.pdf>



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- In 2019-20, all 11 students arrested for attacks were students of color, including nine Black students. Only one white student was arrested for a discretionary offense (fighting).
- In 2018-19, Black students were at least four times more likely to be arrested for attacking another student than were white students. In addition, Black males were the only students arrested for disruption and Black females the only ones arrested for fighting.
- In 2017-18, Black students accounted for 62 percent of the arrests for threats to students while there were fewer than 10 arrests of white students for this offense. Black students accounted for 78 percent of the 18 arrests made for disruption and white students accounted for only two arrests. Only Black students were arrested for fighting. No white students were arrested for attacks on students or fighting.
- In 2016-17, Black students accounted for 56 percent of 73 arrests for attacks, while fewer than 10 white students were arrested for this offense.
- In 2015-16, 13 Black students were arrested for disorderly conduct, but no white students. In that same year, 27 incidents involving Black students were treated as assaults, compared to no more than 4 arrests of white students for assault..

Other Disparities—Students of color. Hispanic students are also the subject of disparate treatment in our schools. In school year 2019-20, students of color (Black or African American and Hispanic) were 7 times more likely than white students to be arrested. They accounted for 87 percent of the arrests, but only 54 percent of the MCPS students.

Other Disparities—Students with Disabilities. The disproportionate arrests of students with disabilities should also be of concern to policymakers and school officials. Recipients of special education services in our schools are being arrested at roughly twice the rate of students who are not receiving special education.⁴ This is particularly troubling because of the possibility that many of these students are being harshly disciplined for behavior related to their disability, which could constitute a violation of their civil rights.

Explaining these Arrests. We should be alarmed by these arrest rates, but perhaps not surprised based on what the research tells us about police in schools. Schools with SROs tend to experience more arrests and are more punitive in addressing misbehavior, particularly in dealing with relatively minor infractions.⁵ The presence of SROs

⁴ Calculated using the arrest and public school enrollment data reported by MSDE and the special education census data reported by MSDE on October 1, 2015, October 1, 2016, October 1, 2017, and October 1, 2018. See, for example, MSDE. Early Intervention and Special Education Services Census Data and Related Tables. October 1, 2018, <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20182019Student/2019CensusPubSpecEd.pdf>

⁵Emily M. Homer and Benjamin W. Fisher. "Police in schools and student arrest rates across the United States: Examining differences by race, ethnicity, and gender," Journal of School Violence (2019): 8-11, [Police-in-schools-and-student-arrest-rates-across-the-United-States-Examining-differences-by-race-ethnicity-and-gender.pdf \(researchgate.net\)](https://www.researchgate.net/publication/341111111_Police-in-schools-and-student-arrest-rates-across-the-United-States-Examining-differences-by-race-ethnicity-and-gender); ACLU, Cops and No Counselors. How the Lack of School Mental Health Professionals is Harming Students (2020): 23, <https://www.aclu.org/report/cops-and-no-counselors>

Benjamin W. Fisher and Hennessy, "School Resource Officers and Exclusionary Discipline in U.S. High Schools: A Systematic Review and Meta-analysis," Adolescent Research Review 1, 217–233 (2016): 218-220, 229,



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in schools can contribute to creating a criminal justice orientation to discipline and can increase the likelihood that school officials will turn to SROs and law enforcement to handle disciplinary problems that might have been handled by other professionals.⁶ Notably, a recent report published by the Montgomery County Police Department indicated that over 97 percent of the 269 arrests in school year 2019-2020 were school-initiated—initiated by administrators, MCPS security officers, teachers or parents who asked an SRO to assist.⁷

When an SRO is called upon to deal with an incident, the SRO has considerable discretion in determining whether to make an arrest—for example, whether to treat an attack on another student as a misdemeanor assault or as a violation of the school code of conduct.⁸ With overlap and a lack of clarity between whether a particular action constitutes a school disciplinary problem or a criminal offense, students are at risk of being dumped into the school-to-prison pipeline for common adolescent behavior.⁹

What is also clear is that there is no evidence that unequal disciplinary treatment among groups of students is simply the result of differences in behavior, i.e., the difference being that students of color are more likely to engage in problematic behavior.¹⁰ What has emerged from research on this issue is a very real concern that racial bias, often unconscious, is coming into play.

