

Dear Members of the Montgomery County Council,

Thank you for your leadership on student safety. The NAACP Parents' Council ("NAACP") participated in the MCPS SRO Workgroup, which looked at the issue of SROs in schools from the perspective of the "desire to place a SRO in every high school." See [Arrest Data SRO Work Group 201005 PPT.pdf](#) There are many overlapping issues related to student arrests. The analysis of the issues, we shared with MCPS is below.

Summary

- Adequate law enforcement coverage can be achieved without having an armed police officer, SRO, stationed in high schools.
 - There were 27 "serious arrests" during 2018-2019. "Serious arrests" were for 1 of 3 of reasons: 1) crimes of a serious nature related to school events, or on school property, 2) students 18 and older, without regard to whether their behavior was of a significantly serious nature, and 3) arrests on school property for behavior unrelated to school.
 - Research indicates there is no evidence the presence of armed police in school buildings increases safety, student perception of safety, or stops school shooters.
- The Maryland Safe to Learn Act of 2018 is a zero tolerance policy, which SROs enforce. The Act levies the harsh penalty of arrest on students for minor infractions and eliminates police officer discretion. See [Broken Windows Policing](#), George Mason University Center for Evidence-Based Crime Policy.
 - MCPD notes in 2018-2019 there were a total of 269 student arrests, 90% of which involved acts "not of a significantly serious nature."
- MCPD indicates police stationed in schools execute school arrests, but initiate only 3% of arrests.
- School staff initiated 97% of student arrests in 2019-2020.
- 87% of arrested students, were suspended or expelled, even though 90% of arrests were for acts not of a serious nature.
- Disproportionality in arrests is a result of disproportionality of MCPS staff referrals.
- Many researchers conclude implicit bias, by decision makers, is the primary cause of disproportionality.
- Research data has shown a reduction in the number of arrests does not lead to a reduction in disproportionality.
- Based on the disproportionality of arrests requested by MCPS staff, and the minimal number of "serious arrest" NAACP recommends:
 - MCPS eliminate the presence of SROs and zero based policing in schools.
 - MCPS ensure adequate law enforcement coverage via a means other than armed police in schools
 - 2) MCPS fully fund the professional development and school staffing necessary to create safe school cultures based on positive behavior.

Questions and Answers

1. Is MCPS required to station SROs in specific schools?

The [Maryland Center for School Safety](#) ("MCSS") Division of MSDE administers the Maryland Safe to Learn Act of 2018 ("ACT".) The Act does not mandate the physical presence of police in schools. It requires adequate law enforcement coverage, or a law enforcement officer assigned to a school in accordance with a memorandum of understanding. *Mark Blom Howard County Public School System, General Counsel, Legal Opinion:* <https://www.youtube.com/watch?v=qQY-lw1Sva4>

The legislative intent of the Act is to allow localities to define adequate law enforcement coverage based on local needs, expectations, resources and abilities. See [July 17, 2018, Memorandum to the Public Safety and Education Committees of the Montgomery County Council](#).

Adequate coverage is undefined in the law because "no clear national or state standard exists for adequate coverage, and response times for priority emergencies can vary according to geography, traffic conditions, and competing demands on law enforcement." See Mark Blom Howard County Public School System, General Counsel, Legal Opinion: <https://www.youtube.com/watch?v=qQY-lw1Sva4>

2. *Is the policy underlying SROs, armed law enforcement officers stationed in MCPS schools, sound education policy?*

The American Academy of Pediatrics ("AAP") maintains that out-of-school suspension and expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy. See: American Academy of Pediatrics, Council on School Health, [Out of School Suspension and Expulsion](#), March, 2013.

Unlike time spent by staff, consultants, and administrators working to educate children, the time during which a student is excluded from the classroom yields no measurable educational benefit. As a result, it is inapposite to the primary mission of MCPS.

[One 2018 study](#) found that students attending schools that received three years of federal grants for school resource officers were 2.5 percent less likely to graduate and 4 percent less likely to go to college.

A study examining the racial achievement gap found school suspensions accounted for approximately one-fifth of the Black-White achievement gap. See [The punishment gap: School suspension and racial disparities in achievement](#), Society for the Study of Social Problems, Volume 63, Issue 1, February 2016, Pages 68–86, Edward W. Morris, Brea L. Perry

3. *How effective are SROs at preventing school shootings?*

There is no conclusive evidence the presence of SROs has prevented school shootings. See Bill 46-20, [Racial Equity and Social Justice \(RESJ\) Impact Statement](#), Montgomery County Council Office of Legislative Oversight, December 7, 2020.

Studies by the Secret Service and others have found that there are few commonalities among school shootings that can guide effective intervention.

4. *How effective are SROs in increasing students' sense of safety?*

There is no conclusive evidence the presence of SROs has a positive effect on students' perceptions of school safety.⁹ See Bill 46-20, [Racial Equity and Social Justice \(RESJ\) Impact Statement](#), Montgomery County Council Office of Legislative Oversight, December 7, 2020.

5. *Are there other ways to achieve the same or a higher level of safety for students and staff?*

As opposed to a reactive response to a single incident, careful consideration of the best recent data shows that students are safest in schools where teachers view parents as partners in children's education; where teachers offer academic support to students; and where there is mutual trust between students, teachers, administrators, and parents. Those relationships are even more important than neighborhood crime and poverty in predicting school safety, and are at least as strong as the relationship between safety and school

achievement level. Creating safe schools includes creating school safety and security plans; training students, educators, and staff to follow those plans; and having relevant professional development for all school personnel. These proactive, relationship-building strategies have been found to be more likely than reactive approaches to guarantee the safety and order of schools.

6. If SROs were no longer stationed in schools, would the number of student arrests decrease?

Schools with SROs have higher arrest rates, especially for non-serious offenses like disorderly conduct, than schools without SRO's.⁵ See *Bill 46-20, [Racial Equity and Social Justice \(RESJ\) Impact Statement](#), Montgomery County Council Office of Legislative Oversight, December 7, 2020.*

During the 2019-2020 school year 240 arrests, 90% of all student arrests, were charged via citation: "on paper" for acts deemed illegal in the State of Maryland, but not of a significantly serious nature: 87% of students arrested in 2018-19 also were suspended or expelled.

Police executed 27 "serious arrests" in schools during 2018-2019. Henry Johnson notes, police arrests of students on school property, for incidents that did not occur at school, "skews the data tremendously." *Bethesda Beat*,

<https://bethesdamagazine.com/bethesda-beat/schools/high-school-principals-support-keeping-sros-school-district-says/>, October 5, 2020

7. Is there research that provides a basis for understanding the disproportionate number of black, brown and special education students arrested?

As many researchers now agree, a primary cause of differential treatment is the implicit bias of decision makers. See [Report of the American Bar Association Task-Force on Reversing the School to Prison Pipeline](#)

Regardless of the research method used, studies have provided little to no evidence that African-American students, in the same school or district, exhibit or engage in more seriously disruptive behavior that could warrant higher rates of exclusion or punishment. See [Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior: A Summary of the Literature](#). Also see [New and Developing Research](#), the Discipline Disparities Research to Practice Collaborative, March, 2014.

Research finds discipline disparities result from inconsistent adult responses to various behaviors, not to different conduct by the students themselves.

8. Does having SROs in schools necessitate disproportionate discipline?

Racial disparities in school discipline are driven by factors other than student conduct. See *Bill 46-20, [Racial Equity and Social Justice \(RESJ\) Impact Statement](#), Montgomery County Council Office of Legislative Oversight, December 7, 2020.*

9. If SROs do not cause disproportionality, what does?

"The officers "help work through challenges that are maybe outside of our realm as school-based employees," one principal said." *Bethesda Beat*,

<https://bethesdamagazine.com/bethesda-beat/schools/high-school-principals-support-keeping-sros-school-district-says/>, October 5, 2020.

During the 2019-2020 School Year, over 97% of all enforcement actions by SROs were initiated by MCPS. This calculates to 260 of the 269 total arrests for the school year. See [MCPD School Resource Officer Program FAQ](#)

During the 2019-2020 school year 242 of total arrests, 90%, were charged via citation: “on paper” for acts deemed illegal in the State of Maryland, but not of a significantly serious nature. See [MCPD School Resource Officer Program FAQ](#)

During 2018-2019, 87% of students arrested also were suspended/expelled.

10. How is disproportionality eliminated?

See [Washington State, Equity in Discipline](#), including a root cause analysis tool for examining disparities in discipline.