In 2014, the U.S. Department of Justice and the U.S. Department of Education issued a joint “Dear Colleague” letter in which they stated that research suggests that the substantial racial disparities reflected in school discipline cannot

<https://doi.org/10.1007/s40894-015-0006-8>; Aaron Kupchik, Research on the Impact of School Policing. ACLU Pennsylvania (August 2020), <https://fisafoundation.org/wp-content/uploads/2020/08/Research-on-School-Policing-by-Aaron-Kupchik-July-2020.pdf>

⁶Jason P. Nance, “Students, Police, and the School-to-Prison Pipeline,” (November 2, 2015). 93 Washington University Law Review 919 (2016), University of Florida Levin College of Law Research Paper No. 15-20: 976-977,

<https://ssrn.com/abstract=2577333>.

⁷Montgomery County Department of Police School Resource Program FAQ Document, <https://www.montgomerycountymd.gov/pol/Resources/Files/SRO/MCPD-SRO-FAQ.pdf>

⁸Development Services Group, Inc., “Interactions between Youth and Law Enforcement.”

Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention (2018): 6-7

<file:///C:/Users/Dell/Downloads/826140.pdf>; Amanda Merkwae, “Schooling the Police: Race, Disability, and the Conduct of School Resource Officers,” 21 Michigan Journal of Race and Law 147 (2015), <https://repository.law.umich.edu/mjrl/vol21/iss1/6>.

⁹ Elaine Bonner-Tompkins, Leslie Rubin, and Kristen Latham, The School-to-Prison Pipeline in Montgomery County, March 1, 2016, Office of Legislative Oversight, Montgomery County, Maryland: 82-83,

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf>; Fisher (2016): 219-220; Nance (2016): 949-951.

¹⁰Adai Tefera, Genevieve Siegel-Hawley, and Rachel Levy, Why do racial disparities in school discipline exist? The role of policies, processes, people, and places. Richmond, VA. Metropolitan Educational Research Consortium (2017): 5

https://scholarscompass.vcu.edu/cgi/viewcontent.cgi?article=1103&context=merc_pubs



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be attributed to more frequent or more serious misbehavior by students of color.¹¹ That finding was echoed in a reported released by the Kirwan Institute on Racial Equity the same year. The report describes several factors that could explain differences in treatment, including teachers' perceptions of student behavior, unconscious stereotypes, and various ambiguous situations that are ripe for the arousal of implicit bias.¹²

More recently, the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, a commission established by the General Assembly in 2017, reiterated that discipline disparities result from inconsistent adult responses to various behaviors, not from differences among the students themselves. The Commission cited evidence that differential selection starts in the classroom in the identification of student problems by teachers, followed by differential processing in the administration of consequences, with Black students receiving more severe consequences for the same or similar infractions.¹³ Not surprisingly, these disturbing disparities in treatment are also found to an alarming extent in the juvenile justice system.¹⁴ We believe that the presence of SROs in schools should be viewed as a practice that provides an additional context for any implicit bias of leaders, teachers, and police to result in disparate treatment of students of color—a practice that needs to be addressed.

Impact of Arrests on Students. We cannot overstate the injurious effects of punitive actions on our students, particularly students of color. An arrest threatens a student's success in school and can affect a student's future success in irreparable ways.

A school-based arrest disrupts the schooling process and the student's social bonds in a way that can jeopardize educational attainment. Arrests cause students to miss instructional time they cannot afford to lose—both because of time spent moving through criminal processing and because suspensions typically accompany arrests. In 2018-19, 79 percent of the students who were arrested in MCPS schools also received an out-of-school suspension and some students were removed from the regular classroom as many as 45 to 100 days. Study after study has found

¹¹U.S. Department of Justice Civil Rights Division and U.S. Department of Education Office of Civil Rights. Joint "Dear Colleague" Letter on the Nondiscriminatory Administration of School Discipline. Jan. 8, 2014, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20141-title-vi.html>. This letter was rescinded by the Trump Administration in December, 2018. See Andrew Ujifusa, Betsy DeVos Revokes Obama Discipline Guidance Designed to Protect Students of Color (December 21, 2018), <https://www.edweek.org/policy-politics/betsy-devos-revokes-obama-discipline-guidance-designed-to-protect-students-of-color/2018/12>. But see also a letter dated August 18, 2018 from 11 State Attorneys General, including Brian Frosh of Maryland, to Secretary DeVos and Attorney General Sessions, stating their opposition to withdrawal of the School Discipline Guidance Package. <https://www.mabe.org/wp-content/uploads/2018/09/Federal-School-Discipline-Guidance-multistate-AG-Letter-v.6-08.24.2018.pdf>

¹²Cheryl Staats, Implicit Racial Bias and School Discipline Disparities (May 2014) Kirwan Institute Special Report, <http://www.racialequityresourceguide.org/resource/implicit-bias-and-school-discipline-disparities>.