11. What is the fiscal impact to MCPD if SROs are no longer stationed in schools?

Police Chief Marcus Jones stated, “Montgomery County has a lot of schools. ... And therefore, it would require a tremendous amount of work and responsibility for us to get those officers so that [in my mind that] those schools are provided with adequate coverage...” Listen [“Social Justice: The Direction of Legislation in Maryland and Beyond”](#) webinar, September 1, 2020.

With a budget allocation of \$3,000,000 the cost per serious arrest was \$111,111 each (\$3 million ÷ 27.)

12. What is the fiscal impact to Montgomery County if SROs are no longer stationed at schools?

The Montgomery County Council Office of Legislative finds reallocating the \$3 million in funding to student mental health and social, emotional learning will favorably impact racial equity and social justice. See [Bill 46-20, Racial Equity and Social Justice \(RESJ\) Impact Statement](#), Montgomery County Council Office of Legislative Oversight, December 7, 2020

13. What is the fiscal impact to Montgomery County and the State of Maryland of student arrests?

Since students who experience out-of-school suspension and expulsion are far more likely to ultimately drop out of high school. Each decreases the odds that a student will graduate by 20%. A high-school dropout will earn less over a lifetime than a high school graduate. The dropout will pay less in taxes than the high school graduate. This represents a loss to federal and state governments of income tax revenue. The average high school dropout experiences worse health than the average high school graduate and has a life expectancy that is 6 to 9 years shorter. The implications for greater use of the health care system.

14. How do other similarly situated districts provide an equal or better amount of safety to students and staff without SROs stationed in school buildings?

To satisfy the adequate law enforcement coverage requirement of MSDE, the Howard County Police Department has SROs assigned to certain schools. SROs have electronic key card and camera access to their assigned schools. Schools that do not have assigned SROs receive adequate law enforcement coverage by all patrol officers conducting one foot patrol per shift at schools in their beat assignment. As a matter of practicality, given schools are using a virtual model, the assignment of SROs to schools has been suspended. The Howard County Public Schools General Counsel indicated he did not know whether police are making foot patrols during virtual learning. See [“School Resource Officers in Schools, a report to Howard County Board of Education, September 24, 2021.](#) ”Listen Mark Blom, Howard County Public School System, General Counsel, Legal Opinion: <https://www.youtube.com/watch?v=qQY-lw1Sva4>.

School boards in Minneapolis, Denver, Seattle, Oakland, Portland, Rochester and other cities, have removed police from schools.

15. What does research tell us about the most effective ways to eliminate/reduce disproportionality?

The [Center for Effective Collaboration and Practice](#) of the American Institute of Research; the [Justice Matters Institute](#), and the [Discipline Disparity Research to Practice Collaborative](#) have published reports about how a number of schools are finding it is possible to have achievement, safety and a low number of disciplinary referrals.

16. What is the positive impact, if any, of having police stationed in schools and available to interact with students, on a daily basis?

There are no outcome measures to evaluate the impact of interactions between armed police officers and students, including information disaggregated by race and disability status.

17. Is the zero tolerance Safe To Learn Act, which authorizes MCPS to station SROs in schools, and governs the interactions of staff and students consistent with an anti-racist culture?

Zero tolerance policies developed in the 1990s, in response to school shootings and general fears about crime. In 1994, the federal government passed the [Gun-Free Schools Act](#), which requires schools to expel any student who brings a gun to campus. Around the same time, the “broken windows” theory of law enforcement became popular. The idea was that cracking down on minor violations prevented serious crimes. Under similar thinking, zero tolerance discipline was seen as a solution for school violence. See: *American Academy of Pediatrics, Council on School Health, [Out of School Suspension and Expulsion](#), March, 2013.*

Other proponents saw zero tolerance policies as a way to [ensure unbiased discipline](#) by [removing discretion](#) from school staff. For example, in 1995 Albert Shanker, then-president of the American Federation of Teachers, stated: “The way to make sure that this is done fairly and is not done in a prejudiced way is to say, look, we don’t care if you’re white or Hispanic or African-American or whether you’re a recent immigrant or this or that, for this infraction, this is what happens.”

18. Do SRO arrests increase the safety of students and staff in schools?

During the 2019-2020 school year 240 arrests, 90% of all student arrests, were charged via citation: “on paper” for acts deemed illegal in the State of Maryland, but not of a significantly serious nature. See [MCPD School Resource Officer Program FAQ](#).