¹³ Maryland Commission on the School-to-Prison Pipeline, Final Report and Collaborative Action Plan, Report to the Maryland Governor and General Assembly pursuant to House Bill 1287(2017) (December 20, 2018): 29-30. <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>

¹⁴ OLO (2016): 8-10.



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that students who are suspended are at a significantly greater risk of poor academic performance, dropping out, and having subsequent behavioral problems in and out of school.¹⁵

Like suspensions, arrests can also contribute to student disengagement and alienation, resentment, distrust of authority, and hostility, all of which can contribute to future behavioral issues.¹⁶ They reduce a sense of belonging, break healthy student-adult bonds needed for social development, and suppress unwanted behavior only temporarily.¹⁷ Students may feel embarrassed or emotionally traumatized. Moreover, using law enforcement to address a behavioral incident misses an opportunity for teaching and learning and potentially reducing further behavioral incidents.¹⁸

An arrest can also generate a negative institutional response from school administrators and teachers. Students may feel less welcome, may be stigmatized, and may be susceptible to more punitive treatment at school in the future. They may face increased monitoring from teachers, school officials, and SROs.¹⁹ They may opt to drop out because of their diminished expectations regarding the benefits of staying in school.

Arrests in MCPS are typically combined with a referral to the Department of Juvenile Services (DJS). While much-touted diversion programs may offer some promise of relief at the outset of the process for some students, these programs are not equally accessible to all and Black youth are less likely to be diverted than white youth. Instead, there is disproportionate minority contact at every other stage in the process.²⁰ For example, in FY 2019, minority youth who were referred to DJS in Montgomery County by SROs or other sources were 3.29 times more likely than white youth who were referred to have their case result in a juvenile court petition.²¹ We know that this contact with the juvenile justice system increases a student's risk for later involvement in the adult criminal justice system.²² Herein lies the heart of the much-maligned school-to-prison pipeline.

¹⁵ OLO (2016): 96-97; Daniel J. Losen, Cheri L. Hodson, Michael A Keith II, Katrina Morrison, and Shakti Belway, "Are We Closing the School Discipline Gap?" UCLA: The Civil Rights Project (2015), <https://escholarship.org/uc/item/2t36g571>; Council of State Governments Justice Center, The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System (2014), <https://knowledgecenter.csg.org/kc/content/school-discipline-consensus-report>; NASP (2020); Justice Policy Institute, "Education under Arrest: The Case Against Police in Schools" (November, 2011), <http://www.justicepolicy.org/research/3177>; Nance (2015); 924.

¹⁶ Maya Lindberg, "False Sense of Security," Teaching Tolerance, Issue 50 (2015), <https://www.tolerance.org/print/84138/print>.

¹⁷ National Association of School Psychologists, Effective school discipline policies and practices: Supporting student learning [Research summary]. Bethesda, MD; Author (2018), [file:///C:/Users/Dell/Downloads/School_Discipline_Congressional_Briefing%20\(1\)%20\(2\).pdf](file:///C:/Users/Dell/Downloads/School_Discipline_Congressional_Briefing%20(1)%20(2).pdf).

¹⁸ Justice Policy Institute (2011).

¹⁹ Nance (2015): 955.

²⁰ OLO (2016): 71-74, 103.

²¹ Maryland Department of Juvenile Services, Data Resource Guide (Fiscal Year 2019): 230, https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf

²² OLO (2016): 76, CSG Consensus Report (2014): xviii.



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The collateral consequences of an arrest for a misdemeanor charge in high school by an SRO for a minor infraction can be enormous and life-long. One research study aptly characterized juvenile arrest as a “life-course trap” for many adolescents because it can derail a youth’s prospect for high school completion, curtail options for pursuing higher education, and limit labor market prospects.²³ WDC believes that we need to stop arresting students unless an arrest is the only option to achieve a fair and just result for the student and any victims.

SROs Do Not Make Schools Safe. Schools across the country began to hire more and more SROs in the 1990s when this country made an all-out effort to get tough on crime. Even more SROs were hired following the horrific mass shootings in Columbine in 1999 and Sandy Hook in 2012.²⁴ Still later, following the Parkland shooting, the Maryland legislature enacted the Maryland Safe to Learn Act of 2018, mandating that all schools have an SRO or adequate law enforcement coverage and providing \$10 million in permanent annual funding for SROs.²⁵ This legislation reflects a belief that SROs will protect our students from external physical threats and make them safer.

However, there is little evidence that putting police in schools has had the desired school safety effect.²⁶ A recent review of the research on the impact of school policing concluded that there is “no conclusive evidence that SROs reduce crime among students or prevent mass shootings.”²⁷

Education policy research does not support the view that a single-minded approach focused on hardening schools (with, for example, metal detectors and SROs) is the answer to mass shootings in schools. For example, in its report on Smart Investments for Safer Schools, the Center for American Progress cautions against a reliance on stringent security and, instead, recommends a focus on modifying the school climate to facilitate better communication and more positive interactions among staff, educators, and students.²⁸ Similarly, in its comprehensive plan for Keeping Our Schools Safe, Everytown for Gun Safety, in partnership with the National Education Association and the American Federation of Teachers, emphasizes that safe schools are healthy schools with effective partnerships between adults and students. They are schools that help students to resolve problems and do not unduly punish students. Increased policing is not among the report’s recommendations. The organizations emphasize the

²³David S. Kirk and Robert J. Sampson, “Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood.” *Sociology of Education* 86 (2013): 36–62.

<https://www.asanet.org/sites/default/files/savvy/journals/soe/jan13SOEFeature.pdf>.

²⁴ Justice Policy Institute, *The School to Prison Pipeline*, explained (February 24, 2015), <http://www.justicepolicy.org/news/8775>.

²⁵ SB1265 http://mgaleg.maryland.gov/2018RS/chapters-noln/ch_3_sb1265E.pdf.

²⁶Alexis Stern and Anthony Petrosino, *What do we know about the effects of school-based law enforcement on school safety?* San Francisco, CA: WestEd (2018), <https://files.eric.ed.gov/fulltext/ED595727.pdf>.

²⁷ Kupchik (2020): 2.

²⁸Center for American Progress, “Smart Investments for Safer Schools” (2018), <https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/>.



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importance of threat assessments, mental health services, security upgrades such as access control and door locks, and emergency plans.²⁹

School climate—How do students feel? WDC urges the County Council to listen to the voices of young people in our community and their experiences with police in their schools. How students feel about their school environment affects their engagement, their attitude, and, ultimately, their success. WDC is proud of, and inspired by, the students in our community who care enough about each other and social justice to organize themselves to speak out about the issues. These students are calling for the removal of SROs from their schools. They are identifying harmful effects of the SRO program on students of color and on the school climate. These students do not believe that SROs promote racial justice, fairness, safety, and the well-being of all students equally. Students say that armed SROs do not make them feel safer.

School experts have long recognized that a positive climate is necessary to create a safe environment for all students. A positive climate is based on mutual trust, respect, and open communication among all the members of the community.³⁰ Scholars have found that students are less likely to misbehave or engage in criminal behavior in schools where they feel valued, respected, listened to, and are part of the community.³¹ We cannot afford to ignore the students' cries for change.

Students need to be supported, not punished. WDC believes that our County needs to commit to making additional investments in programs and people that will help ensure that our schools can respond to problematic behavior and disciplinary issues in a manner that is consistent with the recommendations of education practitioners and experts on discipline policy and what the research tells us about adolescent development.³²

In its report on Reform of Juvenile Justice the National Academy of Sciences (NAS) acknowledges youth's lack of emotional self-regulation and increased susceptibility to external social influences, lapses in judgment, risk-taking, and unrealistic thinking about the consequences of their behavior. It recommended interventions that are firm and fair and that are "designed to improve the youth's future prospects rather than harming them." It emphasized that "juvenile justice must focus on the harm that the juvenile may have caused without harming the juvenile in response."³³ The U.S. Supreme Court has also recognized the relevance of research on youth brain development.