Recommendations

Recommendation #1: Eliminate Zero Based Policing

Recommendation #1-A:

Request data that allows the Board to see the behavior for which students are being arrested, and police use of force

1. add school, grade level, type of infraction and the number of days of missed instruction
2. Provide details about each use of force incident. (Police officers in schools don’t have to alter their expansive use-of-force guidelines even though they are exercising them in schools, on children.)
3. The number of physical arrests of students over 18 years of age, was not of a significantly serious nature and would have been a citation if the student were 17 years old or younger?
4. The number of physical arrests involving students under the age of 18.
5. The number of arrests for incidents of a serious nature?
6. specify drug involved infractions, including quantities (tobacco, aspirin, Midol)

7. specify insubordinate behavior (talking back to a teacher or swearing in the principal's office)
8. specify the behavior considered disruptive (like cutting in a lunch line)

*The ability to analyze cross-sectional data (e.g., Black female students with disabilities) is important.

Recommendation #1-B:

During remote learning and blended remote/in-person learning, formally acknowledge that schools are using "adequate local law enforcement" to satisfy the requirements of the Act and the MSDE, Maryland Center for School Safety Division.

Recommendation #1-C:

Work with MCPD to eliminate police officers coming into a school building to arrest a student for behavior that did not occur in the school or is unrelated to the school. Prohibit the questioning of students about their immigration status.

Recommendation #1-D:

Request MSDE align the goals and performance measures of the Act, (which is administered by the [MCSS](#) Division of MSDE) with the educational mission and goals of MSDE, and the [Disproportionate Discipline the MD Initiative](#) of MSDE.

Recommendation #1-E:

Support legislation that eliminates the use of suspensions, expulsions and referrals to law enforcement for lower-level offenses.

Recommendation #2:

Ensure staff disciplinary discretion is exercised in a nondiscriminatory manner.

Recommendation #2-A:

Identify and remedy discriminatory discipline practices.

Recommendation #2-B:

Require any staff group charged to review discipline include the Restorative Justice Department, School Counseling Department, Equity Unit, and the Behavioral Threat Assessment Team, none of whom provided input to the SRO Workgroup.

Recommendation #2-C:

- Provide administrators, teachers, specialized instructional support personnel, and other relevant staff
 - Mandatory, high-quality, implicit bias professional development, along with professional development about anti-bullying, anti-harassment, and anti-discrimination; evidence-based threat assessment and management procedures; school-based violence prevention; positive discipline strategies; and restorative justice practices.
 - The training should be evidence-based; job-embedded; discipline specific content focused; incorporate active learning utilizing adult learning theory; support collaboration, in a job-embedded context; uses models and modeling of effective practice; provide coaching and expert support; offer opportunities for feedback and reflection; and be of a sustained duration. See <https://learningpolicyinstitute.org/product/teacher-prof-dev>.
 - The training should increase the collective efficacy of staff." Collective efficacy is the perception of teachers in a school that the efforts of the faculty, as a whole, will have a positive effect on

students. See *Collective Teacher Efficacy According to John Hattie*, <https://visible-learning.org/2018/03/collective-teacher-efficacy-hattie/>, 2018.

- The training should meet the standards set out in the Every Child Succeeds Act, and be regularly evaluated for impact. See *Changes in Professional Development Due to ESSA Requirements and Title Funding*, August 6, 2018 by [cliweb](#).

Questions

1. Do the arrests fail to meet sound educational principles?
2. In cases involving misdemeanors do the arrests defy common sense?
3. Do arrests conflict with the prescriptions of healthy child development?
4. As a foundational step in providing a safe learning environment, has MCPS provided high-quality, evidence-based, job-embedded and discipline specific professional development to teachers, specialized instructional support personnel, administrators, and other relevant staff in areas including but not limited to:
 - implicit bias,
 - anti bullying,
 - anti harassment,
 - antidiscrimination efforts;
 - threat assessment and management procedures,
 - school-based violence prevention,
 - positive discipline strategies, and
 - restorative justice practices?
5. Has MCPS done what it can to provide a safe learning environment by ensuring there are sufficient counselors, social workers, psychologists, social workers and mental health providers?

Zero Tolerance/Broken Windows

6. Should students be subjected to juvenile delinquency or criminal charges for behavior that poses no serious danger to the safety of others?
7. Are children being unfairly suspended and arbitrarily kicked out of school for incidents that could have been very easily handled using alternative methods?
8. Are there comparably effective policies and practices that would meet the adequate law enforcement standard with less of a burden or impact on black and brown students?
9. Which MCPS drop outs were arrested, suspended or expelled?
10. How is exclusionary discipline reflected in performance measures on school climate?
11. Does MCPS prohibit SROs from questioning students about their immigration status?

Disparities

12. What safeguards does MCPS need to adopt to ensure disciplinary discretion is exercised in a nondiscriminatory manner?
13. What is the plan to resolve the disparities?
14. Is there a wide variation in exclusionary discipline, between and within MCPS schools?
15. What dollars budgeted for mental health, counselor, social services, special needs and related services are deployed strategically to achieve desired student development outcomes?

Conclusion

The Parents' Council thanks the Board for directing staff to provide the information you need to move the conversation about SROs and student discipline away from being perpetrator and intent focused. The harsh

zero tolerance approach MCPS staff have employed to have students of color and students with disabilities disproportionately arrested rather than educated is not synonymous with "effective." Arrests should not be a management strategy for MCPS staff pressured by high concentrations of struggling students, substantial numbers of long-term substitutes and novice teachers in classrooms. MCPS principals should not transfer their disciplinary authority to the police. Staff should work to eliminate bad behavior rather than the students themselves. Teachers, who are the first link in the disciplinary process, and all staff should be better equipped to deal with behavioral problems using strategies that do not shut out students for adolescent misbehavior that is not of a serious nature.

The Parents' Council joins The Lawyers Committee for Civil Rights Under the Law; and Subcommittees 2 and 3 of the [Montgomery County Reimagining Public Safety Task Force](#). See [video for December 17, 2020, meeting](#), at 46:45, in calling for discontinuation of the SRO program and selective enforcement of facially neutral discipline policies against students of color and students with disabilities. With your leadership, MCPS is capable of doing better for our children.

Resources

[Are Zero Tolerance Policies Effective in the Schools?](#), Report of the American Psychological Association, Zero Tolerance Taskforce, 2008

[Discipline Disparity Research to Practice Collaborative](#), funded by Atlantic Philanthropies and the Open Society Foundation

- [Discipline Disparities Series: Key Findings](#)
- [Discipline Disparities Series: Overview](#)
- [Interventions for Reducing Disparities](#)
- [Interventions for Reducing Disparities \(Executive Summary\)](#)
- [Policy Recommendations for Reducing Disparities](#)
- [Policy Recommendations for Reducing Disparities \(Executive Summary\)](#)
- [New and Developing Research](#)
- [New and Developing Research \(Executive Summary\)](#)
- [Acknowledging Race](#)
- [Documenting Disparities for LGBT Students](#)
- [Discipline Disparities Series: Overview \(in Spanish\)](#)
- [Interventions for Reducing Disparities \(in Spanish\)](#)
- [Policy Recommendations for Reducing Disparities \(in Spanish\)](#)
- [New and Developing Research \(in Spanish\)](#)
- [Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior: A Summary of the Literature](#)
- [Myths and Facts about Disproportionality](#)
- [Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior: A Summary of the Literature](#)
- [Myths and Facts about Disproportionality](#)

[Discipline Policies, Successful Schools, and Racial Justice](#), National Education Policy Center, Daniel J. Losen, 2011

[Fix School Discipline Educator Toolkit](#)

[Maryland Commission on the School to Prison Pipeline and Restorative Practices. Final Report and Collaborative Action Plan](#), Report to the Maryland Governor and General Assembly, December 20, 2018

[Out of School Suspension and Expulsion](#), American Academy of Pediatrics, Council on School Health, March, 2013

[Police in Schools. An Evidence Based Look at the Use of School Resource Officers](#), Linda Duxbury and Craig Bennell, ISBN 9780367198855, September 25, 2019

[Race is Not Neutral: Understanding and Addressing Disproportionality in School Discipline](#), Keynote Powerpoint, 2014

[Report of the American Bar Association Task-Force on Reversing the School to Prison Pipeline](#). 2018

[US Department of Education. Office of Safe and Healthy Students](#)