²⁹Everytown for Gun Safety, AFT, and NEA, "Keeping our Schools Safe. A Plan for Preventing Mass Shootings and Ending All Gun Violence in American Schools" (May 19, 2020), <https://everytownresearch.org/report/a-plan-for-preventing-mass-shootings-and-ending-all-gun-violence-in-american-schools/>.

³⁰ Nance (2016): 979.

³¹ Kupchik (2020): 3.

³² CSG Consensus Report (2014): 29-31

³³ National Research Council, Reforming Juvenile Justice: A Developmental Approach. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press (2013), <https://www.nap.edu/read/14685/chapter/1>.



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In several of landmark cases, the Court has considered characteristics of youth such as their lack of maturity and impulsivity in determining the appropriateness of harsh sentences such as life without parole.³⁴

Regulations issued by the Maryland State Department of Education (MSDE) in 2014 promote “a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior.”³⁵ MSDE Guidelines provide that “schools should avoid the unnecessary criminalization of students, which is prompted by frequent school resource officers, police, and juvenile system involvement.”³⁶ The Resource Guide of Maryland Discipline Practices, issued in 2017, prescribes that discipline practices are to be focused on teaching and learning, not punishment.³⁷ The Guide describes a wide range of appropriate discipline practices and interventions.

The Maryland Commission on the School-to-Prison Pipeline reiterated the importance of problem solving and rehabilitation in creating a positive learning environment and interrupting the pipeline. It recommended that schools need to move away from a focus on disciplinary consequences (e.g., punishment) and use proactive learning approaches to discipline.³⁸ In 2019, the General Assembly passed HB 725, which requires district regulations to provide for restorative practices and to state that the primary purpose of discipline is “rehabilitative, restorative, and educational.”³⁹

Safe Schools without Police. WDC believes that we can provide for safe learning environments in our schools without a police presence in our schools. This does not mean that we do not value a relationship between our public schools and the police department. We believe that law enforcement has a role to play in working with our schools on such activities as school safety plans and threat assessments and intervening in an emergency where there is a serious threat to the safety of our students or school personnel. Providing adequate law enforcement coverage could involve collaboration with school officials, as needed, maintaining a working knowledge of the physical school plant, the neighborhood, and the school culture, and keeping apprised of the challenges faced by individual schools in fostering a positive learning environment and protecting the students. However, this coverage should not involve patrolling or surveillance in the schools or participating in administering school discipline.

WDC strongly encourages our County leaders to be mindful of what we know about adolescent development and what research tells us about how to hold students accountable and prevent future misbehavior without hurting students. We believe that the SRO program, as implemented, is doing more harm than good. We also believe that we are not adequately supporting our schools-- including the principals and teachers, and the students-- if there are not enough counselors, school psychologists, social workers, and other professional staff to implement prevention

³⁴Heather Stringer, Justice for Teens, American Psychological Association. Vol. 48, No. 9 (October 2017): 44.

<https://www.apa.org/monitor/2017/10/justice-teens>.

³⁵ Code of Maryland Regulations 13A.08.01.11.

³⁶ MSDE, Maryland Guidelines for a State Code of Discipline (July 22, 2014):4-5,

http://archives.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/MDGuidelinesforStateCodeDiscipline_08072014.pdf.

³⁷MSDE, Resource Guide of Maryland Discipline Practices (January 24, 2017),

<http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/ResourceGuideMDSchDiscPactices011117.pdf>.

³⁸ MD Commission on the Pipeline (2018).

³⁹<https://legiscan.com/MD/text/HB725/id/2035496/Maryland-2019-HB725-Chaptered.pdf>



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strategies and intervene appropriately when there is a crisis. It is time to commit to investing in more mental health services and restorative practices aimed at supporting, not policing, students.

Given what we know about the effects of arrest on a student's educational outcomes, the irreparable harm to the disproportionate number of Black students and other students of color who find themselves in the school-to-prison pipeline, the psychic harm to Black students and other students of color when they are made to feel they are not respected or valued, WDC urges the Council to pass Bill 46-20. We cannot afford to risk throwing any student away.

WDC urges the Montgomery County Council to vote in favor of Bill 46-20 and prohibit the continued placement of School Resource Officers in Montgomery County Public Schools.

Respectfully,

Diana Conway
President